



24

CENTRAL LEGISLATION

*S Sivakumar**

I INTRODUCTION

THE SURVEY year has seen the passage of several important legislations that have made substantial contributions to many areas of law, *viz.*, constitutional law, environmental law, consumer law, company law, human rights, regulatory law and child rights. The passage of Petroleum and Natural Gas Regulatory Board Act provides for the establishment of regulatory machinery in the concerned sector. The Wildlife (Protection) Amendment Act and the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act were passed in the environmental arena. Above all, the passing of two central legislations, *i.e.*, the Prohibition of Child Marriage Act and the Juvenile Justice (Care and Protection of Children) Amendment Act enhanced the concept of child rights.

II ENVIRONMENTAL LAW

Wildlife (Protection) Amendment Act, 2006¹

The Wildlife (Protection) Act, 1972² was enacted to provide for the protection of wild animals and birds with a view to ensuring the ecological and environmental security of the country. The Act was further amended in 2006, with the twin objectives of tiger conservation and harmonizing the rights of tribal people living in and around tiger reserves. The amendment is aimed at the establishment of National Tiger Conservation Authority for the implementation of tiger conservation plans prepared by the state government taking into account the needs and concerns of the local people with the imperatives of tiger conservation.

The amendment Act inserted two new chapters to the Wildlife (Protection) Act, 1972; chapter IVB was inserted for the establishment of National Tiger Conservation Authority whereas chapter IV C was inserted for the establishment of tiger and other endangered species crime control bureau. The National Tiger Conservation Authority³ was constituted by the central

* Research Professor, The Indian Law Institute, New Delhi.

1 Act No. 39 of 2006.

2 Act No. 53 of 1972, Gazette of India, and 9.9.1972.

3 *Id.*, s. 38-K.



government consisting of a chairperson, vice-chairperson, members of Parliament, secretary, Ministry of Environment and Forest, director, Wildlife Preservations, chairperson, National Commission for SC/ST and the inspector general of forest etc.

Generally, the authority is empowered to perform as many functions as assigned to it under section 38-O of the Act.⁴ In addition to this, the authority may, in the exercise of its powers issue directions in writing to any person for the protection of tigers. The tiger and other endangered species crime control bureau⁵ has been established under the Act with a view to prohibit the wildlife crimes. Apart from its *suo motu* power to take action to prohibit the crimes against endangered species, it can discharge recommendatory functions.⁶ The amendment Act also prescribes punishment⁷ for the crimes against wild animals.

The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006⁸

The rights of the forest dwelling scheduled tribes and other traditional forest dwellers, were not adequately recognised under the legal system. It has become necessary to address the rights of the forest dwellers on ancestral lands who were forced to relocate their dwelling place due to state development interventions. The objective of this enactment is to provide for a legal framework for recording the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forestlands.

The recognized rights⁹ of the forest dwelling scheduled tribes and other traditional forest dwellers include the sustainable use of forest lands, conservation of biodiversity and maintenance of ecological balance and thereby strengthening the conservation regime of the forests while assuring livelihood and food security of the forest dwelling scheduled tribes and other traditional forest dwellers. The Act recognizes various rights of the forest dwelling scheduled tribes and other traditional forest dwellers. The Act guarantees both individual as well as community rights to these forest dwelling people. Individual rights include, right to hold and live in the forestland, right to habitation or for self cultivation, right of ownership on forestland,¹⁰ and access to collect, use and dispose of minor forest products etc.

III CONSUMER LAW

The Food Safety and Standard Act, 2006¹¹

The Food Safety and Standards Act, 2006 was enacted with a view to

4 *Id.*, s. 38- O.

5 *Id.*, s. 38- Y.

6 *Id.*, s. 38-Z (VI).

7 *Id.*, s. 51.

