

## 32

## CENTRAL LEGISLATION

*S. Sivakumar\**

## I INTRODUCTION

THE YEAR 2023 marked a significant period of legislative transformation in India, characterized by the enactment of key central legislations aimed at modernization, efficiency and systemic reforms. The legislative developments reflect the nation's evolving priorities, from strengthening national security and governance structures to advancing technological and healthcare frameworks and ensuring citizen-centric justice system. These reforms not only address contemporary challenges but also seek to dismantle colonial-era remnants, reinforcing India's commitment to self-reliance, innovation, and global best practices. The review critically analyses nine major categories of legislative reforms, highlighting their objectives, implications and importance. These legislations introduced new legal frameworks in research, healthcare, defense, telecommunications, dispute resolution and replaced the obsolete laws of the colonial-era.

In a clear shift towards self-sufficiency and progress, the "Anusandhan National Research Foundation Act, 2023", aims to establish a robust research ecosystem by encouraging innovation, advancement and cutting-edge technological development. Simultaneously, the "Maritime Anti-Piracy Act, 2022", reinforces India's commitment for fostering innovation and securing its maritime interests. The healthcare sector also witnessed critical reforms through the "National Nursing and Midwifery Commission Act, 2023", and the "National Dental Commission Act, 2023", which seek to standardize education, regulation, and professional excellence in the fields of nursing and dentistry. These reforms not only enhance quality control and workforce competency but also contribute to public health and accessibility."The Inter-Services Organisations (Command, Control and Discipline) Act, 2023", further seeks to improve the operational efficiency of India's armed forces, whereas the "Repealing and Amending Act, 2023" eliminates the obsolete laws.

In the field of communication and technology, the "Post Office Act, 2023", and the "Telecommunications Act, 2023" aim for modernizing India's postal and

\* Senior Professor, Indian Law Institute, New Delhi/ Former Member Law Commission of India.

telecom sectors and align with contemporary advancements. Further, to promote alternative dispute resolution, the “Mediation Act, 2023”, was enacted, whereas the “Chief Election Commissioner and other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023” was introduced to uphold the independence of the Election Commission, in line with the Supreme Court orders.

Additionally, the “Provisional Collection of Taxes Act, 2023”, and the “Press and Registration of Periodicals Act, 2023”, address reforms in financial and media sectors. Most notably, the “Bharatiya Nyaya Sanhita, 2023” (BNS), the “Bharatiya Nagarik Suraksha Sanhita, 2023” (BNSS), and the “Bharatiya Sakshya Adhinyam, 2023” (BSA), all together replace colonial-era criminal laws in, marking a historic shift towards a more nuanced and citizen-centric legal framework for justice and evidence.

## II COMMUNICATION LAWS

### The Post Office Act, 2023

The Post Office Act, 2023<sup>1</sup> has been enacted to consolidate and amend the law relating to Post Office in India.<sup>2</sup> The Act defines key terms like “Director General”,<sup>3</sup> “item”,<sup>4</sup> “Post Office”,<sup>5</sup> “postage stamp”,<sup>6</sup> *etc.* The Act states that the Post Office shall have the exclusive privilege of issuing postage stamp<sup>7</sup>, thereby, ensuring that India Post retains its exclusive privilege of issuing postage stamps. A notable feature of the Act is the power granted to the Central Government to prescribe addressing standards, the legislations states that, the Central Government may prescribe standards for addressing on the items, address identifiers and usage of postcodes.<sup>8</sup> The Post Office Act, 2023 makes recovery of postal services charges as arrears of land revenue if not paid.<sup>9</sup>

The Act also introduces provision for the interception and detention of items and authorizes Central Government for the same in the in the interest of the security of the State, friendly relations with foreign states, public order, emergency, or public safety or upon the occurrence of any contravention of any of the provisions of this Act or any other law for the time being in force.<sup>10</sup> Although, the Post Office Act, 2023 repeals the Indian Post Office Act, 1898,<sup>11</sup> the existing rules, notifications, and orders under the 1898 Act continue to remain in force unless superseded by new rules under this Act.

1 The Post Office Act, 2023 (Act 43 Of 2023).

2 *Id.*, Preamble.

3 *Id.*, s. 2(a).

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

5 *Id.*, s. 2(d).

6 *Id.*, s. 3(a).

7 *Id.*, s. 4(1).

8 *Id.*, s. 5(1).

9 *Id.*, s. 7 (2).

10 *Id.*,s. 9(1).

11 *Id.*,s. 16 (1), s. (16) (2).

