MINUTES OF THE 13TH ANNUAL GENERAL BODY MEETING

<u>OF</u>

FORUM OF INDIAN REGULATORS (FOIR)

Venue : "JACARANDA-II" Hall (First Floor)

Convention Centre

India Habitat Centre, Lodhi Road

NEW DELHI

Date : 06th June, 2012

List of Participants : **At Annexure-I (enclosed)**

The Forum of Indian Regulators (FOIR) meeting was inaugurated by Dr. Pramod Deo, Chairperson, Central Electricity Regulatory Commission (CERC) and Hony. Chairman, FOIR. He welcomed the Members of the FOIR in the 13th Annual General Body Meeting of the Society. As per the practice, Chairpersons/Members of the Regulatory Commissions who joined after the last AGM of the FOIR were also welcomed and introduced to the Members of the FOIR. He also conveyed special thanks to Hony. Members [Ex-Chairpersons/Ex-Members of ERCs] for their presence in the meeting.

- 2. After the address by FOIR Chair, Shri Rajiv Bansal, Secretary, CERC and Executive Secretary, FOIR briefed the FOIR about the Agenda Items. After discussion, the Action Taken Report of the last AGM were endorsed. It was desired that the reports of the Working Group be circulated to all Members of the FOIR.
- 3. The proposed reconstitution of Governing Body of FOIR for the year 2012-13 was noted and endorsed with the observation that Chairperson, Competition Commission of India (CCI) be included as Hony. Vice-Chairman, FOIR against the vacancy for Financial Sector.

- 4. The next agenda items viz the budget estimate for 2012-13 and the audited balance sheet for 2011-12 were taken up together for consideration. Shri Bansal explained the salient features of the audited accounts as also the proposed budget for the year 2012-13. After discussion, the audited accounts were approved.
- 5. The fund position of the FOIR was explained. It was pointed out that with the existing annual subscription of Rs.50,000/-, only routine expenses could be met. It might not be possible to conduct the research conference/workshop etc. This might compromise the basic objective behind the creation of the Forum. Different scenarios with different levels of subscription fee were presented. After discussion, the following was agreed:-
 - ❖ In order to effectively achieve the objective of FOIR, especially, in terms of providing platform for research, training, information dissemination, there is an urgent need for increase in the annual subscription fee of all member categories.
 - ❖ The membership fee be increased from the level of Rs.50,000/- per annum to Rs.2.5 lakhs per annum for members except for smaller States and academic/research institutions.
 - ❖ A separate category be created together with the smaller States and academic/research institutions, namely, the States of Arunachal Pradesh, Manipur & Mizoram (JERC), Meghalaya, Nagaland, Sikkim, Tripura and academic/research institutes like ASCI, TERI. The membership fee for this category would be Rs.1 lakh per annum.
 - ❖ The revised membership fee will become effective from the current financial year, i.e., 2012-13.
- 6. The members felt the need for evolving a charter/booklet on consumer issues and rights. DERC informed that they are coming up with such a charter shortly which will be circulated to all the members. Suggestion was also made to have important studies of FOR presented in the FOIR. Issues like financial restructuring plan of DISCOM being prepared by the Government and other current and relevant issues should also be brought for information and discussion in the FOIR in future meetings.
- 7. FOIR had commissioned a Study on "Assessing Capacity Building Requirement for Regulatory Staff". The consultancy was awarded to M/s Deloitte. Shri Bansal informed that the

draft report has already been considered and endorsed by the Working Group of FOIR. M/s. Deloitte made a presentation highlighting the salient features of the study and the broad findings. A copy of the presentation is **enclosed** at **Annexure-II.** After discussion, the Forum noted and endorsed the recommendations and agreed on the following:-

- ➤ CERC should take the lead by moving the Government for suitable amendments in their regulations on lines of the recommendations in this regard, possibly the recommendations of adopting the SEBI pay scales.
- ➤ Draft model Staffing Regulations for States separately for bigger States and smaller States, be prepared by FOIR.
- After CERC has formulated its Staffing Regulations on lines of these recommendations, the matter should be pursued from the Central level to impress upon the State Governments to follow the model at the State level as well in order to ensure that the Regulatory Commissions are able to discharge their statutory functions effectively.
- ➤ The idea of setting up a Regulatory Research Institute (RRI) was appreciated and it was felt that CERC should take a lead and give shape to the framework in consultation with other central sector regulators. To start with, the possibility of housing such an institution in reputed institutions like MDI, Gurgaon etc. should be explored.