8 Act No. 2 of 2007.

9 Chapter II of the Act deals with 'forest rights'.

10 See s. 3 (a) of the Act.

11 Act No. 34 of 2006.



bring out a single statute relating to food and to provide for a systematic and scientific development of food processing industries. The Act provides for the establishment of Food Safety and Standard Authority of India,¹² which will fix the standard of food products and regulate or monitor the manufacturing, processing, distribution and sale of food items so as to ensure safe and wholesome food for the people. As per section 5 of the Act, the food authority would consist of a chairperson, and not more than 22 members out of which one-third shall be women. These appointments can be made from among persons of eminence in the field of food science or from amongst the persons from the administration who have been associated with the subject and is either holding or has held the position of not below the rank of Secretary of the Government of India. Under section 6, the members of the food authority are to be appointed by the central government on the recommendations of the selection committee, consisting of cabinet secretary (chairperson), the secretary-in-charge of the ministry or the department responsible for administration of this Act as the convener (member), secretary-in-charge of the ministries or the departments of the central government dealing with health, legislative and personnel (members), chairpersons of the public enterprises selection board (member) and an eminent food technologist to be nominated by the central government (member).

The terms and conditions of the service of the chairperson and members of food authority have been detailed out in section 7 of the Act and section 6 deals with the removal of chairperson and members of food authority. The central government can appoint officers and other employees of food authority and the food authority can establish a committee known as the 'Central Advisory Committee', which is entrusted to ensure close co-operation between food authority and the enforcement agencies and organizations operating in the field of food. Under section 16 of the Act, the food authority is duty bound to regulate and monitor the manufacturing, processing, distribution, sale and import of food products so as to ensure safe and wholesome food to the people. It can also provide scientific advice and technical support to the central government and the state government in matters of framing the policy and rules in areas, which have a direct or indirect bearing on food safety and nutrition. The Act makes provisions about the manners of conducting proceedings of food authority under section 17 of the Act.

Provisions have been incorporated under the Act to ensure food safety, importation of food articles,¹³ licensing and registration of food business. The provisions relating to offences and penalties have been made part of chapter IX. Section 48 mainly deals with three kinds of remedies for the offence of food adulteration, *viz*, penalties, punishment and compensation. Penalties have been provided under the Act for selling food not of the quality

1 2 See s. 4.

1 3 See s. 25.



demande¹⁴ substandard food, misbranded food, unhygienic or unsanitary manufacturing of food and for processing adulterant.¹⁵ Punishments have also been provided under the Act for providing false or misleading information about the food, for obstructing a food safety officer, for carrying out a business without licensing, etc. In the case of death of a consumer, due to the consumption of adulterated food, the adjudicating officer may direct the adulterant to pay compensation to the legal representatives of the victim.

For the adjudication of disputes under the Act, the state government may notify and appoint an officer not below the rank of additional district magistrate of the district as an adjudicating officer for adjudication in the manner as may be prescribed by the central government.¹⁶ An appeal can be made from the decision of the adjudicating officer to the food safety appellate tribunal.¹⁷ The tribunal is a single member body consisting of an individual who is qualified to be a district judge.

The tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice¹⁸ and shall have the powers to regulate its own procedure, including the place at which it shall have its sittings. In addition to this, the central government or the state government may, if considered expedient and necessary in the public interest, constitute special courts with the concurrence of the chief justice of the high court for the purposes of the trial of offences relating to death of the consumers for which imprisonment is the prescribed punishment under the Act.¹⁹ Under section 76 of the Act appeal can be made from the decisions of the special courts to the high court within 45 days. Overall, this Act is an effective legislative measure, and a landmark step taken by Parliament to provide for a uniform statute relating to food laws and thereby enhance the right to food as a basic human right.

IV COMPANY LAW

The Company Secretaries (Amendment) Act, 2006²⁰

The necessity to bring about amendment in the Company Secretaries Act, 1980 arose on account of the changes in the economic and corporate environment in the country and the need to bring about systematic changes in the institutions governed by the Act, including disciplinary procedures to deal with cases of professional misconduct; to ensure quality instruction in the related disciplines and enable institutional growth and professional development of its members. This amendment is based on the recommendations of the high level committee on "Corporate Audit and

14 See s. 50.

15 See s. 56.

16 *Id.*, s. 68.

