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CENTRAL LEGISLATION*S. Sivakumar****I INTRODUCTION**

THE PRESENT Annual Survey of Central Legislation includes legislation passed or enforced in 2022, as well as notable legislative amendments. The most important enactments highlighted in this survey are transformative legislative measures aimed at addressing current issues and fostering socio-economic development. One such significant legislation is the Maritime Anti-Piracy Act, 2022, marking India's proactive stance in combating maritime piracy on the high seas. Enacted to align with India's commitment under the "United Nations Convention on the Law of the Sea" this law empowers authorities concerned to effectively respond to acts of piracy while delineating the designated courts, and jurisdictional framework. Another important piece of legislation is the Chartered Accountants, The Cost and Works Accountants and The Company Secretaries (Amendment) Act, 2022, representing a significant step towards enhancing regulatory oversight and promoting professional integrity in the financial and corporate sector. The Act seeks to elevate the standards of practice and instill public trust in financial governance.

Furthermore, the Indian Antarctic Act, 2022 has enacted provisions governing permits; waste management and environmental protection keeping in mind the international agreements and protocols. These legislative enactments along with others highlighted in the survey, reflect India's proactive approach towards addressing contemporary challenges in environment protection, dispute resolution, protection of life and liberty of individuals and society, criminal investigation and enforcement accountability and advancing international and national interests in diverse spheres. Additionally, the legislative initiatives in education focus on taking measures to provide quality teaching, research and skill disciplines related to transportation, technology, and management. Other miscellaneous enactment includes the Anti-doping Act, 2022 to combat anti-doping activities that undermine the integrity of sports.

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II ENVIRONMENT LAW

The Indian Antarctic Act, 2022¹

The Antarctic is important not only to India but to the entire globe. Its protection necessitates consensus between numerous national and international entities. Initiatives, such as the Antarctic Act 2022, are a positive step forward. This Act aims to provide for national measures for protecting the Antarctic environment and dependent and associated ecosystems and to give effect to the Antarctic Treaty, the Convention on the Conservation of Antarctic Marine Living Resources and the Protocol on Environmental Protection to the Antarctic Treaty and for matters connected therewith or incidental thereto.

The Act under section 3 provides for an important set of definitions. The Act introduces permit system for Indian expedition to Antarctica,² Permit for Indian stations in Antarctica,³ Permit for vessel and aircraft entering Antarctica,⁴ Permit for mineral resource activities,⁵ Permit for introducing non-native animals and plants into Antarctica,⁶ Permit for introducing microscopic organisms,⁷ Permit to enter protected areas,⁸ Permit for waste disposal,⁹ Permit for discharge into sea,¹⁰ Permit for removal of biological specimen or any other sample from Antarctica,¹¹ Special permit for commercial fishing in Antarctica.¹² All these activities in Antarctica will require a permit from the Committee or written authorization from another party to the Protocol (other than India). The applicant must conduct an environmental impact assessment of the planned operations prior to the Committee granting a permit. Additionally, unless the Committee has created a waste management strategy specifically for the expedition, no permit may be issued.

The Act under section 15 also specifies the non-application of certain sections in emergency situation including the safety of a person, vessel, aircraft, equipment and protection of the environment. The Act provides for the establishment of the waste classification system and waste management plans.¹³

The Act under section 23 provides for the constitution of the Committee on Antarctic Governance and Environmental Protection with the Power of the Central Government to give directions to the committee.¹⁴ Chapter IX of the Act provides

1 The Indian Antarctic Act, 2022 (Act 13 of 2022).

2 *Id.*, s. 4.

3 *Id.*, s. 5.

4 *Id.*, s. 6.

5 *Id.*, s. 7.

6 *Id.*, s. 9.

7 *Id.*, s. 10.

8 *Id.*, s. 11.

9 *Id.*, s. 12.

10 *Id.*, s. 13.

11 *Id.*, s. 14.

12 *Id.*, s. 16.

13 *Id.*, s. 34.