**The Telecommunications Act, 2023**

The Telecommunications Act, 2023<sup>12</sup> is a comprehensive reform aimed at consolidating and updating laws related to development, expansion and operation of telecommunication services and networks in India to support India's expanding digital infrastructure.<sup>13</sup> The Act has application to all of India<sup>14</sup> and extends to offences committed outside India involving Indian telecommunication services or networks.<sup>15</sup> The Act vest the power of authorization and assignment to the Central Government. Every person intending to provide telecommunication services, establish or operate networks, or possess radio equipment shall obtain an authorization from the Central Government.<sup>16</sup> The Central Government has been granted the power for the assignment of spectrum in accordance with the provision of the Act.<sup>17</sup> The Act makes provision for the right of way for telecommunication network in public property and any facility providers can seek permission to install telecommunication networks on public or private property.<sup>18</sup>

The Act gives power to Central Government for notifying the standards for telecommunication equipment, services, and networks.<sup>19</sup> Also Act empowers the Central Government in cases of emergency or public safety to take temporary possession of networks.<sup>20</sup> The Universal Service Obligation Fund which was created under the Indian Telegraph Act, 1885,<sup>21</sup> have been renamed as the "Digital Bharat Nidhi". The "Digital Bharat Nidhi" will be directly under the control of the Central Government and shall be used to discharge functions as set forth in the Act.<sup>22</sup> The Act also lays down provisions for the protection of users<sup>23</sup> including the duties of users.<sup>24</sup> The Act amends the Telecom Regulatory Authority of India Act, 1997, to align with the new provisions.<sup>25</sup> The Telecommunications Act, 2023 has repealed two colonial era laws - the Indian Telegraph Act, 1885, and the Indian Wireless Telegraphy Act, 1933<sup>26</sup> marking a significant step towards a future-ready telecom sector.

12 The Telecommunications Act, 2023 (Act 44 Of 2023).

13 *Id.*, Preamble.

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

15 *Id.*, s. 1(2)

16 *Id.*, s. 3.

17 *Id.*, s.4.

18 *Id.*, s. 11.

19 *Id.*, s. 19.

20 *Id.*, s. 20.

21 Indian Telegraph Act, 1885 (13 of 1885).

22 *Id.*, s. 24.

23 *Id.*, s. 28.

24 *Id.*, s. 29

25 *Id.*, s. 59.

26 *Id.*, s. 60.

## III CRIMINAL LAWS

**The Bharatiya Nyaya Sanhita, 2023**

The Bharatiya Nyaya Sanhita, 2023 (BNS)<sup>27</sup> has been enacted to consolidate and amend the provisions relating to offences in India. BNS replaced the Indian Penal Code, 1860 (IPC),<sup>28</sup> which has been in place for over 160 years in India as the principal law on criminal offences.<sup>29</sup> The BNS largely retains the provisions of the IPC but introduces community service as a new form of punishment that may be given upon the conviction of an individual.<sup>30</sup> Under BNS, various definitions which were earlier provided in IPC have been altered, like Section 43 of the BNS, the word night given under Section 103 of the IPC has been replaced by the words after sunset and before sunrise. The BNS includes provisions for offences related to cybercrime, reflecting the increasing importance of digital security.

Further, under Section 41, fire has been expanded to include mischief by fire or any explosive substance. Certain offences which were struck down or read down by courts have been omitted like adultery (Section 497 of IPC) and same-sex intercourse (Section 377 of IPC). The offence of “sedition” as enshrined under Section 124A of IPC has been removed and in place of it BNS has introduced “Act endangering sovereignty, unity and integrity of India” under section 152 of BNS.

Offences against woman and child have been given precedence over all other offences in a new chapter-V of BNS.<sup>31</sup> Strict punishments up to death sentence have been provided for the offences against women. Punishment for gang rape of a woman below the age of 18 years is life imprisonment till remainder of the convict’s natural life or death.<sup>32</sup> Under Section 69 “Sexual Intercourse by employing Deceitful means, *etc.*” has been added as an offence punishable with imprisonment of either description for a term which may extend to ten years. Section 143 of the BNS, 2023 provides penal provisions for strict punishment up to life imprisonment for offence of human trafficking. Where the offence involves the trafficking of a child, it shall be punished with imprisonment not less than 10 years, but which may extend to imprisonment for life, and fine.

BNS has added and specifically recognized “Terrorist Act” as crime under section 111.<sup>33</sup> BNS has introduced “snatching” as a separate offence under section 304 of BNS which imposes a penalty of up to three years imprisonment and or the possibility of a fine.<sup>34</sup> Organised crime has been defined under Section 111 of the BNS,<sup>35</sup> which includes certain recognised offences such as kidnapping, land

27 The Bharatiya Nyaya Sanhita, 2023 (Act 45 Of 2023).

28 The Indian Penal Code, 1860 (Act 45 of 1860).

29 *Supra* note, s. 358.

30 *Id.*, s. 4(f).

31 *Id.*, Chapter V.