Hony. Chairman FOIR welcomed the suggestions.

The meeting ended with a vote of thanks to the Chair and appreciation for the FOIR Secretariat.

LIST OF PARTICIPANTS ATTENDED THE 13TH ANNUAL GENERAL BODY MEETING <u>OF</u>

$\frac{FORUM\ OF\ INDIAN\ REGULATORS\ (\ FOIR\)}{HELD\ ON\ 06^{TH}\ JUNE,\ 2012\ AT\ INDIA\ HABITAT\ CENTRE,\ NEW\ DELHI.}$

S. No.	Name	Designation		
1.	Dr. Pramod Deo	Chairperson, CERC &		
		Hony. Chairman, FOIR		
2.	Shri A. Raghotham Rao	Chairperson, APERC		
3.				
4.	Shri P.D. Sudhaka	Chairperson, DERC		
5.	Dr. P.K. Mishra	Chairperson, GERC		
6.	Shri Subhash Chander Negi	Chairperson, HPERC		
7.	Shri Mukhtiar Singh	Chairperson, JSERC		
8.	Dr. V.K. Garg	Chairperson, JERC for Goa & all		
		UTs except Delhi		
9.	Shri Hemam Bihari Singh	Chairperson, JERC for M&M		
10.	Shri Rakesh Sahni	Chairperson, MPERC		
11.	Shri Anand Kumar	Chairperson, MSERC		
12.	Shri S.P. Nanda	Chairperson, OERC		
13.	Shri Manoranjan Karmakar	Chairperson, TERC		
14.	Shri Rajesh Awasthi	Chairperson, UPERC		
15.	Shri Jag Mohan Lal	Chairperson, UERC		
16.	Shri Prasad Ranjan Ray	Chairperson, WBERC		
17.	Shri H.L. Bajaj	Ex-Chairperson, CEA		
18.	Shri B.K. Halder	Ex-Chairperson, BERC		
19.	Shri V.K. Sood	Ex-Chairperson, DERC		
20.	Shri V.S. Ailawadi	Ex-Chairperson, HERC		
21.	Shri K.S. Chaube	Ex-Chairperson, HERC		
22.	Shri Jai Singh Gill	Ex-Chairperson, PSERC		
23.	Shri Vijoy Kumar	Ex-Chairperson, UPERC		
24.	Shri S. Jayaraman	Member, CERC		
25.	Shri V.S. Verma	Member, CERC		
26.	Shri C.R. Sekhar Reddy	Member, APERC		
27.	Shri R. Ashoka Chari	Member, APERC		
28.	Dr. R.K. Gogoi	Member, AERC		
29.	Shri Tapan Chatterjee	Member, AERC		
30.	Shri S.C. Jha	Member, BERC		
31.	Shri K.P. Singh	Member, BERC		
32.	Shri V.K. Shrivastava	Member, CSERC		

33.	Shri J.P. Singh	Member, DERC
34.	Shri Pravinbhai Patel	Member, GERC
35.	Dr. M.K. Iyer	Member, GERC
36.	Shri Rohtash Dahiya	Member, HERC
37.	Shri Ram Pal	Member, HERC
38.	Shri T. Munikrishanaiah	Member, JSERC
39.	Shri S.K. Chaturvedi	Member, JERC for Goa & all
		UTs except Delhi
40.	Shri K. Srinivasa Rao	Member, KERC
41.	Shri Vishwanath Hiremath	Member, KERC
42.	Shri C.S. Sharma	Member, MPERC
43.	Shri V.L. Sonavane	Member, MERC
44.	Shri B.K. Misra	Member, OERC
45.	Shri Gurinder Jit Singh	Member, PSERC
46.	Shri K. Venugopal	Member, TNERC
47.	Shri S. Nagalsamy	Member, TNERC
48.	Ms. Meenakshi Singh	Member, UPERC
49.	Shri Shree Ram	Member, UPERC
50.	Shri Shahid Hasan	Associate Director, TERI
51.	Shri Gurudeo Sinha	TERI
52.	Shri D.P. Sinha	Ex-Member, CERC
53.	Shri R. Krishnamoorthy	Ex-Member, CERC
54.	Shri S.K. Jayaswal	Ex-Member, BERC
55.	Shri S.R. Sethi	Ex-Member, DERC
56.	Dr. Man Mohan	Ex-Member, GERC
57.	Shri K.K. Garg	Ex-Member, MPERC
58.	Shri A. Velayutham	Ex-Member, MERC
59.	Shri V.K. Khanna	Ex-Member, UERC
60.	Shri S.C. Dhingra	Ex-Member, UPERC
61.	Shri R.D. Gupta	Ex-Member, UPERC
62.	Shri Rajiv Bansal	Secretary, CERC
63.	Shri S.K. Chatterjee	Deputy Chief (RA), CERC
64.	Shri Ramanuj Dey	Assistant Secretary, CERC

Deloitte.

