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## CENTRAL LEGISLATION

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## I INTRODUCTION

THE PRESENT Annual Survey of Central Legislation reviews the statutes enacted or enforced during 2024, as well as significant legislative amendments. This includes laws that introduce essential reforms to tackle current challenges. One such considerable legislation is The Water (Prevention and Control of Pollution) Amendment Act, 2024, which modernises environmental regulation by introducing streamlined penalty provisions to improve enforcement and practical deterrence. Another essential enactment is The Bhartiya Vayuyan Adhiniyam, 2024, which repeals and updates The Aircraft Act, 1934, to strengthen the regulatory framework for civil aviation safety and administration across India.

The Public Examinations (Prevention of Unfair Means) Act, 2024, has been enacted to combat malpractice in public examinations, introducing stringent penalties and procedural safeguards. Amendments to the Constitution and Scheduled Castes and Scheduled Tribes Orders reflect ongoing efforts to enhance social justice and regional inclusivity, particularly in the Union Territories of Jammu and Kashmir and Ladakh. The Jammu and Kashmir Local Bodies Laws (Amendment) Act, 2024, ensures reservations and administrative reforms for local governance in the region.

These legislative enactments, along with others highlighted in this survey, reflect India's commitment towards strengthening governance frameworks, environmental protection, social equity, and regulatory modernisation. Collectively, they address national priorities, align with international obligations, and advance both regional autonomy and societal progress across diverse spheres.

## II ENVIRONMENT LAW

**The Water (Prevention and Control of Pollution) Amendment Act, 2024<sup>1</sup>**

The Water (Prevention and Control of Pollution) Amendment Act, 2024 (No. 5 of 2024), received the President's assent on February 15, 2024. The Act amends the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter, the principal Act), primarily to decriminalise and rationalise minor offences to enhance ease of living and doing business.

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1 The Water (Prevention and Control of Pollution) Amendment Act, 2024 (No. 5 of 2024).

The Act applies immediately to the States of Himachal Pradesh and Rajasthan and the Union Territories.<sup>2</sup> It will apply to any other State that adopts it by a resolution under article 252 of the Constitution.<sup>3</sup> The Central Government, in consultation with the Central Board, can issue guidelines<sup>4</sup> on matters relating to the grant, refusal, or cancellation of consent by any State Board.<sup>5</sup> This includes mechanisms for time-bound disposal of applications and the validity period of such consent. State Boards must act in accordance with these guidelines.

The Amendment aims for a more practical, deterrent regulatory approach. It streamlines enforcement with heavier financial penalties while reducing reliance on imprisonment for minor or intermediate violations. It replaces imprisonment with monetary penalties for several contraventions, with the minimum penalty generally set at ten thousand rupees and the maximum at fifteen lakh rupees.<sup>6</sup> Some new penalties replacing or amending original sections have also been provided in the Act. Section 6 substitutes the original section 41 with a new penalty framework for failure to comply with section 20 directions, imposing fines within this range. It also inserts a new section 41A to penalise non-compliance with directions under sections 32, 33, or 33A, with similar penalties. Section 8 replaces sections 43 and 44 of the principal Act to address contraventions of section 24 and offences involving tampering with measuring devices, respectively, again setting fines between 10,000 and 15 lakh. The Act retains imprisonment provisions only for serious offences, such as non-compliance with consent provisions under sections 25/26 or failure to pay imposed penalties on time. Penalties for repeated offences can include daily additional fines. Imprisonment, however, remains for failure to comply with the provisions of section 25 or section 26. Sections 45 and 47 of the principal Act have been omitted.

The Act also provided that the Central Government will appoint an Adjudicating Officer (not below the rank of Joint Secretary or State Secretary) to hold inquiries and impose penalties. Other adjudicating mechanisms are also provided in the new Act.<sup>7</sup>

Penalties imposed by the Adjudicating Officer are in addition to liability for relief or compensation under the National Green Tribunal Act, 2010. Penalty amounts must be credited to the Environmental Protection Fund (section 45D).<sup>8</sup> Appeals against the Adjudicating Officer's order can be filed with the National Green Tribunal. Penalty for Government Department Contravention (section 48): The Head of the Department is liable to pay a penalty equal to one month of their basic salary, unless they prove due diligence or lack of knowledge/instructions.<sup>9</sup>

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

3 *Ibid.*

4 *Id.*, s. 27A.

5 *Id.*, s. 25-27.

6 *Id.*, s. 6,7,8,10.

7 *Id.*, s.45A to 45E.

8 *Id.*, s. 45D.

9 *Id.*, s.48.