32 *Id.*, s. 7 (2).

33 *Id.*, s. 113

34 *Id.*, s. 304.

35 *Id.*, s. 111.

grabbing, *etc.*, among others, committed as a part of a syndicate, or on behalf of one. Attempting or committing organised crime will be punishable with death or life imprisonment, where the offence results in death of any person, and imprisonment term between five years and life, in other cases.

Provision relating to mob lynching has been included under section 103(2) prescribing “punishment for murder” and section 117 (4) “Voluntarily causing grievous hurt.” For curbing the menace of “misinformation” Section 353 of BNS has made making, publishing or circulating of false information backed with dishonest intention a punishable offence. The distinction between the age of minor boy and girls for the purpose of the offence of kidnapping has been removed under Section 137 of BNS.

### **The Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)**

The Bharatiya Nagarik Suraksha Sanhita, 2023,<sup>36</sup> has enacted to consolidate and amend the law relating to Criminal Procedure in India. It repeals the earlier Code of Criminal Procedure, 1974<sup>37</sup> and introduces several new provisions to provide for a faster and more efficient justice system.<sup>38</sup> The BNSS, 2023 has provisions for the use of electronic means like email, video conferencing, *etc.*, for serving summons,<sup>39</sup> recording evidence, and conducting trials.<sup>40</sup> BNSS has provisions for encouraging the use of electronic filing of complaints and First Information Reports.<sup>41</sup>

The BNSS introduces the concept of Zero FIR, allowing individuals to file an FIR at any police station, irrespective of where the crime occurred. The FIR will then be transferred to the relevant police station with jurisdiction over the crime area.<sup>42</sup> The BNSS introduces the provision of progress reports to the victims of crimes and grants victims the right to receive information on the progress of their case. A progress report must be provided within 90 days of the FIR being filed, keeping victims informed about any developments, arrests, or progress in the investigation.<sup>43</sup>

BNSS under section 396 introduces a victim compensation scheme to provide for financial assistance to the victim or his dependents who have suffered loss or injury as a result of the crime and who require rehabilitation.<sup>44</sup> The Code also makes provision for Witness Protection Scheme and mandates the respective State Governments for notifying witness protection schemes to ensure the protection of witnesses.<sup>45</sup> BNSS has expanded the scope of plea bargaining for a

36 The Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 OF 2023).

37 Code of Criminal Procedure, 1973 (2 of 1974).

38 The Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 OF 2023), s. 531.

39 *Id.*, s. 63, s. 71, s. 94

40 *Id.*, s. 530.

41 *Id.*, s. 173.

42 *Id.*, s. 173 (1).

43 *Id.*, s.193(3)(ii)

44 *Id.*, s. 396.

45 *Id.*, s. 398.

wider range of offences including those punishable with up to seven years of imprisonment.<sup>46</sup> Provision of Mutually Satisfactory Disposition allows the accused to plead guilty in exchange for a reduced sentence.<sup>47</sup>

Through Section 176(3), BNSS makes forensic evidence mandatory for offences punishable with seven or more years of imprisonment.<sup>48</sup> BNSS mandates that once an investigation is completed, the police officer in charge must submit the investigation report, or charge sheet, within the stipulated time frame to ensure no unnecessary delays in the judicial process.<sup>49</sup> BNSS makes provisions for Legal aid to accused at State expense in certain cases; under old code legal aid was available but not emphasized.<sup>50</sup>

The rights of the accused arrested have been expanded under BNSS. It makes provision enabling the arrested person to meet an advocate of his choice.<sup>51</sup> While making the arrest, the arrested person has been granted the right to inform a relative or a nominated person about their arrest and location, and the arrested person must be examined by a medical professional, preferably of the same gender. BNSS allows for the protection of victim's identities in cases of sexual offences to prevent any further stigmatization.<sup>52</sup> In case of an arrested being a woman, a female officer must carry out the arrest, unless exceptional circumstances exist.<sup>53</sup> In cases of a arrest without a warrant, the arrested person must be presented before a Magistrate within 24 hours of the such arrest.<sup>54</sup>

#### **The Bharatiya Sakshya Adhiniyam, 2023 (BSA)**

The Bharatiya Sakshya Adhiniyam, 2023<sup>55</sup> is a significant step towards consolidating and updating the law of evidence in India. BSA replaces 150-year-old Indian Evidence Act, 1872<sup>56</sup> and introduces major modernizing changes to align the evidence law with contemporary requirements especially in light of digital era and technological advancements. BSA has included electronic and digital records within the definition of "document" and grants it the same legal effect, validity and enforceability as other documents.<sup>57</sup>

Section 57 of BSA, now provides that an electronic or digital record produced from proper custody shall be primary evidence.<sup>58</sup> Under Section 2(e) of BNS, the

46 *Id.*, s. 289.