14 *Id.*, s. 26.

for the offences and penalties. The includes specifies penalties for the contravention of certain provisions of the Act by person,¹⁵ of acts involving vessels,¹⁶ acts involving aircraft,¹⁷ and for any other act for which no provision for penalty has been made in the Act.¹⁸ For example, 20 years imprisonment, life imprisonment, and a fine of Rs 50 crore is provided for conducting a nuclear explosion. It also outlines penalties for drilling for resources or introducing non-native animals or plants without permits.

The Maritime Anti-Piracy Act, 2022¹⁹

The Maritime Anti-Piracy Act, 2022 embodies India's first piece of domestic legislation specifically enacted for criminalizing maritime piracy on the high seas and allows Indian authorities to respond to such acts of piracy. With over 90% of India's trade conducted by water and over 80% of the nation's hydrocarbon needs being met by the sea, the security of the nation's communication channels through sea routes is vital. India, also being a signatory to the "United Nations Convention on the Law of the Sea" ratification being made dated 29th June, 1995, thus enacted the Maritime Anti-Piracy Act, 2022 for repression of piracy on high seas and for matters connected therewith or incidental thereto.²⁰

The definition of "piracy" is provided under section 2(h) of the Act, while section 3 of the Act lays out the penalties for committing the crime of "piracy" which include the death penalty and life in prison for those found guilty of maritime piracy. The penalties for trying to commit piracy are outlined in sections 4 and 5, respectively, as is the penalty for planning or encouraging others to engage in piracy.

The Act establishes designated courts for the trial of offences of piracy,²¹ and lays down the jurisdiction of such designated courts.²² The designated court will prosecute offenses committed by Indian Navy or Coast Guard personnel, citizens, foreign nationals, or stateless individuals, except on foreign ships unless intervention is requested from ship-owners or ship-related parties.

It outlines provisions for bail and extradition of offenders, including the inclusion of piracy as extraditable offences in treaties.²³ The Act also contains provision for the protection of authorized personnel and government entities for the action taken in good faith in the act of undertaking of the Act.²⁴ The Code of Criminal Procedure 1973 (Cr PC) will be applied in all the proceedings before the

15 *Id.*, s. 41.

16 *Id.*, s. 42.

17 *Id.*, s. 43.

18 *Id.*, s. 44.

19 The Maritime Anti-Piracy Act, 2022 (Act 3 of 2023).

20 Preamble to the Maritime Anti-Piracy Act, 2022.

21 *Id.*, s. 9.

22 *Id.*, s. 10.

23 *Id.*, s. 14.

24 *Id.*, s. 15.

designated court with designated prosecutors deemed as Public Prosecutors under the Code.²⁵

The Wildlife (Protection) Amendment Act, 2022²⁶

The Act amends the Wildlife (Protection) Act, 1972 for the regulation of the protection of wild animals, birds and plants. The Bill seeks to increase the species protected under the law and implement the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The Act under section 2 makes changes to the long title of the Wildlife (Protection) Act, 1972 to include the aspects of “conservation” and “management” of wildlife.²⁷

The Act inserted a new clause under section 16 (A) for inserting “invasive alien species” “means a species of animal or plant which is not native to India and whose introduction or spread may threaten or adversely impact wildlife or its habitat”. The Act also inserts section 62A to the principal Act for the purpose of the Regulation or prohibition of import, *etc.*, of invasive alien species.²⁸ The substitution of “Schedule I, Schedule II, Schedule III or Schedule IV”, with “Schedule I or Schedule II” is provided for the rationalization of the schedules and to remove the confusion, Since the Principal Act essentially has only two levels of protection for animals, it is proposed to place the protected animal species in two Schedules.²⁹

The Amendment Act through its section³⁰, inserts a new Chapter VB for proper implementation of provisions of the CITES Convention in India. The Act through newly inserted section 49Q under chapter VB makes Species and scheduled specimens to be Government property. The Act through section 26 inserts section 42A into the principal Act for making provisions for the Surrender of captive animals, animal articles, *etc.*³⁰