17 *Id.*, s. 70.

18 *Id.*, s. 71.

19 *Id.*, s. 74.

20 Act No. 8 of 2006.



Governance” set up under the chairmanship of Naresh Chandra and other inputs on the subject made available to the central government from time to time.

This Act has amended sections 2, 4, 6, 9, 10, 16, first schedule, second schedule etc. and inserted sections 10 A, 10 B, 15A, 15B and 21 A to 21D and chapter VIIA to the Company Secretaries Act, 1980. In the new Act, provision has been made for an institutionalized disciplinary mechanism within the framework of the Institute of Company Secretaries of India, which would ensure well considered yet expeditious disposal of complaints against members of the institute on professional or other misconduct and would ensure faster delivery of justice. The Act further provides for the appointment of a director²¹ (discipline) to perform such functions as assigned to him under this Act and the rules and regulations framed thereunder and the establishment of a disciplinary directorate²² headed by an officer of the institute designated as director (discipline) and such other employees for making investigations in respect of any information or complaint received by it. The Act also provides for the constitution of a board of discipline²³ to deal with the cases of minor offences, and a disciplinary committee, which is to deal with cases of major offences within the institutional framework of the institute.

A notable aspect of the Act is the establishment of an appellate authority.²⁴ As per section 22E of the Act, if any member of the institute aggrieved by any order of the board of discipline or the disciplinary committee imposing on him any of the penalties may within 90 days from the date on which the order is communicated to him prefer an appeal to the authority. The appellate authority is headed by a person, who is or has been a judge of a high court to deal with appeal arising from decisions of disciplinary authorities. The amendment inserted a new chapter, namely, chapter VII-A which provides for the establishment of a quality review board which consists of the chairperson and four other members. The board's function includes making recommendations to the council with regard to the quality of services provided by the members of the institute.

All these provisions were enacted for bringing transparency in financial affairs of the institute and for preparation of annual financial statement (budget) by the council and to enable the members of the institute to form multi-disciplinary firms and offer multi- professional services in a competitive and commercial manner.

The Companies (Amendment) Act, 2006²⁵

The Act has amended the Companies Act, 1956 which added section 253 and inserted few new sections. Section 266A provides that every director

21 S. 16(b) of the Act.

22 S. 21 of the Act.

23 S. 21 A of the Act.

24 S. 22E of the Act.

25 Act No. 23 of 2006.



appointed before the commencement of the Companies (Amendment) Act, 2006 shall make an application to the central government for the allotment of a director identification number, within 60 days of the commencement of the Act. Sections 266B, 266C, 266D, 266E, 266F and 266G are inserted to provide for allotment of director identification number and matters related thereto. Sections 610B, 610C, 610D and 610E are inserted to make provisions for electronic filing of applications, documents etc.

V REGULATORY LAW

The Petroleum and Natural Gas Regulatory Board Act, 2006²⁶

The passing of the Petroleum and Natural Gas Regulatory Board Act, 2006 is considered to be a major step in introducing reforms in the down stream petroleum and natural gas sector. The Act provides for the establishment of Petroleum and Natural Gas Regulatory Board (PNGRB) to regulate the refining, processing, storage, transportation, distribution, marketing and sale of petroleum, petroleum products, excluding crude oil and natural gas so as to protect the interest of consumers and entities engaged in specified activities relating to petroleum, petroleum products and natural gas and to ensure uninterrupted and adequate supply of petroleum products in all parts of the country.