47 *Id.*, s. 291.

48 *Id.*, s. 176 (3).

49 *Id.*, s.193 (1)

50 *Id.*, s. 341.

51 *Id.*, s.38.

52 *Id.*, s.72(1).

53 *Id.*, s.46

54 *Id.*, s.58.

55 The Bharatiya Sakshya Adhiniyam, 2023 (Act 47 of 2023).

56 Indian Evidence Act, 1872 (Act 1 Of 1872).

57 *Id.*,s. 61.

58 *Id.*, s. 57

act has expanded the ambit of the evidence provided electronically, allowing the appearance of witnesses, accused persons, experts, and victims via electronic means.<sup>59</sup> BSA provides that the Court shall presume the genuineness of every electronic or digital record purporting to be the Official Gazette.<sup>60</sup> Sections 265,<sup>61</sup> 266<sup>62</sup> and 308<sup>63</sup> of BNSS have introduced a new proviso, permitting examination of witnesses Magistrate through audio-video electronic means, at a designated place to be notified by the State Government.

BSA under Section 24 explains joint trials for the purpose of the application of the Act.<sup>64</sup> The BSA modernizes terminology by removing colonial references which were present under Section 58 of the erstwhile Indian Evidence Act, 1872.<sup>65</sup> The terms include such as “Parliament of the United Kingdom”, “London Gazette”, and “Her Majesty”, while replacing outdated terms like “vakil”, “pleader”, and “barrister” with the present-day term “advocate”. The substantive provision of estoppel as given under the IEA from Sections 115-117 has been amended, in particular the provision regarding the prohibition of denial of landlord’s title by the tenant. The scope of “secondary evidence” under Section 58 of the BSA<sup>66</sup> has been expanded to include oral and written admissions as well, and the evidence of a person who is specifically skilled in examining particular documents.

BSA prohibits questions and evidence of character or previous sexual experience not relevant in certain cases, providing better protection for victims.<sup>67</sup> BSA introduces presumption of guilt as to certain offences committed in disturbed areas, shifting the burden of proof to the accused in such cases.<sup>68</sup> BSA has made provision for the exclusion of privileged communications between the Ministers and the President of India from judicial scrutiny, offering certain protections to the workings of government.<sup>69</sup>

#### IV EDUCATION AND RESEARCH

##### **The Anusandhan National Research Foundation Act, 2023**

The Anusandhan National Research Foundation Act, 2023,<sup>70</sup> provides for the establishment of the Anusandhan National Research Foundation,<sup>71</sup> with the objective of furnishing high-level strategic direction for research, innovation, and

59 *Id.*, s. 2 (e).

60 *Id.*, s. 81.

61 *Id.*, 265.

62 *Id.*, 266.

63 *Id.*, 308.

64 *Id.*, s. 24.

65 *Supra* note 146, s. 58.

66 *Id.*, s. 58.

67 *Id.*, s. 48.

68 *Id.*, s. 115.

69 *Id.*, s.165(3).

70 The Anusandhan National Research Foundation Act, 2023 (25 of 2023).

71 *Id.*, s.3.

entrepreneurship across diverse domains, including natural sciences, encompassing mathematical sciences, engineering and technology, environmental and earth sciences, health and agriculture, as well as the scientific and technological intersections of humanities and social sciences.<sup>72</sup> The Foundation is entrusted with the mandate to promote, oversee, and extend necessary support for research in these fields. The enactment repeals the Science and Engineering Research Board Act, 2008, and consequently dissolves the Science and Engineering Research Board constituted thereunder.<sup>73</sup> The Anusandhan National Research Foundation is designed to stimulate, cultivate, and advance research and development (R&D) while fostering a culture of research and innovation across the country's universities, colleges, research institutions, and R&D laboratories.<sup>74</sup> The Act further empowers the Anusandhan National Research Foundation to receive financial resources in the form of grants and loans from the Central Government, as well as contributions from public sector enterprises, private sector entities, philanthropic organizations, foundations, or international bodies for the purpose of promoting and facilitating research and development.<sup>75</sup>

#### VELECTION LAWS

##### **The Chief Election Commissioner and other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023**

In the realm of governance, the Chief Election Commissioner and other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023<sup>76</sup> has enacted for regulating the appointment, conditions of service and term of office of the Chief Election Commissioner and other Election Commissioners. The Act also outlines the procedure for transaction of business by the Election Commission.<sup>77</sup> The Act defines key terms like "Chief Election Commissioner,"<sup>78</sup> "Election Commission,"<sup>79</sup> "Search Committee,"<sup>80</sup> and "Selection Committee."<sup>81</sup> Section 4 of the Act lays down that the President of India will appoint the Chief Election Commissioner and other Election Commissioners based on the recommendation of a Selection Committee.<sup>82</sup>

The Act also provides the composition of the selection committee consisting of the Prime Minister as the Chairperson; the Leader of Opposition in the House of the People as Member as one of the member; a Union Cabinet Minister to be

<sup>72</sup> *Id.*, s.4.