The Amendment Act through section 11(b) amends section 29 of the principal Act and substitutes the explanation to provide those certain permitted activities such as grazing or movement of livestock, bona fide use of drinking and household water by local communities, *etc.*, shall be considered as non-prohibitive. Inserts a provision in sub-section(viii) in section 63 of the principal Act to allow for the transfer or transport of live elephants by person having ownership certificates.³¹ The Act inserts section 62B and mandates the Central Government with the Power to issue directions or to call for information for proper implementation of the Act.³² In creating the management plan, the new amendment has made a significant step toward encouraging the participation of forest dwellers within national parks.

25 *Id.*, s. 13.

26 The Wildlife (Protection) Amendment Act, 2022 (Act 18 of 2022).

27 *Id.*, s. 2.

28 *Id.*, s. 39 (1).

29 *Id.*, s. 41.

30 *Id.*, s. 26.

31 *Id.*, s. 40 (a).

32 *Id.*, s. 39.

However, it is also necessary to include invasive native species in the concept of invasive alien species.

The Energy Conservation (Amendment) Act, 2022³³

The amendment is aimed at helping India fulfill its COP-26 commitments. India committed to reaching 500GW non-fossil energy capacity by 2030; (b) to meeting the target of achieving 50 percent of its energy requirements from renewable energy by 2030; (c) reducing total projected carbon emissions by one billion tones with effect from the date of COP-26 to 2030 (d) for Reducing economy's carbon intensity by 45 per cent by 2030, over 2005 levels and (e) to achieve net zero emissions by the year of 2070. Besides facilitating the achievement of 'Panchamrit', the amended Act aims to promote renewable energy and develop the domestic carbon market to combat climate change and introduce new concepts such as carbon trading and mandate usage of non-fossil sources for ensuring faster decarbonization. Also, for achieving "sustainable development goals" in line with the Paris Agreement and various other actions related to climate change.

The Energy Conservation (Amendment) Act, 2022 makes amendments to the Energy Conservation Act, 2001 to bestow the central government with the mandate for specifying a "carbon credit trading scheme" through section 14 AA of the Act. Under the provisions of the Energy Conservation (Amendment) Act, 2022, the Central Government, or any agency authorized agency shall be entitled to purchase or sell the carbon credit certificate following the carbon credit trading scheme specified under clause (w) of section 14. The Energy Conservation (Amendment) Act, 2022 also empowers the Central Government to specify the minimum share of consumption of non-fossil sources by designated consumers as energy or feedstock. Different shares of consumption may be specified for different types of non-fossil sources for different designated consumers.

The 2001 Act has been amended through the recent legislation to promote COP-26 goals by introducing new concepts like carbon trading and mandating non-fossil sources for consumption by designated consumers. The Carbon Credit Trading Scheme, which could be notified in the future, may clarify trading and regulation, and may change compliance structures and penalty provisions. The government can also specify a minimum share of consumption from non-fossil sources, but this is not yet specified and may be phased to accommodate different non-fossil sources and regions.

III COMMERCIAL MATTERS

The Chartered Accountants, The Cost and Works Accountants and The Company Secretaries (Amendment) Act, 2022

The Chartered Accountants, the Cost and Works Accountants and the Company Secretaries (Amendment) Act, 2022 is an Act enacted with the objective of enhancing the regulatory framework governing Chartered Accountants, Cost Accountants, and Company Secretaries in India. The main intent of this law is to

33 The Energy Conservation (Amendment) Act, 2022 (Act 19 of 2022).

bring more transparency in the functioning of the institutes, especially their disciplinary matters and promote transparency, accountability, and professional development. Section 2 of the amendment Act makes modification of the long title and preamble with the substitution of the word “regulation” with the words “regulation and development”. The Act adds new definitions to the Chartered Accountants Act, 1949 like Introduction of new definitions such as “Board of Discipline” and “Coordination Committee” for strengthening the regulatory mechanisms.