Presentation on:

Study on Assessing Capacity Building Requirements for Regulatory Staff

Forum of Indian Regulators (FOIR)

June 6, 2012

	1	Scope of Work & Approach to this study
••••	2	Organisation Structure
••••	3	Compensation
••••	4	Recruitments, Promotions and Career Growth
	5	Skill Availability, Training & Development
• • • • •	6	Way Forward and Action Plan

Scope of Work & Approach to this Study Objective & Scope of Work

To evolve effective Human Resource Development Policies in a regulatory body which will strengthen the organisation's ability to fulfill its mission and meet emerging challenges

Scope of Work	ToR
Critically analyse existing organisation structure, recruitment policies, promotional avenues and compensation payable and identify shortcomings which impedes induction and retention of talent.	A.1
Suggest modifications in organisation structure , if existing structure found inadequate to carry out mandate	A.2
Categorise staff into different groups based on skill level and qualification required	A.3
Evolve suitable compensation packages for different categories of staff – factoring constraints of government funding policies and need to attract & retain skilled manpower	A.4
Suggest suitable recruitment policies in line with best industry practices – including detailed analysis of borrowing from other govt. departments / deputation	A.3
Design suitable mechanism of career progression of employees to address issues of promotion avenues, reward efficiency based on objective performance appraisal – Explore option of common cadre for various regulatory bodies	A.5
Study existing training policies adopted to align them to meet organisational requirements; Identify training requirements of different categories to upgrade skills and keep them up to date; suggest mechanism to impart such training periodically through reputed institutes identified – domestic & international ; Suggest ways and means of funding (domestic & international) for training of employees	B.1, 2 & 3
To draw up a detailed action plan to implement the recommendations – within the framework of existing administrative & financial powers of the regulatory body and identify those which need government approval	C.1

Organisation Structure

Compensation

Recruitment, Promotions & Career Growth

Skill
Availability:
Training &
Development

Scope of Work & Approach to this Study

Approach to the Study



Inputs from Similar Organisation s & Learnings

Recommend ations

Way Forward / Action Plan

- ☐ Data collection & discussions (one-on-one and focussed group)
- ☐ Presented during the inception meeting held on Dec 7, 2011
- ☐ Inputs were considered from different organisations for different sections of the study based on context
- ☐ Organisation Structure: Indian (SEBI, TRAI) & Global (FERC, UK Civil Aviation Authority)
- ☐ Compensation, Recruitment, Promotion & Career Growth: CPSEs & SEBI
- ☐ Skill Availability, Training & Development: CCI, NISM, NRRI, ARF
- **Organisation Structure:** Typical regulatory structure has been recommended and certain regulatory specific requirements have been factored.
- Compensation, Recruitment, Promotion & Career Growth: Common recommendation for all regulators on compensation, grades and the corresponding promotion channels.
- Skill Availability, Training & Development: Common and regulator specific competencies & corresponding training programs.

• • • • •	1	Scope of Work & Approach to this study
	2	Organisation Structure
• • • • •	3	Compensation
• • • • •	4	Recruitments, Promotions and Career Growth
• • • • •	5	Skill Availability, Training & Development
••••	6	Way Forward and Action Plan

Organisation Structure

Inputs from Similar Organisation & Learnings

□ FERC has a wider mandate – Power & Natural Gas
□ FERC (1400+) and SEBI (600+) are larger regulators in terms of manpower
□ In FERC, under Energy Market Regulation, Energy Policy and Innovation, Energy Projects and Electric Reliability functions
□ In SEBI, under Department of Economic and Policy Analysis and Market Regulation
□ In TRAI, Broadband & Policy Analysis, Technology Development and Research Analysis, Economic Regulation