<sup>73</sup> *Id.*, s. 27.

<sup>74</sup> *Id.*, s.4.

<sup>75</sup> *Id.*, s.13.

<sup>76</sup> The Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023 (Act 49 of 2023).

<sup>77</sup> *Id.*, preamble.

<sup>78</sup> *Id.*, s. 2(a)

<sup>79</sup> *Id.*, s. 2 (b).

<sup>80</sup> *Id.*, s. 2 (d)

<sup>81</sup> *Id.*, s. 2(e).

<sup>82</sup> *Id.*, s. 4, s. 7.



nominated by the Prime Minister as other member.<sup>83</sup> The Act also fixes the term of the Chief Election Commissioner and other Election Commissioners for six years.<sup>84</sup> The Act lays down that the business of the Election Commission shall be transacted in accordance with the provisions of this Act.<sup>85</sup> Through the enactment of the Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023 the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991, stands repealed.<sup>86</sup>

#### VI PROFESSIONAL BODIES AND REGULATORY FRAMEWORKS

##### **The National Dental Commission Act, 2023**

The healthcare sector has undergone significant legislative reform with the enactment of the National Dental Commission Act, 2023,<sup>87</sup> which has been promulgated to regulate the profession of dentistry, ensure the provision of quality and affordable dental education, and facilitate accessible and high-standard oral healthcare throughout the nation.<sup>88</sup> The said legislation establishes the National Dental Commission (NDC) as the apex regulatory body for overseeing dental education, professional practice, and ethical standards, thereby replacing the erstwhile Dental Council of India.<sup>89</sup>

The Act mandates the constitution of a Dental Advisory Council, entrusted with the responsibility of tendering recommendations to the National Dental Commission on matters pertaining to dental education, training, and research.<sup>90</sup> Furthermore, the enactment renders the National Eligibility-cum-Entrance Test (NEET) a compulsory requirement for admission to undergraduate and postgraduate dental courses across the country.<sup>91</sup>

The statute further vests the Commission with the authority to prescribe the modality for conducting common counselling by the designated authority for admission to undergraduate and postgraduate seats in all dental institutions nationwide.<sup>92</sup> In accordance with Section 16 of the Act, provision has been made for the constitution of Autonomous Boards under the supervision of the Commission, namely: the Under-Graduate and Post-Graduate Dental Education Board; the Dental Assessment and Rating Board; and the Ethics and Dental Registration Board.<sup>93</sup>

<sup>83</sup> *Id.*, s. 7.

<sup>84</sup> *Id.*, s. 9.

<sup>85</sup> *Id.*, s. 17.

<sup>86</sup> *Id.*, s. 21.

<sup>87</sup> The National Dental Commission Act, 2023 (Act 21 Of 2023).

<sup>88</sup> *Id.*, preamble.

<sup>89</sup> *Id.*, s.3.

<sup>90</sup> *Id.*, s. 11, s.12.

<sup>91</sup> *Id.*, s. 14 (1)

<sup>92</sup> *Id.*, s. 14 (3).

<sup>93</sup> *Id.*, s. 16.

Mirroring the framework of the National Dental Commission, Section 29 of the Act mandates State Governments to establish State Dental Councils to regulate the practice of dentistry at the state level.<sup>94</sup> Additionally, Section 30 of the Act provides for the establishment of a National Register and State Register, empowering the Ethics and Dental Registration Board to maintain an online, real-time National Register for Dentists.<sup>95</sup> The enactment further lays down provisions for the recognition of dental qualifications conferred by foreign dental institutions, subject to the condition that the individual concerned successfully qualifies the National Exit Test (Dental) for primary dental qualifications or the Screening Test for higher dental qualifications.<sup>96</sup>

### **The National Nursing and Midwifery Commission Act, 2023**

The National Nursing and Midwifery Commission Act, 2023<sup>97</sup> has been enacted by the parliament of India for regulating and maintain the standards of education and services provided by nursing and midwifery professionals.<sup>98</sup> The National Nursing and Midwifery Commission Act, 2023 aims for improving access, research, and development in the field of nursing and midwifery. The Act provides for the establishment of the National Nursing and Midwifery Commission<sup>99</sup> and State Nursing and Midwifery Commissions<sup>100</sup> to oversee nursing and midwifery education, training, and practice. It repeals the Indian Nursing Council Act, 1947 and the Indian Nursing Council which was constituted under sub-section (1) of Section 3 of Indian Nursing Council Act, 1947 Act now stand dissolved.<sup>101</sup>