The Act establishes the Petroleum and Natural Gas Regulatory Board.²⁷ The downstream regulator would have the task of monitoring petroleum and gas activities right from refining, processing, storage, marketing and sale with the aim of ensuring transparency and fair play in the market while protecting the interest of consumers. The board is authorized with numerous powers and functions.²⁸ Major functions are the protection of consumer interest by promoting fair competition, to register entities for the purpose of marketing of petroleum and petroleum products and establishment and operation of LNG terminals and storage facilities. Insofar as the transportation of petroleum and natural gas is concerned, the board has the power to authorize entities for the laying, building and operating of a common carrier and gas distribution networks.²⁹ The board has the power to authorize entities to declare pipelines as common carrier or contract carrier.³⁰ In order to ensure fair trade and competition between various entities and consumers, the board will regulate the access to common carriers or contract carriers and to gas distribution networks along with regulating transportation rates for them. It also performs functions in relation to the availability of petroleum and petroleum products as well as the monitoring of prices. It can also levy fees and determine technical standards and specifications through regulations.

26 Act No.19 of 2006.

27 S. 3 of the Act.

28 S. 11 of the Act.

29 S. 20(1) and (2) of the Act.

30 S. 20(20) (a) of the Act.



As per section 12 of the Act, the board has the jurisdiction to adjudicate disputes among entities or between an entity and any other person on issues relating to refining, processing, storage, transportation, distribution, marketing and sale of petroleum; petroleum products and natural gas. A bench consisting of two members nominated by the chairperson shall decide the dispute. The board is authorized to receive complaints and conduct enquiry regarding the activities relating to the down stream activities as well as complaints about the terms and conditions relating to the declaration of pipeline as common carrier or contract carrier or authorization for their laying building or operation. The board has the same powers as vested in a civil court under the Code of Civil Procedure in respect of summoning the attendance of any person, requisitioning public record, granting interim relief and review of decisions. Any party aggrieved by the decision of the board may file appeal to the appellate tribunal.³¹ The petroleum and natural gas appellate tribunal will be the same as the appellate tribunal formed under section 110 of the Electricity Act, 2003. A technical member can be appointed for carrying out the functions of the appellate tribunal. An appeal against the order of the tribunal can be made before the Supreme Court.

Section 21 of the Act, deals with the right to first use which gives preference to the entity laying, building, operating and expanding a pipeline to use the pipeline to meet its own requirements and then the remaining capacity can be used by the other entities. The entities other than the entity authorized have to pay a transportation rate. The board has the power to specify the terms and conditions to determine the transportation tariffs for common carriers and contract carriers. The board can also cancel the authorization for non-compliance of the conditions on which the authorization was provided and suspend it if it feels that the authorized entity has acted in a manner prejudicial to the consumer interests providing subsequent right of hearing. The establishment of the regulator is expected to ensure uninterrupted and adequate supply of petroleum, petroleum products and natural gas in all parts of the country and to promote competitive markets.

VI CHILD RIGHTS

The Prohibition of Child Marriage Act, 2006³²

The Prohibition of Child Marriage Act, 2006 was enacted to provide for the prohibition of the solemnization of child marriage, and to prescribe punishment for solemnizing and promoting child marriages. This Act also repeals the Child Marriage Restraint Act, 1929.³³ Accordingly, this Act defines “child” as a person who, if a male, has not completed 21 years of age and if a female, has not completed 18 years of age.³⁴ As per section 3 of the

31 S. 30 of the Act.

32 Act No.6 of 2007.

33 The Sarada Act ,1929.

34 S. 2(a) of the Prohibition of Child Marriage Act, 2006.



Act, every child marriage whether solemnized before or after the commencement of this Act, shall be voidable at the option of the contracting party who was a child at the time of the marriage.

Under section 11 of the Act, if a child contracts a child marriage and the parent or guardian permits it to be solemnized or negligently fails to prevent it from being solemnized, he or she shall be punishable with rigorous imprisonment which may extend to two years and also be liable to fine which may extend to one lakh rupees. In order to prohibit the solemnization of child marriages, the Act also provides for the appointment of child marriage prohibition officers³⁵ and these officers are duty bound to take steps for preventing the solemnization of child marriages. Apart from that these officers shall have the power to move to the court³⁶ for an order along with the child.

The new Act by providing a new institutional machinery,³⁷ and introducing penal provisions for the commission of the offence, along with an implementation machinery is expected to prohibit the offence of child marriages effectively.