Chapter III of the Amendment Act amends the Cost and Works Accountants Act, 1959. The Act makes changes to the long title and substitutes the words “regulation of the profession of cost and works accountants” with the words “regulation and development of the profession of cost accountants”.³⁴ The Act also amends section 1 of the Cost and Works Accountants Act, 1959 and substitutes the word “Cost and Works Accountants” with “Cost Accountants” in relevant sections of the Act.

Chapter IV of the Chartered Accountants, The Cost and Works Accountants and The Company Secretaries (Amendment) Act, 2022 amends the Company Secretaries Act, 1980. The Act provides for the revision of the long title to focus on the “regulation and development of the profession of secretaries”. Inclusion of new definitions and amendments to section 2 of the Company Secretaries Act, 1980 to align with current regulatory standards.³⁵ Section 90 of the Amendment Act substitutes section 21A of the Cost and Works Accountants Act, 1959 and provides for the constitution of the Board of Discipline and specifies the working, composition, power and functions of the Board of Discipline.

The Amendment Act has been enacted to modernise and strengthen the regulatory environment for Chartered Accountants, Cost Accountants, and Company Secretaries with the focus on promoting professionalism, ethical conduct, and compliance with regulatory standards in the financial and corporate sectors across India.

IV CONSTITUTIONAL AMENDMENTS AND FAMILY COURT

The Family Courts (Amendment) Act, 2022³⁶

The “Family Courts (Amendment) Act, 2022” makes to the Family Courts Act of 1984,³⁷ to give validity to “family courts” constituted in the State of “Himachal Pradesh” and “Nagaland”. It grants statutory cover and retrospectively validates already taken actions by the family courts of the states of Himachal Pradesh and Nagaland. The Amendment, 2022 through its section 2 seeks to insert a provision in sub-section 3 of section 1 of the Family Courts Act of 1984 for the establishment of Family Courts in Himachal Pradesh and Nagaland.³⁸

34 *Id.*, s. 38 of the Amendment Act.

35 *Id.*, s. 74 of the Amendment Act.

36 The Family Courts (Amendment) Act, 2022 (Act 16 of 2022).

37 The Family Courts Act, 1984 (Act 66 of 1984).

38 *Supra n.*, s. 2.

“Provided that it shall be deemed to have come into force in the State of Himachal Pradesh with effect from the 15th of February, 2019 and in the State of Nagaland with effect from the 12th of September, 2008.”

The Amendment Act, 2022 under its section 3 amends the principal Act of 1984 and inserts section 3A and provides for the Validation of certain actions.³⁹

The Constitution (Scheduled Castes and Scheduled Tribes) Orders (Amendment) Act, 2022⁴⁰

The Constitution (Scheduled Castes and Scheduled Tribes) Orders (Amendment) Act, 2022 has been enacted to amend the Constitution (Scheduled Castes) Order, 1950 for omitting “*Bhogta*” community from the Scheduled Castes list in relation to the State of Jharkhand.⁴¹ The Act also makes amendment to the Constitution (Scheduled Tribes) Order, 1950 for the purpose of the inclusion of certain communities in the Scheduled Tribes Lists in relation to the State of Jharkhand.

The Act amends the Schedule to the Constitution (Scheduled Tribes) Order, 1950 in Part XXII, to include certain communities in the list of STs in Jharkhand. For Entry 16 of ST Order “Kharwar, Bhogta, Deshwari, Ganjhu, Dautalbandi (Dwalbandi), Patbandi, Raut, Maajhia, Khairi (Kheri)” shall be substituted.⁴² In entry 24, after “Patar”, “Tamarua (Tamarua)” shall be inserted,⁴³ and after Entry 32, the following Entry “33. Puran” shall be inserted.⁴⁴

The Constitution (Scheduled Castes and Scheduled Tribes) Orders (Second Amendment) Act, 2022⁴⁵

The Constitution (Scheduled Castes and Scheduled Tribes) Orders (Second Amendment) Act, 2022 is being passed to make amendment to the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967

Section 3,⁴⁶ of the Amendment Act makes changes to the Schedule caste order 1950 in the manner and to the extent which has been specified in First Schedule.⁴⁷

“In the Constitution (Scheduled Castes) Order, 1950 (C.O. 19), in the Schedule, in PART XVIII.—Uttar Pradesh, in entry 36, for the words “Mirzapur and

39 *Id.*, s. 3.