The Act makes provision for the constitution of three autonomous boards under the overall supervision of the National Commission, to perform the functions assigned to such Boards under the Act. The three boards are namely the Nursing and Midwifery Undergraduate and Postgraduate Education Board; the Nursing and Midwifery Assessment and Rating Board; and the Nursing and Midwifery Ethics and Registration Board.<sup>102</sup>

The Act makes provisions for the maintenance of a National Register and State Registers for nursing and midwifery professionals by the Nursing and Midwifery Ethics and Registration Board.<sup>103</sup> Under the provisions of section 34 of the Act, it mandates for the establishment for the Nursing and Midwifery Advisory Council on matters related to nursing and midwifery education, services, training,

94 *Id.*, s. 29.

95 *Id.*, s. 30.

96 *Id.*, s. 34.

97 The National Nursing and Midwifery Commission Act, 2023, (Act 26 Of 2023).

98 *Id.*, preamble.

99 *Id.*, s.3.

100 *Id.*, s.23.

101 *Id.*, s.56.

102 *Id.*, s. 11.

103 *Id.*, s. 25.

and research.<sup>104</sup> There are also provision under the act for the constitution of the National Nursing and Midwifery Commission Fund.<sup>105</sup>

### **The Inter-Services Organizations (Command, Control and Discipline) Act, 2023**

In defence sector, the Inter-Services Organizations (Command, Control and Discipline) Act, 2023<sup>106</sup> has been enacted to empower the Commander-in-Chief or Officer-in-Command of Inter-Services Organizations (ISOs) to maintain discipline and ensure the proper discharge of duties among service personnel from the Army, Navy, and Air Force who are serving under or attached to their command.<sup>107</sup> The Act under section 3 defines various key terms including Commander-in-Chief,<sup>108</sup> Officer-in-Command,<sup>109</sup> Commanding Officer,<sup>110</sup> and Inter-Services Organisation<sup>111</sup> are defined.

The Act also provides that the Central Government may by notification can extend the Act's provisions to other forces or parts of forces raised and maintained in India.<sup>112</sup> The Act provides for the constitution of Constitution of Inter-Services Organisations including Joint Services Commands, comprising units or personnel from the Army, Navy, and Air Force.<sup>113</sup>

### **The Mediation Act, 2023**

The Mediation Act, 2023<sup>114</sup> has been enacted by the Parliament of India for the promotion and facilitation of mediation as alternative dispute resolution (ADR) mechanism in India.<sup>115</sup> The Act is applicable to the mediations conducted in India. It covers disputes where parties reside or have their place of business in India, or where the mediation agreement specifies resolution under this Act.<sup>116</sup> Under section 4, the Act specifies that Mediation agreement shall be in writing and can be part of a contract or a separate agreement. The mediation agreement covers disputes that have already arisen or may arise in the future.<sup>117</sup>

The Act also mentions about pre-litigation mediation and encourages parties to attempt pre-litigation mediation before filing civil or commercial suits.<sup>118</sup> The

<sup>104</sup> *Id.*, s. 34.

<sup>105</sup> *Id.*, s. 38.

<sup>106</sup> The Inter-Services Organisations (Command, Control and Discipline) Act, 2023 (Act 28 Of 2023).

<sup>107</sup> *Id.*, preamble.

<sup>108</sup> *Id.*, s. 3 (c).

<sup>109</sup> *Id.*, s.3 (j).

<sup>110</sup> *Id.*, s. 3(d).

<sup>111</sup> *Id.*, s. 3 (g).

<sup>112</sup> *Id.*, s. 4.

<sup>113</sup> *Id.*, s. 5.

<sup>114</sup> The Mediation Act, 2023 (Act 32 Of 2023).

<sup>115</sup> *Id.*, preamble.

<sup>116</sup> *Id.*, s.2.

<sup>117</sup> *Id.*, s. 4(1)

<sup>118</sup> *Id.*, s.5.

Acts makes specific provisions for the commencement of mediation,<sup>119</sup> conduct of mediation,<sup>120</sup> and also states the role of the mediators.<sup>121</sup> The Act specifies the time-limit for completion of mediation and fixes a time of 120 days, extendable by another 60 days with mutual consent for the completion of mediation.<sup>122</sup> The Mediation Act, 2023 allows for the online mediation with the written consent of the parties.<sup>123</sup> The Act makes mandates that the confidentiality and integrity of the whole process of online mediation is maintained.<sup>124</sup>