The Juvenile Justice (Care and Protection of Children) Amendment Act, 2006³⁸

The Act has amended sections 1, 2, 4, 6, 10, 12, 14, 15, 20, 29, 33, 34, 39, 41, 59 and 64 of the Juvenile Justice (Care and Protection of Children) Act, 2000. The amendment Act inserted two new sections, *i.e.*, sections 7A and 62A, which provide for the procedure to be followed when claims of juvenility is raised before any court and the constitution of child protection unit responsible for the implementation of the Act, respectively. Section 7A of the Act, further makes it clear that whenever a claim of juvenility is raised before any court and the court is of the opinion that an accused person was a juvenile on the date of commission of the offence, then the court shall make an enquiry, so as to determine the age of such person and shall record the finding whether the person is a juvenile or not.

The Act should be appreciated, as it provides for the constitution of child protection units, which are empowered to take up matters relating to children, who are in need of care and protection. This will definitely take care of the problems of abandoned children. These units consist of such officers and other employees appointed by the government. Section 10 of the Act was amended and it provides that as soon as a juvenile in conflict with law is apprehended by police, he shall be placed under the charge of special police unit which shall produce the juvenile before the board within a period of 24 hours. The section further makes it clear that in no case a juvenile shall be placed in a police lockup or lodged in a jail.

35 See s. 16(5) of the Act.

36 See s. 16 (5) of the Act.

37 The child marriage prohibition officer, *ibid.*

38 Act No. 33 of 2006.

39 Act No. 18 of 2006.



VII EDUCATION

The National Commission for Minority Educational Institution (Amendment) Act, 2006³⁹

This Act has amended the National Commission for Minority Educational Institution Act, 2004 by substituting sections 2, 11, 12, 24 and chapters III and inserting new sections 12A to 12F.

The National Commission for Minority Educational Institutions Act, 2004 was enacted to constitute commission for minority educational institutions. The amendment Act inserted a new chapter III that contains sections 10 and 10A. Chapter III of the concerned Act provides the right of any person to establish a minority educational institution as well as the right of a minority educational institution to seek affiliation. Under section 10⁴⁰ of the Act if any person who desires to establish a minority educational institution, may apply to the competent authority for the grant of no objection certificate and the competent authority shall after giving an opportunity of being heard to the applicant shall decide every application. Likewise, under section 10-A⁴¹ a minority educational institution may file an application for affiliation to a university in the manner prescribed by the statute, ordinance, rules or regulations of the university.

Apart from this, the amendment also inserted sections 12-A to 12-F to the principal Act, which provides for the establishment of new appellate machinery. Under the Act⁴² if any person is aggrieved by the order of the competent authority in granting the no objection certificate, he may within 30 days file an appeal before the commission. Sections 12-B to 12-F provide for the powers of the commission which, *inter alia*, include, power to decide on the minority status of an educational institution, to cancel the minority status of an educational institution, to investigate matters relating to deprivation of educational rights of minorities and to call for information etc. All these sections show that under the new amendment Act it gives absolute power to the commission to take decisions in matters relating to the establishment and administration of minority educational institutions.

VIII BANKING AND TAXATION

Reserve Bank of India (Amendment) Act, 2006⁴³

The derivative plays a crucial role in reallocating and mitigating the risks of banks and other financial institutions. The ambiguity regarding their legal validity has inhibited the growth and stability of the market for such derivatives. It has become essential to provide for clear legal validity of such contracts. It was therefore considered necessary to amend the Reserve Bank of India Act, 1934. The Reserve Bank of India (Amendment) Act, 2006 has suitably amended

40 See s. 10.

41 See s. 10-A.

42 See s. 12-A.

43 Act No. 26 of 2006.



sections 17⁴⁴ and 42. The amendment authorizes the bank to deal with derivatives and other financial instruments. A new chapter, *viz.*, chapter III D on 'Regulation of transactions in derivatives, money markets, instruments and securities' etc. is inserted to regulate transactions in derivatives. The new chapter gives definitions to the terms "derivatives, money market instruments and securities etc".⁴⁵ Regarding the transactions in derivatives, the power to regulate transactions in derivatives shall be vested with the bank and for this purpose it can issue directions to all agencies.