## III REGIONAL AND LOCAL GOVERNANCE

**The Jammu and Kashmir Local Bodies Laws (Amendment) Act 2024<sup>10</sup>**

The Parliament passed the Act to amend the Jammu and Kashmir Panchayati Raj Act, 1989 (Act XI of 1989), the Jammu and Kashmir Municipal Act, 2000 (Act XX of 2000), and the Jammu and Kashmir Municipal Corporation Act, 2000 (Act XXI of 2000). The state assembly did not exist at that time, and the power of the state legislature was exercisable by the Parliament under Act 34 of 2019. While exercising that power, Parliament enacted this Act.<sup>11</sup>

Chapter II of this Act provides for amendments to the Jammu and Kashmir Panchayati Raj Act 1989 (Act IX of 1989). It added a new definition to the Act IX of 1989 to define “Other Backward Classes.”<sup>12</sup> Further, this Act amends the Act IX of 1989 and provides for the reservation of posts of *sarpanch-panch*,<sup>13</sup> Block Development Council,<sup>14</sup> and District Development Council<sup>15</sup> for other Backward classes. The Act provides for the reservation of seats for Other Backwards Classes in local bodies.

Further, the Act amends the provision relating to the salary, remuneration, and terms and conditions of service of the State Election Commissioner. It provides that the Lieutenant Governor will determine these.<sup>16</sup> It also changes the provision for the removal of the State Election Commissioner, providing that they can be removed only from the post on the grounds and in the manner provided for the removal of a Judge of the High Court.<sup>17</sup>

The Act also provides reservations for other backward classes in municipalities in the UT of Jammu and Kashmir.<sup>18</sup> This Act amends the Jammu and Kashmir Municipal Act 2000 (Act XX of 2000) and adds the word “other Backwards Class” in the definition clause.<sup>19</sup> It also provides that, for the election of municipalities, the State Election Commission will be the same as prescribed in Act IX of 1989.<sup>20</sup>

The Act also amends the provisions of the Jammu and Kashmir Municipal Corporation Act 2000 (Act XXI of 2000). It amends the definition clause and adds

10 The Jammu and Kashmir Local Bodies Laws (Amendment) Act 2024, (Act 02 of 2024).

11 The Jammu and Kashmir Local Bodies Laws (Amendment) Act 2024 (Act 02 of 2024).

12 *Id.*, s. 2. Other Backward classes here means the other backward classes which will be declared by the Government of UT of Jammu and Kashmir according to the provisions of Jammu and Kashmir Reservation Act 2004.

13 *Id.*, s. 4, amends s. 4 of Act IX of 1989.

14 *Id.*, s. 5, amends s. 27 of Act IX of 1989.

15 *Id.*, s. 10, amends s. 45 of Act IX of 1989.

16 *Id.*, s. 6, amends s. 36A of Act IX of 1989.

17 *Id.*, s. 7, amends s. 36B of Act IX of 1989.

18 *Id.*, s 13, amends s. 11A of Act XX of 2000.

19 *Id.*, s. 12, amends s. 2 of Act XX of 2000.

20 *Ibid.*

the words “other backward classes” and “State Election Commissioner.”<sup>21</sup> The Act replaces the words “Backward Classes” and “Chief Electoral Officer” with the words “Other Backward Classes” and “State Election Commissioner” respectively.<sup>22</sup> The Act also mandates the application of specific provisions of the Jammu and Kashmir Panchayati Raj Act, 1989, to the Jammu and Kashmir Municipal Act, as applied to the Municipal Corporation Act.<sup>23</sup>

#### **The Constitution (Jammu and Kashmir) Scheduled Tribes Order (Amendment) Act 2024<sup>24</sup>**

The Act amended the Constitution (Jammu and Kashmir) Scheduled Tribes Order, 1989, and inserted new entries into its schedule.<sup>25</sup> The schedule in this order has two parts: Part I includes entries for the UT of Jammu and Kashmir, and Part II contains entries for the UT of Ladakh.<sup>26</sup> By this Act, Parliament included “Pahari Ethnic Group”, “Bakarwal”, “Bot, Boto”, “Gujjar”, “Koli”, “Gadda Brahmin” and some others in the Part I of the schedule for UT of Jammu and Kashmir and “Bakarwal”, “Balti”, “Beda”, “Bot, Boto”, “Gujjar” and some others in the Part II of the schedule for the UT of Ladakh.<sup>27</sup>

#### **The Constitution (Jammu and Kashmir) Scheduled Castes Order (Amendment) Act 2024<sup>28</sup>**

The Act received the President’s assent on 12 February 2024. It was passed to amend the Constitution (Jammu and Kashmir) Scheduled Caste Order 1956.<sup>29</sup> The Act provides that entry 5 of the schedule of the order of 1956 will be substituted, and this entry will be read as “Valmiki (in the Union territory of Jammu and Kashmir only), Chura, Bhangi, Balmiki, Mehtar.”<sup>30</sup>

### IV REGULATORY AND SAFETY FRAMEWORKS

#### **The Public Examinations (Prevention of Unfair Means) Act 2024**

This Act was passed on February 12, 2024 and notified on June 21, 2024, to deal with matters relating to unfair means in the public examinations and other

21 *Id.*, s. 17, amends s. 2 of Act XXI of 2000.

22 *Id.*, s. 16, amends s. 16 of Act XXI of 2000.

23 *Id.*, s. 18, inserted s. 9A in Act XXI of 2000.

24 The Constitution (Jammu and Kashmir) Scheduled Tribes Order (Amendment) Act 2024 (Act 03 of 2024)

25 *Id.*, Preamble.