40 The Constitution (Scheduled Castes and Scheduled Tribes) Orders (Amendment) Act, 2022 (Act 8 of 2022).

41 *Id.*, s. 2.

42 *Id.*, s. 3(i),

43 *Id.*, s. 3(ii),

44 *Id.*, s. 3(iii).

45 The Constitution (Scheduled Castes and Scheduled Tribes) Orders (Second Amendment) Act, 2022 (Act 20 of 2022).

46 *Id.*, s. 3.

47 *Id.*, first Schedule.

Sonbhadra”, the words “Mirzapur, Sonbhadra, Sant Kabir Nagar, Kushinagar, Chandauli and Bhadohi” shall be substituted.”

Section 4,⁴⁸ of the Amendment Act amends the (Scheduled Tribes) (Uttar Pradesh) Order, 1967 in the manner and to the extent as specified in Second Schedule of the Amendment Act:⁴⁹

“In the Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967 (C.O. 78), in the Schedule, in entry 6, for the words ‘Mirzapur and Sonbhadra’, the words “Mirzapur, Sonbhadra, Sant Kabir Nagar, Kushinagar, Chandauli and Bhadohi” shall be substituted”.

The Constitution (Scheduled Tribes) Order (Amendment) Act, 2022⁵⁰

The Constitution (Scheduled Tribes) Order (Amendment) Act, 2022 has been enacted to give effect to the inclusion of certain communities in the list of Scheduled Tribes in relation to the State of Tripura:⁵¹

“In the Constitution (Scheduled Tribes) Order, 1950, in the Schedule, in PART XV. — Tripura, in entry 9, after item (iii), the following item shall be inserted, namely: — (iiia) Darlong”.

The Constitution (Scheduled Tribes) Order (Second Amendment) Act, 2022⁵²

The Constitution (Scheduled Tribes) Order (Second Amendment) Act, 2022 has been enacted to modify the list of Scheduled Tribes in the State of Tamil Nadu:⁵³

“In the Constitution (Scheduled Tribes) Order, 1950, in the Schedule, in Part XIV. — Tamil Nadu, after entry 36, the following entry shall be inserted, namely: 37. Narikoravan, Kurivikkaran.”

The Constitution (Scheduled Tribes) Order (Fourth Amendment) Act, 2022⁵⁴

The Constitution (Scheduled Tribes) Order (Fourth Amendment) Act, 2022 makes amend to the Constitution (Scheduled Tribes) Order, 1950 for modifying the list of Scheduled Tribes in relation to the State of Karnataka:⁵⁵

In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in PART VI. — Karnataka, for entry 16, the following entry shall be substituted, namely:— “16. Kadu Kuruba, Betta-Kuruba.”

48 *Id.*, s. 3.

49 *Id.*, second Schedule.

50 The Constitution (Scheduled Tribes) Order (Amendment) Act, 2022, (Act 9 of 2022).

51 *Id.*, s. 2.

52 The Constitution (Scheduled Tribes) Order (Second Amendment) Act, 2022 (Act 1 of 2022).

53 *Id.*, s. 2.

54 The Constitution (Scheduled Tribes) Order (Fourth Amendment) Act, 2022 (Act 2 of 2022).

55 *Id.*, s. 2.