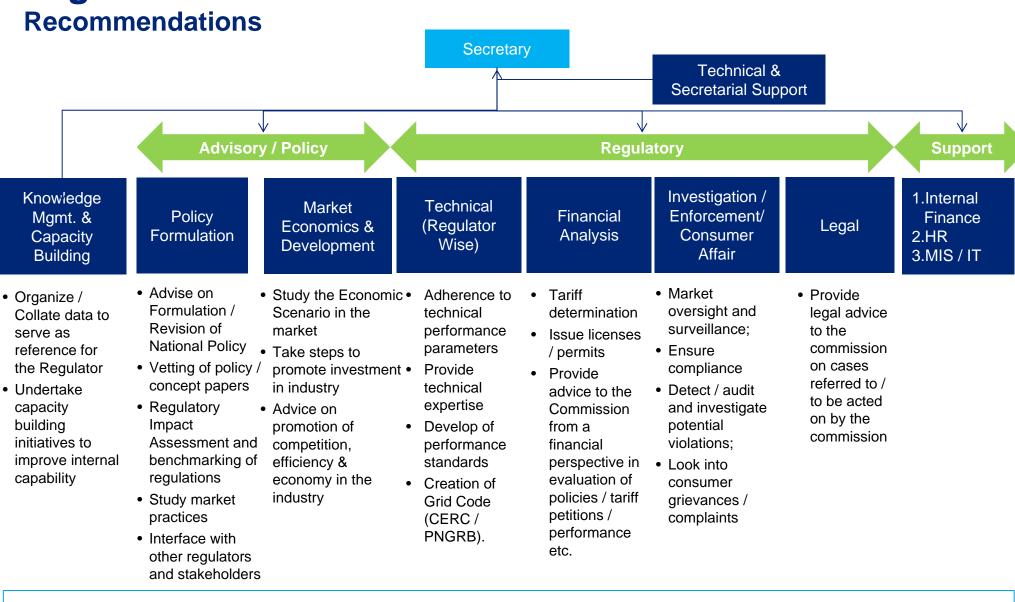
☐ FERC has a dedicated Enforcement function

Investigation & Enforcement

Consumer Affairs

- □ SEBI has 2 distinct functions Investigation and Enforcement, Enforcement has 2 divisions Regulatory action and prosecution
- ☐ Investigations and Enforcements in TRAI carried out by respective technical teams
 Fixed, Mobile, Cable etc
- ☐ Enforcement function in FERC protects consumers through market oversight / surveillance / studies; assuring compliance with tariff, rules, regulations and orders
- □ In SEBI, Investor Assistance and Education handles consumer affairs, educating consumers, coordinating for responding to consumer complaints
- ☐ Consumer affairs and international relations function handle consumer advocacy, generic consumer complaints etc

Organisation Structure



For exact number of posts required, regulators need to conduct a detailed manpower / work study based on processes, work load etc

	1	Scope of Work & Approach to this study
	2	Organisation Structure
	3	Compensation
•••••	4	Recruitments, Promotions and Career Growth
•••••	5	Skill Availability, Training & Development
• • • • • •	6	Way Forward and Action Plan

Compensation

As-is Understanding & Observations

"As is" understanding & Observations

Inputs from similar organisations & Learnings

Recommendations

Data Collection & discussions

Internal Parity Comparison

External Parity: Compare with non-member regulators and others

Recommendations on compensation strategy, pay scales, monetary & non monetary benefits

- Compared designations and posts with equivalent pay scales between regulators Designations were not equivalent
- ☐ Computed Cost to Company as a sum of Pay, Allowances and Benefits and Terminal Benefits (considering HRA and leased accommodation)

Observations

- Quality and caliber of talent to be at least on par, if not better, than the regulated entities.
- Within the framework of the Central Government rules and regulations, there is a need to provide a compensation that is at least equal to the highest paying Central Public Sector Enterprises (CPSEs)
- □ Alternatively, if we consider regulators across the country, the chairman and members of all the regulators financial & non financial sectors are paid on par
- □ The regulators may therefore consider benchmarking with other regulators such as SEBI / PFRDA / IRDA as a point of reference.