The Mediation Act, 2023 for the purpose to regulate mediation, register mediators, and promote mediation practices establishes the Mediation Council of India.<sup>125</sup> The Council has been bestowed with the functions to promote domestic and international mediation and set standards mediator training, certification, and ethical conduct.<sup>126</sup> The Act also provides for the constitution of a Mediation Fund for the purposes of promotion, facilitation and encouragement of mediation.<sup>127</sup> The also makes it clear that its provisions will not apply to pending proceedings in relation to any mediation or conciliation commenced before the coming into force of this Act.<sup>128</sup>

## VI PRESS AND MEDIA LAWS

### **The Press and Registration of Periodicals Act, 2023**

The Press and Registration of Periodicals Act, 2023<sup>129</sup> replaces the outdated the Press and Registration of Books Act, 1867 bringing a much-needed modernization to media regulation. The Act has been enacted to govern registration and regulation of periodicals, including newspapers, magazines, and journals. The Act defines important terms such as "periodical",<sup>130</sup> "newspaper",<sup>131</sup> "printer",<sup>132</sup> "publisher"<sup>133</sup> and others. The Press and Registration of Periodicals Act, 2023 empowers the Central Government for appointing by order a Press Registrar General of India for carrying out the purposes of the Act.<sup>134</sup> Chapter IV of the Act lays down the provision for the registration of periodical. The Act mandates that all the

<sup>119</sup> *Id.*, s. 14.

<sup>120</sup> *Id.*, s. 15.

<sup>121</sup> *Id.*, s. 16.

<sup>122</sup> *Id.*, s. 18.

<sup>123</sup> *Id.*, s. 30 (1).

<sup>124</sup> *Id.*, s. 30 (2).

<sup>125</sup> *Id.*, s. 31.

<sup>126</sup> *Id.*, s. 38.

<sup>127</sup> *Id.*, s. 45.

<sup>128</sup> *Id.*, s. 56.

<sup>129</sup> The Press and Registration of Periodicals Act, 2023 (Act 51 Of 2023).

<sup>130</sup> *Id.*, s. 2 (g).

<sup>131</sup> *Id.*, s. 2 (d).

<sup>132</sup> *Id.*, s. 2 (j).

<sup>133</sup> *Id.*, s. 2 (n).

<sup>134</sup> *Id.*, s. 5.

Periodicals must be registered with the Press Registrar General through an online registration process.<sup>135</sup>

A crucial aspect of this legislation is the provisions for the revision of registration certificates or titles.<sup>136</sup> Specific provisions for the discontinuation of periodicals following intimation to the Press Registrar General has also been incorporated under the Act.<sup>137</sup> The Press Registrar General has been authorized to impose penalties for publishing without registration or failing to furnish annual statements.<sup>138</sup> The Act also prescribes the constitution of a Press and Registration Appellate consisting of Chairperson, Press Council of India and two members to be nominated by the Press Council of India, from among its members.<sup>139</sup> Through the enactment of the Press and Registration of Periodicals Act, 2023, the Press and Registration of Books Act, 1867<sup>140</sup> stands repealed.<sup>141</sup>

#### VIII MARITIME LAWS

##### **The Maritime Anti-Piracy Act, 2022**

With India's growing global maritime presence, securing its waters against piracy is a national priority. The Maritime Anti-Piracy Act, 2022<sup>142</sup> aligns India's legal framework to give effect to the United Nations Convention on the Law of the Sea (UNCLOS) particularly in relation to the repression of piracy on the high seas.<sup>143</sup> The provision of the act also applies to the High seas.<sup>144</sup> The Acts provides for the definition of piracy<sup>145</sup> and its punishment which may extend to imprisonment for life or with fine or with both.<sup>146</sup>

The Act also makes attempt, abetment, aid and conspiracy to commit piracy as an offence which shall be punished with imprisonment for a term which may extend to ten years or with fine or with both.<sup>147</sup> There is provision for the notification of designated courts for the purpose of the providing speedy justice under the Act.<sup>148</sup> Piracy offences under the Maritime Anti-Piracy Act, 2022 are deemed extraditable under India's extradition treaties and in the absence of a bilateral extradition treaty, extradition can be based on reciprocity.<sup>149</sup> The Act also has

<sup>135</sup> *Id.*, s. 7.

<sup>136</sup> *Id.*, s. 8.

<sup>137</sup> *Id.*, s. 10.

<sup>138</sup> *Id.*, s. 14.

<sup>139</sup> *Id.*, s. 15.

<sup>140</sup> The Press and Registration of Books Act, 1867 (25 of 1867).

<sup>141</sup> *Id.*, s. 22.

<sup>142</sup> The Maritime Anti-Piracy Act, 2022 (Act 3 of 2023).

<sup>143</sup> *Id.*, preamble.

<sup>144</sup> *Id.*, s.1.

<sup>145</sup> *Id.*, s. 2(h).

<sup>146</sup> *Id.*, s.3.

<sup>147</sup> *Id.*, s.4.