V NEW DELHI STATE LAWS

The Delhi Municipal Corporation (Amendment) Act, 2022⁵⁶

The Delhi Municipal Corporation (Amendment) Act, 2022 seeks to amend the Delhi Municipal Corporation Act of 1957 to unify the three corporations of “North Delhi Municipal Corporation”, “South Delhi Municipal Corporation”, and “East Delhi Municipal Corporation” into the “Municipal Corporation of Delhi.”⁵⁷

The Delhi Municipal Corporation (Amendment) Act, 2022 has deemed to increase the power of the Central Government due to the fact that the Central Government will now be deciding upon the total number of seats of councilors⁵⁸ and the total number of reserved seats, the number of seats reserved for members of the Scheduled Castes.⁵⁹

The Delhi Municipal Corporation (Amendment) Act, 2022 by virtue of section 9 and section 12 omits section 388 and 484-A of the principal Act respectively. Section 388 of the Delhi Municipal Corporation Act, 1957 which provided that “a sweeper employed for doing house scavenging of a building would be required to give a reasonable cause or a Fourteen-day notice before discontinuing his service”, the said provision has been omitted now by the new amendment.

The Delhi Municipal Corporation (Amendment) Act, 2022 also adds some obligatory functions upon the newly formed the Municipal Corporation of Delhi *vide* amending section 42 of the Delhi Municipal Corporation Act, 1957. The obligatory functions include “establishing an e-governance system for citizen services on an anytime-anywhere basis for better, accountable, and transparent administration.”⁶⁰ The Delhi Municipal Corporation (Amendment) Act, 2022 provides that “the central government may appoint a Special Officer to exercise powers of the Corporation until the first meeting of the Corporation is held after the commencement of the Act.”⁶¹

Section 14 empowers the Central Government to remove difficulties in case of some difficulty arising in giving effect to the provisions of the Act:⁶²

“If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary, for removing the difficulty.”

56 The Delhi Municipal Corporation (Amendment) Act, 2022 (Act 10 of 2022).

57 *Id.*, s.3.

58 *Id.*, s.5

59 *Id.*, s. 5.

60 *Id.*, s.6

61 *Id.*, s 13.

62 *Id.*, s. 14 (1).

The New Delhi International Arbitration Centre (Amendment) Act, 2022⁶³

The New Delhi International Arbitration Centre (Amendment) Act, 2022 through its section 2, makes changes to the New Delhi International Arbitration Centre Act, 2019 in the long title, for the words “New Delhi International Arbitration Centre”, wherever they occur, the words “India International Arbitration Centre” shall be substituted.⁶⁴ This 2022 Amendment Act amends the preamble of the principal Act and substitutes the word “New Delhi International Arbitration Centre” with “India International Arbitration Centre” at both places where they occur.⁶⁵

Under section 4 of the New Delhi International Arbitration Centre (Amendment) Act, 2022,⁶⁶ amendments are being introduced to the provision of section 1 of the New Delhi International Arbitration Centre Act, 2019 for the substitution of the word “New Delhi International Arbitration Centre”, with the words “India International Arbitration Centre”. Section 4 of the Amendment Act, 2022 substitutes the words “New Delhi International Arbitration Centre” with “India International Arbitration Centre” provided under section 2 of the principal Act. Similar changes are being made to the Chapter II heading, sections 3 and 4.

In section 2 of the principal Act, in sub-section (1), in clause (a), for the words “New Delhi International Arbitration Centre”, the words “India International Arbitration Centre” shall be substituted.

Through section 9 of the Amendment Act, Amendment in section 15, Clause (a) of the Principal Act is being made, namely:

“To facilitate the conduct of arbitration and other forms of alternative dispute resolution mechanism, both international and domestic, in the manner as may be specified by the regulations.”

The Act requires the Arbitration Centre to strive to facilitate the conduct of international and domestic arbitration and conciliation. The Act expands this to include conduct of other forms of “Alternative Dispute Resolution”. The manner of conduct of arbitration and other forms of ADR will be specified by the Central Government through regulations.