Compensation

Recommendations (Philosophy of Promotion of Incumbents)

"As is" understanding & Observations

Inputs from similar organisations & Learnings

Recommendations

Data Collection & discussions

Internal Parity Comparison

External Parity: Compare with non-member regulators and others

Recommendations on compensation strategy, pay scales, monetary & non monetary benefits

Vacancy Band			Cumulative Years of qualifying Service	CPSE Scales	SEBI Scales
Band 4	Chief / Secretary (JS in Gol)	3 years	16 years	75000 – 100000	ED
Band 3	Jt. Chief (Director in Gol)	5 years	13 years	62000 - 80000	Grade F
Band 2	Dy. Chief with 2 years (Senior Scale)			51300 – 73000	
	Dy Chief (DS in Gol)	5 years	8 years	43200 – 66000	Grade E
	Asst. Chief with 3 years (Senior Scale)			36600 – 62000	Grade D
Band 1	Asst. Chief (US in Gol)	3 years	3 years	32900 – 58000	Grade C
	Induction level for Officers (core functions)		Induction level	29100 – 54500	Grade B
Band 0	Entry level for support functions and research officers for core functions on deputation / Direct Recruitment			16400 – 40500	Grade A

Compensation

Recommendations (Impact on Compensation Package)

*As is" understanding & Observations

puts from similar organisations & Learnings

Recommendations

Data Collection & discussions

Internal Parity Comparison

External Parity: Compare with non-member regulators and others

Recommendations on compensation strategy, pay scales, monetary & non monetary benefits

CPSEs			Regulators				SEBI						
Pay S	cales	Package		Pay Scales		Package		Pay Scales		Package			
Scale	Scale	Start	End	Da	y Band	Grade	Start	End	Grade	Scale	Scale	Start	End
Start	End	Start	Ena	Га	у Бани	Pay	Start	Liid	Graue	Start	End	Start	End
75,000	100,000	24.72	32.52	PB 4	37400 - 67000	10,000	14.40	22.43	ED	75,100	79,100	23.12	24.07
62,000	80,000	20.13	25.74	PB 4	37400 - 67000	8,700	13.30	21.33	Grade F	60,600	67,000	18.31	19.84
51,300	73,000	16.79	23.56	Senior Sca	Senior Scale with 2 yrs								
43,200	66,000	14.26	21.38	PB 3	15600 - 39100	7,600	7.08	13.46	Grade E	42,300	52,000	15.52	17.84
36,600	62,000	12.20	20.13	Senior Sca	ale with 3 yrs				Grade D	39,850	46,150	13.70	15.21
32,900	58,000	11.05	18.88	PB 3	15600 - 39100	6,600	6.81	13.19	Grade C	28,350	41,400	10.35	13.47
29,100	54,500	9.86	17.79	PB 3	15600 - 39100	5,400	6.48	12.86	Grade B	21,000	36,400	8.08	11.76

Similar Analysis was also done for Leased Accommodation / Housing Allowance where the package went up even higher

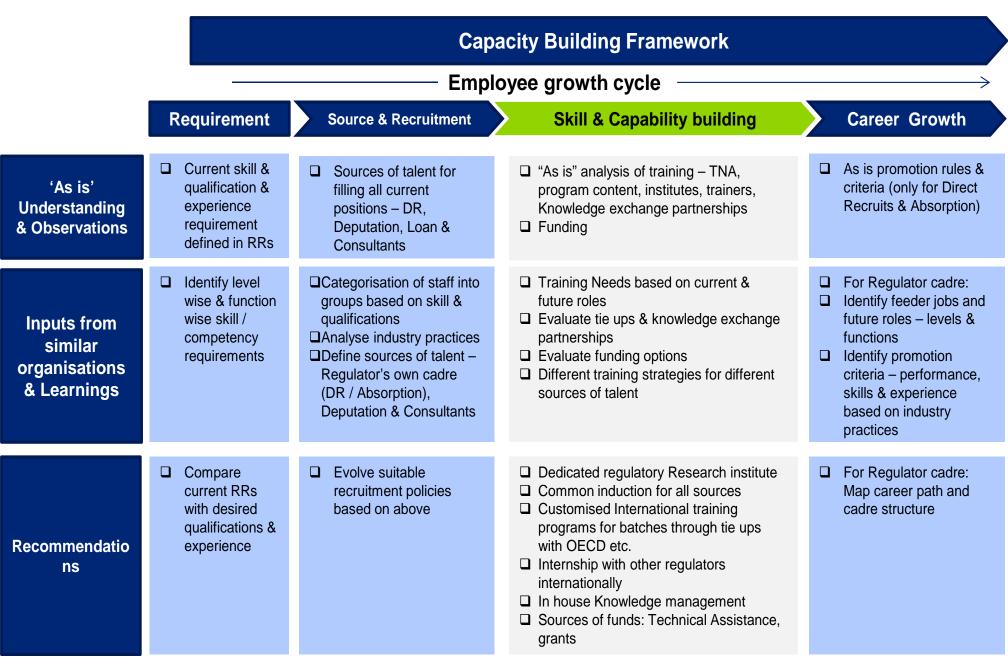
Rewards based on Objective Performance Appraisal