The Government Security Act, 2006⁴⁶

The Reserve Bank of India enacted the Government Security Act, 2006 with a view to consolidate and amend the law relating to government securities and its management. For the transfer of government securities under the Act it should purport to convey the full title to the security⁴⁷ and the transfer of the government securities should be made in such form and in such manner as may be prescribed. As per section 18 of the Act, any court shall not call an order made by the bank under this Act regarding the recognition by the bank of a person as the holder of the government security in question. The bank may with the previous approval of the central government make regulation regarding the transfer of government securities.⁴⁸ The Act also repealed the Indian Securities Act, 1920.

The Banking Companies (Acquisition and Transfer of Undertakings) and Financial Institutions Laws (Amendment) Act, 2006⁴⁹

The Act has amended the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, the State Bank of India Act, 1955, the State Bank of India (Subsidiary Banks) Act, 1959, the Deposit Insurance and Credit Guarantee Corporation of Act, 1961, the Export Import Bank of India Act, 1981 and the National Housing Bank Act, 1987. The Act has amended sections 3, 9 and 10-A, and inserted section 9-A, 10-B and 18-A the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980.

IX CONSTITUTIONAL LAW

The Constitution (Ninety-Fourth Amendment) Act, 2006⁵⁰

The Act amends article 164 of the Constitution of India and through this

44 S. 17 of the Reserve Bank of India Act, 1934 was amended and s. 6-A was inserted to it.

45 S. 45-U of the Act.

46 Act No. 38 of 2006.

47 S.5 of the Act.

48 S.32 of the Act.

49 Act No. 45 of 2006.

50 This Act received the assent of the published in the official Gazette of India on the same day.



amendment the words ‘Chattisgarh, Jharkhand’ are substituted for the word Bihar in article 164 clause (I) proviso. The said proviso also provides that there shall be a minister in charge of tribal welfare who may in addition, be in charge of the welfare of the scheduled castes and backward classes or any other work in the States of Bihar, Madhya Pradesh and Orissa. Consequent upon the creation of the States of Chattisgarh and Jharkhand, the entire scheduled areas of the former Bihar State stands transferred to the Jharkhand State and a sizable portion of the scheduled areas of the erstwhile State of Madhya Pradesh stands transferred to Chattisgarh.

X HUMAN RIGHTS

Protection of Human Rights (Amendment) Act, 2006⁵¹

The Act amends the Protection of Human Rights Act, 1993 by amending sections 2, 3 and 4 and by substituting sections 5, 6, 7, 8, 10, 12, and 13. The amendment incorporated some changes in the definitional part of the Act. It further clarifies the terms like international covenants,⁵² member, national commission for the scheduled castes, etc.

Section 3 of the principal Act has been amended and for the words “The national commission for the scheduled castes and scheduled tribes”, the words “The national commission for the scheduled castes, the national commission for the scheduled tribes” have been substituted. For section 5 of the principal Act a new section has been substituted to deal with the resignation and removal of chairperson and members.

IX MISCELLENOUS

The National Institute of Fashion Technology Act, 2006⁵³

The Act aims at nurturing and promoting excellence in fashion technology. Its object is to grant statutory status to the National Institute of Fashion Technology (NIFT), which was set up by the central government under the Ministry of Textiles in 1986. The purpose of establishing NIFT was for the promotion and development of education and research in the profession of fashion technology. In fact, the Institute has played a pathfinder’s role in professional fashion business education proactively anticipating and responding to the emerging business environment. The functions and powers of the Institute are dealt with in sections 5, 6 and 7 of the Act, respectively. Section 28⁵⁴ of the Act deals with the establishment of tribunal of arbitration.