VI CRIMINAL MATTERS**The Criminal Procedure (Identification) Act, 2022⁶⁷**

The Criminal Procedure (Identification) Act, 2022, has been enacted to empower police officers or prison officers to collect certain measurements of convicts or those who have been arrested for an offence,⁶⁸ for the “purposes of

63 The New Delhi International Arbitration Centre (Amendment) Act, 2022, (Act 23 of 2022).

64 *Id.*, s. 2.

65 *Id.*, s. 3.

66 *Id.*, s. 4.

67 The Criminal Procedure (Identification) Act, 2022 (Act 11 of 2022).

identification and investigation in criminal matters and to preserve records and for matters connected therewith and incidental thereto.”⁶⁹

The “measurements” under the Criminal Procedure (Identification) Act, 2022:⁷⁰

“Includes finger impressions, palm-print impressions, foot-print impressions, photographs, iris and retina scan, physical, biological samples and their analysis, behavioral attributes including signatures, handwriting or any other examination referred to in section 53 or section 53A of the Code of Criminal Procedure, 1973”

Following are the provisions laid down under the Criminal Procedure (Identification) Act, 2022 for the collecting of the measurements, it specifies three categories of person whose measurements can be collected:⁷¹

“(a) convicted of an offence punishable under any law for the time being in force; or

(b) ordered to give security for his good behaviour or maintaining peace under section 117 of the Code of Criminal Procedure, 1973 for a proceeding under section 107 or section 108 or section 109 or section 110 of the said Code; or

(c) arrested in connection with an offence punishable under any law for the time being in force or detained under any preventive detention law, shall, if so required, allow his measurement to be taken by a police officer or a prison officer in such manner as may be prescribed by the Central Government or the State Government:

Provided that any person arrested for an offence committed under any law for the time being in force (except for an offence committed against a woman or a child or for any offence punishable with imprisonment for a period not less than seven years) may not be obliged to allow taking of his biological samples under the provisions of this section.”

Section 4 of the Act provides for the provisions concerning “Collection, storing, preservation of measurements and storing, sharing, dissemination, destruction and disposal of records.”⁷² Section 5 of the Act lays down the “Power of Magistrate to direct a person to give measurements.”⁷³ Section 6 of the Act states for the situation of “Resistance to allow taking of measurements”⁷⁴ and also specifies that “Resistance to or refusal to allow the taking of measurements under this Act shall be deemed to be an offence under section 186 of the Indian Penal Code.”⁷⁵

The Act under section 8 also mentions that the Central or the state governments will have the power to make rules for carrying out the provisions of

68 *Id.*, s. 3.

69 *Id.*, preamble.

70 *Id.*, s. 2 (b).

71 *Id.*, s. 3.

72 *Id.*, s. 4.

73 *Id.*, s. 5

74 *Id.*, s. 6(1)

75 *Id.*, s. 6(2)

the Act. These rules include the manner of taking, collecting, storing, and disposing of the measurements and may include any other necessary provisions. Section 10 further repeals the Identification of Prisoners Act, of 1920.

The Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Amendment Act, 2022⁷⁶

The Act makes amendments to various sections of the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act of 2005, which prohibits the unlawful manufacture, transport, or transfer of WMD (chemical, biological and nuclear weapons) and their means of delivery, referred to as the Principal Act. The 2022 Act amends section 12 of the principal act and inserts section 12 A which makes provision for the prohibition of financing any activity which is being prohibited under the Act or under the United Nations (Security Council) Act, 1947 or any other relevant Act for the time being in force.

The Central government is now able to take action, such as freezing, seizing, or attaching monies or other financial assets or economic resources (whether owned, possessed, or controlled directly or indirectly), owing to the newly included provision 12A (2) (a).⁷⁷ It might also forbid someone from providing money or associated services to third parties for their profit in connection with any unlawful activity.⁷⁸

VII EDUCATION INSTITUTES

The Central Universities (Amendment) Act, 2022⁷⁹

The Central Universities (Amendment) Act, 2022 seeks to amend section 2 of the Central Universities Act, 2009⁸⁰ to convert the National Rail and Transportation Institute, Vadodara (a deemed university) to the Gati Shakti Vishwavidyalaya, which will be a central university. The National Rail and Transportation Institute was declared a deemed university under the University Grants Commission Act, of 1956. The Vishwavidyalaya will be sponsored and funded by the Central Government through the Ministry of Railways.