- Typically, monetary rewards are based on the financial performance as the source of funds for the rewards are from the
 profits of the organisation. Regulators are not profit oriented organisations, no scope for linking organisation's
 commercial objectives to the individual goals.
- In case of regulators, rewards can be in the form of additional increments, faster promotion by meeting stringent performance criteria at the time of promotion consideration.
- It is important to identify objective performance parameters for various functions and link to overall performance
- As the regulator has significant interface from various stakeholders and also operates internally with experts from multiple disciplines, a 360 degree feedback mechanism on performance may be considered.

	1	Scope of Work & Approach to this study
	2	Organisation Structure
•	3	Compensation
	4	Recruitments, Promotions and Career Growth
	5	Recruitments, Promotions and Career Growth Skill Availability, Training & Development

Recruitment, Promotion & Career Growth

Approach Steps



Recruitment, Promotion & Career Growth

Recruitment, Promotion, Career Growth in CPSEs & SEBI

CPSEs:

- •Induction level for engineer at 24900 50500 & management graduate at a higher pay scale depending on market conditions
- •All levels above are filled mostly by Promotions and sometimes through deputation, fixed term contracts or direct recruitment. Promotions until E5 delinked from vacancies. E6, E7 & E8 level promotions are subject to notified vacancies.

SEBI:

- •Entry level posts are in Grade A & Grade B and are filled through Direct Recruitment.
- •Other posts are filled through promotions / deputations with fixed qualifying years of service

Proposed Philosophy for filling of Post

Core Functions

- Induction level may be filled through fresh recruits failing which through deputation
- Higher level to be filled by Promotions to provide career growth opportunities to employees

Support Functions

- 50% direct recruitment and 50% on deputation
- Entry level will be at a level lower than specialist officers in core functions.
- IT / MIS can be a mix of deputation and outsourced staff

Research Officers for Core Functions

- 50% direct recruitment and 50% on deputation / contract
- Entry level will be at a level lower than specialist officers in core functions.

Support Staff

- Deputation
- Best practice minimum qualification criteria & nature of experience for each function has been proposed including professionals from premier institutes in various fields with specific experience requirements

	1	Scope of Work & Approach to this study
	2	Organisation Structure
	3	Compensation
•••••	4	Recruitments, Promotions and Career Growth
	5	Skill Availability, Training & Development
• • • • • •	6	Way Forward and Action Plan

Inputs from Similar Organisations & Learning

Observations

- □ SEBI has its own training centre National Institute of Securities Management (NISM) an autonomous body under a public trust.
- □ National Regulatory Research Institute (NRRI) functions under the aegis of NARUC (similar to FoIR) caters to Capacity Building and Research needs of the regulators in the USA.
- □ Accounting Research Foundation, a section 25 company, caters to the capability and research needs of Institute of Chartered Accountants of India (ICAI)

Recommendations

Recommendations

Induction Training

• Induction training programme to introduce new recruits to the various functions of the regulator. These recruits include direct recruitments, employees on deputation etc.

Promotion Linked Training

• In CPSEs, employees are required to undergo two capsule courses for the middle management and senior management levels for promotion, in the civil services, the officers are required to undergo two long duration training interventions before they reach the level of Joint Secretary

Knowledge Exchange & Internships

• Internships may be coordinated through mutual exchange programs.

 Sharing of international best practices could be tied up through bodies such as the Organisation for European Economic Cooperation (OECD). The members of FoIR, may also book slots with training institutes abroad for generic / customized training programmes that employees may be sent for annually.

Initiatives to encourage Capacity Building

- Encourage employees to become members of related professional bodies / associations / forums
- Encourage employees to undertake higher studies, pursue research and publish papers and reimburse expenses such as course fee etc and allow them paid leave to pursue such interests.