51 Act No. 43 of 2006.

52 S. 2 of the Act.

53 Act No. 28 of 2006.

54 If any dispute arising out of a contract between the institute and any of its employees, then at the request of the employee concerned the matter shall be referred to a tribunal of arbitration and the decision of the tribunal shall be final and shall not be questioned in any court.



The Parliament (Prevention of Disqualification) Amendment Act, 2006⁵⁵

The Act has amended section 3 of the Parliament (Prevention of Disqualification) Act, 1959, and has inserted a new table to the principal Act. The amended Act provides specific and definite protection against disqualification⁵⁶ of members of any trust. A new subsection has been introduced under section 3, which is for “certain offices of profit which not to disqualify”. By virtue of this insertion, among the offices that do not attract disqualification are “the office of the chairperson or trustee of any trust, whether public or private, not being a body specified in the schedule.” Therefore, section 3(1) provides omnibus insurance against disqualification for members of any trust.

The Actuaries Act, 2006⁵⁷

With the growth of insurance sector the need of actuaries was being felt in many areas. The Actuaries Act, 2006 is enacted for regulating and developing the profession of Actuaries. The Actuaries Act mainly deals with the incorporation of the Institute of Actuaries⁵⁸ and the composition of the council⁵⁹ of the institute, which would manage the affairs of the institute. Under this Act, the Institute of Actuaries of India will be set up to conduct examinations for the profession of actuaries to regulate the profession and also to look into professional misconduct. The institute has to create necessary facilities for the growth and training of the members of the profession. Consequently, the Actuarial Society of India which was managing the actuarial profession in India would be dissolved and its assets and liabilities would be transferred to the proposed Institute of Actuaries of India.

The council of the institute shall be composed of the following persons, namely, a minimum of nine and not more than 12 persons from amongst fellow members to be elected by the fellow and the associate members of the institute in such manner as may be prescribed. So far as the number of nominated members is concerned, one officer not below the rank of joint secretary, one person from the members of the Insurance Regulatory and Development Authority; and not more than two persons having knowledge in the field of life insurance, general insurance, finance, economics, law, accountancy, etc. will be nominated by the Government of India. There is a provision to elect a president,⁶⁰ who is duty bound to carry out the executive functions as the chief executive officer⁶¹ under the provision of the Act.

55 Act No. 31 of 2006.

56 Clause (a) of art. 102 of the Constitution says that “a person shall be disqualified for being chosen as, and for being a member of either house of Parliament, if he holds any office of profit” under the government of India or the government of any state other than an office declared by Parliament by law not to disqualify its holder.

57 Act No. 35 of 2006.”

58 See s. 3.

59 See s. 12.

60 See s. 17.

61 See s. 19.



The Act provides for the constitution of an appellate authority,⁶² for matters to be finally decided there. The appellate authority constituted under section 22-A (1) of the Chartered Accountants Act, 1949 shall be deemed to be the appellate authority for the purpose of this Act subject to modification by appointing two more part-time members.⁶³ Establishment of the Quality Review Board⁶⁴ is another important aspect of this Act. The board is to consist of a chairman and not more than four members of which two members shall be nominated by the council and rest of the members and chairman shall be nominated by the central government. Once the Quality Review Board lays down the standards, it would become imperative for any actuaries professional to continuously update his knowledge.

X CONCLUSION

In the area of consumer law the enactment of the Food Safety and Standard Act can be considered as an effective legislative step taken by Parliament to provide for a uniform statute relating to food laws. The passage of Company Secretaries (Amendment) Act brought transparency in the financial affairs of the corporate sector. The introduction of the Petroleum and Natural Gas Regulatory Board Act paved way for the rise of a new model of regulatory mechanism in the concerned sector. The Prohibition of Child Marriage Act if implemented properly will curb the menace of child marriages from Indian society. Over all, the year witnessed the passage of some important legislations like the Prohibition of Child Marriage Act, the Food Safety and Standard Act, etc.

62 See s. 32.

63 See s. 32(b).

64 See s. 43.