<sup>148</sup> *Id.*, s.8.

<sup>149</sup> *Id.*, s.14.

provisions for the Protection of action taken in good faith in pursuance of the provisions of this Act.<sup>150</sup>

## IX TAX LAWS

### **The Provisional Collection of Taxes Act, 2023**

Economic governance has been significantly strengthened with the enactment of the Provisional Collection of Taxes Act, 2023,<sup>151</sup> which empowers the Central Government to give immediate effect to certain provisions contained in Bills pertaining to the imposition or enhancement of customs or excise duties for a specified period.<sup>152</sup> The enactment defines the term “declared provision” as a provision in a Bill in respect of which a declaration has been made under Section 3 of the Act.<sup>153</sup>

The statute confers upon the Central Government the authority to make a declaration in a Bill concerning the imposition or increase of customs or excise duties, stating that it is expedient in the public interest for such a provision to come into immediate effect pursuant to this Act.<sup>154</sup>

The legal consequences of such a declaration are explicitly delineated in the enactment, wherein a declared provision attains the force of law on the day immediately succeeding the introduction of the Bill in Parliament.<sup>155</sup> Additionally, the Act incorporates provisions for refund in specified circumstances, such as where a declared provision is subsequently enacted in an amended form within a period of seventy-five days, in which case a refund shall be granted in respect of duties collected that would not have been leviable under the amended provision.<sup>156</sup>

By virtue of the enactment of the Provisional Collection of Taxes Act, 2023, the Provisional Collection of Taxes Act, 1931,<sup>157</sup> stands repealed.

## X MISCELLANEOUS

### **The Repealing and Amending Act, 2023**

The Repealing and Amending Act, 2023<sup>158</sup> provides for repealing 76 redundant and obsolete laws. The Act contains 3 Schedules and the enactments specified in the First Schedule and the Second Schedule stands repealed.<sup>159</sup> The first schedule enlists 35 acts which are enacted between the years 1850 to 2020. The second schedule contains a list of 41 appropriation Acts having been enacted

<sup>150</sup> *Id.*, s.15.

<sup>151</sup> The Provisional Collection of Taxes Act, 2023 (Act 50 Of 2023).

<sup>152</sup> *Id.*, preamble.

<sup>153</sup> *Id.*, s. 3.

<sup>154</sup> *Id.*, s. 3.

<sup>155</sup> *Id.*, s. 4.

<sup>156</sup> *Id.*, s. 5.

<sup>157</sup> The Provisional Collection of Taxes Act, 1931 (Act 16 of 1931).

<sup>158</sup> The Repealing and Amending Act, 2023 (Act 37 Of 2023).

<sup>159</sup> *Supra* note 32, s 2.

from year 2013 to 2017. The enactment in third Schedule is amended to the extent and in the manner specified.<sup>160</sup>

#### XI CONCLUSION

The legislative transformations of 2023 are not just policy shifts; they mark a redefinition of India's legal identity. These reforms reflect a conscious effort to break from outdated laws, enhance governance efficiency and ensure laws remain relevant in a rapidly evolving society. With the overhaul of criminal laws, India has embarked on a departure from colonial era justice delivery systems. This has paved way for more responsive, citizen-centric system. The focus on alternative dispute resolution, media transparency, and professional regulatory bodies is a positive step towards empowering institutions and individuals alike. At the same time, national security and economic governance have been reinforced through balanced taxation laws, maritime security measures and military discipline regulations.

The National Nursing and Midwifery Commission Act, 2023, and the Inter-Services Organizations (Command, Control and Discipline) Act, 2023, signify important step in regulating and enhancing the standards of service and discipline within their respective domains. Similarly, the Mediation Act, 2023, highlights India's growing emphasis on alternative dispute resolution mechanisms, and developing a more efficient and accessible legal process.

The Press and Registration of Periodicals Act, 2023, aims to streamline the registration and management of periodicals, ensuring a more transparent and accountable media landscape. Furthermore, the Maritime Anti-Piracy Act, 2022, is a step towards aligning India's maritime laws with international standards, addressing piracy effectively to safeguard both national and international waters. Taxation reforms, represented by the Provisional Collection of Taxes Act, 2023, provide the government with the necessary tools to implement fiscal policies promptly, ensuring swift economic adjustments when required. The Repealing and Amending Act, 2023, ensures the legal system's efficiency by eliminating outdated and redundant laws, paving the way for a more streamlined and functional legal environment.

What truly defines this legislative shift is its vision for the future. The emphasis is no longer on enacting laws, but on ensuring these laws are feasible for implementation and create real and tangible impact. The success will ultimately depend on the adaptability of these laws to the emerging challenges and how effectively they are implemented, interpreted and adapted to the real-world situations.

<sup>160</sup> *Id.*, S.3.