The Act also amends section 5 of the Central Universities Act, 2009 and adds a proviso stating that the “Gati Shakti Vishwavidyalaya” will take measures to provide quality teaching, research, and skill development in disciplines related to transportation, technology, and management. If required, the University may also establish centers in India and abroad.

76 The Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Amendment Act, 2022, (Act 14 of 2022).

77 *Id.*, s. 12 A (2) (a).

78 The Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Amendment Act, 2022, (Act 14 of 2022). S. 12 A (2) (b).

79 The Central Universities (Amendment) Act, 2022 (Act 17 of 2022).

80 The Central Universities Act, 2009 (Act 25 of 2009).

VIII MISCELLANEOUS

The National Anti-Doping Act, 2022⁸¹

The National Anti-Doping Act, 2022 has been enacted with the objective for the constitution of the National Anti-Doping Agency for the purpose of the regulation of anti-doping activities in sports. The Act also fulfills the obligations and gives effect to the “United Nations Educational, Scientific and Cultural Organization International Convention against doping in sport”.⁸²

The Act under section 2 provides for the important set of definitions. Chapter II of the Act deals with the prohibition of Doping in sport,⁸³ and Anti-Doping rule violations,⁸⁴ with specific provisions for the same. With the prohibition of Doping in sport, the Act also lays down exemptions under section 4 in the case of some Therapeutic Use of the prohibited substances. The Act also lays down a mandate for the establishment of the National Anti-Doping Agency with a head office in New Delhi,⁸⁵ and provides for the Powers and Functions of Agency.⁸⁶

The Act under section 7 lays provisions for the establishment and constitution of the National Board for Anti-Doping in Sports with the specific provisions relating to its composition. The Acts also provide for specific provisions for the meeting of the board,⁸⁷ officers and employees,⁸⁸ as well as powers and functions of the board.⁸⁹ Chapter V of the Act deals with the Doping Control process with specific provisions providing for the same including the power of entry, search and seizure,⁹⁰ power of collecting samples and testing,⁹¹ and result management process⁹². The Act also mandates the National Agency established under the Act to maintain a database of athletes⁹³ and the dope testing agencies for carrying out the functions of testing.⁹⁴

IX CONCLUSION

The year 2022 presented significant steps towards proactive legislative measures aimed at addressing contemporary legal issues. The series of transformative laws and amendments showcase the responsiveness and foresight to policy making. The enactment of the Maritime Anti-Piracy Act, 2022 resolves to

81 The National Anti-Doping Act, 2022 (Act 15 of 2022).

82 Preamble of the Act.

83 *Id.*, s. 3.

84 *Id.*, s. 4.

85 *Id.*, s. 14 (1)

86 *Id.*, s. 16.

87 *Id.*, s. 8

88 *Id.*, s. 9.

89 *Id.*, s. 10.

90 *Id.*, s. 19.

91 *Id.*, s. 20.

92 *Id.*, s. 21.

93 *Id.*, s. 27.

94 *Id.*, s. 26.

safeguard the maritime interest and uphold international commitments. Similarly, various other amendments in regulatory frameworks governing sectors like finance and corporate governance aim at fostering accountability and ethical conduct for economic growth.

Furthermore, legislative initiatives such as the Antarctic Act, 2022 and the Energy Conservation (Amendment) Act, 2022 signify the importance of environmental protection and sustainable development. Moreover, amendments in family and constitutional laws support the ongoing efforts towards inclusivity and equity. In the realm of criminal justice, legislative measures like the Criminal Procedure (Identification) Act, of 2022 empower police officers or prison officers while repealing the Identification of Prisoners Act of 1920, a statute from the colonial era.