Knowledge Management Function

 This function shall be responsible for coordinating learning and development through various means such as blogs, discussion forums, weekly discussions etc. All knowledge created by the regulator shall need to be stored systematically and organized for easy use and retrieval

Dedicated Capacity Building Cell

• Regulators may create an internal capacity building team that is staffed by technical incumbents. This team shall be responsible for providing qualitative inputs in the identification of training needs, developing course content and pedagogy etc

Recommendations

Regulatory Research Institute: Objectives & Function

Research

Consulting Services

Training

Knowledge Management

Knowledge Exchange

- To identify regulatory challenges, by tapping the thinking of all regulators, forums / associations, consultants, industry stakeholders, government and government agencies and the public
- To produce an always existing, regularly refreshed research agenda, publicly available for comments
- To carry out research based on the changing needs and the challenges of the regulatory environment such as new interest groups, technological change, stakeholder expectations etc
- To create the new knowledge necessary to meet current and future regulatory challenges by performing the original research necessary to ensure the quality of regulation
- To carry out research that aids the regulators in effective policy making based on facts, objective analysis and independence by ensuring that the process of fact gathering, fact sifting, analysis and reasoning are neutral and transparent
- To carry out research whose outputs enable readers to reach their own conclusions
- To carry out research whose outputs also indicate effectiveness of prevalent regulations and regulators
- To undertake, promote and provide facilities for prosecuting core, fundamental, empirical, applied and other kinds of research work and projects and studies
- To undertake research projects in specialised areas on a fee basis
- To carry out multi-disciplinary research in collaboration with other research bodies and educational institutions
- To award, institute, and grant scholarships, and other forms of financial assistance for facilitating research work

Recommendations

Regulatory Research Institute: Objectives & Function

Research

Consulting Services

Training

Knowledge Management

Knowledge Exchange

- To respond quickly to emerging needs of the regulators and to provide them with expert resources for the regulators to operate effectively
- To assist the regulators with expert staff to address their short term resource requirements
- To provide inputs in formulation of policies and regulations and their implementation at macro and micro levels through a consultancy fee basis
- To democratise access to existing knowledge by generously sharing regulatory knowledge with the framework of intellectual property rights
- To establish itself as an "academy" of international standard for the purpose of imparting, disseminating, and promoting knowledge related to regulatory aspects from different functional and sector perspectives
- To organise and sponsor training programmes, study courses, lectures, meetings, workshops, seminars, conferences and symposia either on its own or jointly or at the instance of other persons and entities
- To engage in capacity building among the regulators and its stakeholders based on research inputs.

Recommendations

Regulatory Research Institute: Objectives & Function

Research

 A specialised vehicle for developing a knowledge base which could be used by the Institute and the nation as such

Consulting Services

 Prepare and publish, either on its own or through or in collaboration with other persons and entities, papers, periodicals, magazines, books, journals

 Create and maintain a world-class store house of knowledge and information with a state of art electronic database and exchange facilities

Training

• To network and collaborate with organisations of national and international repute, persons of eminence in the relevant field

Knowledge Management

 Serving as a role model for other institutions in and outside India to enhance the quality of interaction in within regulators and between regulators and their stakeholders.

Knowledge Exchange

	6	Way Forward and Action Plan
• • • • •	•••••	
	5	Skill Availability, Training & Development
	4	Recruitments, Promotions and Career Growth
	3	Compensation
	2	Organisation Structure
	1	Scope of Work & Approach to this study

Way Forward and Action Plan

Regulators need to be empowered in the following areas:

- Creation / abolition of posts
- Creation of compensation package and its adoption
- Attend Training abroad / International visits
- Formulation of HR Policies

SI.	Activities			
1	Implementation of Organization Structure			
1.1	Conduct manpower study required to staff the organization structure			
1.2	Obtain necessary approvals of manpower to meet structural requirements			
1.3	Regulator to fill posts through deputation / direct recruitment / consultants			
2	Implementation of Compensation			
2.1	Put up a proposal through FoIR to GoI to seek approval for adopting CPSE / SEBI pay scales			
2.2	Based on approval, regulator to work out detailed pay, allowances and benefits policies applicable to each regulator			
2.3	If required, based on manpower study (See 1.1), estimate detailed budget implications for necessary approvals			
3	Implementation of Training			
3.1	Identify / Finalize training programmes relevant to the areas of work of the regulator			
3.2	Tie up with concerned organization (Indian / Abroad) and block seats for the programme			
3.3	Constitute task force to take forward the setting up of the institute			
3.4	Approach funding agencies for support to set up institute and to sponsor training programs			

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