26 *Ibid.*

27 *Id.*, sch.

28 The Constitution (Jammu and Kashmir) Scheduled Castes Order (Amendment) Act 2024 (Act 4 of 2024).

29 *Id.*, Preamble.

30 *Id.*, s. 2.

issues relating to it.<sup>31</sup> The Act defines the “candidate”<sup>32</sup> as including scribes, “public examination”<sup>33</sup> which means any examination conducted by an authority mentioned in the schedule in the Act, specified by the central government, “service provider”<sup>34</sup> and “person associated with a service provider”<sup>35</sup> includes any person associated with a service provider, whether he is an employee or not. Further, the Act provides a series of acts or omissions committed by any person, or by any other person, for wrongful or monetary gain. Still, the list of acts or omissions given in the Act is not exhaustive. Acts such as the leakage of question papers, the leakage of answer sheets, tampering with OMR sheets, or even the creation of a fake website or the conduct of a fake examination will be treated as acts of unfair means in public examinations.<sup>36</sup>

Further, the Act criminalises the conspiracy to use unfair means by an individual or group.<sup>37</sup> Interference or interruption in the public examinations is also an offence under the Act.<sup>38</sup> If any person, including the service provider, either individually or in conspiracy with others, facilitates or commits any unauthorised act or fails to report the act or incident of unfair means or offence relating to the public examination, then he shall be deemed to have committed the offence.<sup>39</sup> If any act of unfair means is committed, the service provider is duty-bound to report it to the public examination authority and the police authorities. If the service provider is itself involved in the unfair means or any offences under this Act, then it shall be reported by the public examination authority.<sup>40</sup> Conducting or holding an examination at a place other than the place specified by the public examination authority without their permission shall also be an offence under this Act.<sup>41</sup>

The offences under this Act shall be non-bailable and cognizable.<sup>42</sup> Punishment for an offence or act of unfair means under this Act committed by any individual shall not be less than three years, but may be extended to five years, and a fine of up to ten lakhs may be imposed.<sup>43</sup> The service provider shall also be liable to a fine of one crore, and the related examination costs shall also be recovered. It shall be barred from conducting public examinations for four years.<sup>44</sup> If, during

31 The Public Examinations (Prevention of Unfair Means) Act 2024 (Act 01 of 2024), Preamble.

32 *Id.*, s. 2(1)(a).

33 *Id.*, s. 2(1)(k).

34 *Id.*, s. 2(1)(n).

35 *Id.*, s. 2(1)(i).

36 *Id.*, s. 3

37 *Id.*, s. 4.

38 *Id.*, s. 5.

39 *Id.*, s. 8.

40 *Id.*, s. 6.

41 *Id.*, s. 7.

42 *Id.*, s. 9.

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

44 *Id.*, s. 10(2).

the investigation, it is found that the offence is done with the consent or cooperation of the senior authority or the higher management of the service provider, then he shall be punished with imprisonment for a minimum of three years, which may be extended up to ten years, and a fine of one crore rupees. In the event of default of payment of the fine, the provisions of the Bhartiya Nyaya Sanhita 2023 will apply.<sup>45</sup> If a person proves that the act was done without his knowledge or that he took the necessary precautions and proper care, he can escape liability under this Act.<sup>46</sup>

This Act also defined organised crime as “an unlawful activity committed by a person or a group of persons indulging in unfair means in collusion and conspiracy to pursue or promote a shared interest for wrongful gain in respect of a public examination.”<sup>47</sup> The punishment for the organised crime under this Act shall be a minimum of three years, which may be extended up to ten years, and a fine of not less than one crore. If any institution commits an offence under the organised crime law, the institution’s property shall be subject to attachment and forfeiture, and the costs of the examination shall also be recovered from it.<sup>48</sup> So, the Act provides more stringent punishment provisions for service providers than for candidates in cases of unfair means and offences under this Act.

Investigation of the offences under this Act shall be done by a police officer of the rank of ACP/DSP or above. The central government can also appoint any central investigation agency to conduct the investigation.<sup>49</sup>

The Act also provides that every officer or employee, while working under this Act, shall be deemed to be a public servant under BNS 2023.<sup>50</sup> The Act also protects public servants from legal suits or prosecutions if the Act is done in good faith or while discharging their duty under this Act. But the Act does not prohibit any administrative action, any legal action, or prosecution if the case against the public servant exists *prima facie*.<sup>51</sup>

#### **The Bhartiya Vayuyan Adhiniyam 2024<sup>52</sup>**

The Act was passed on December 11, 2024 and comes into force on January 1, 2025. The Act was enacted to repeal The Aircraft Act 1934<sup>53</sup> and to govern and administer matters relating to aircraft, such as layout, production, procurement from abroad, delivery abroad, holding, and functioning.<sup>54</sup> The Act extends to the whole of India. Also, it has extra-territorial operations in cases where the aircraft is registered in India, the operator of the plane has its principal place of business in

45 *Id.*, 10(3).

46 *Id.*, 10(4).

47 *Id.*, s. 2(1)(h).

48 *Id.*, s. 11.

49 *Id.*, s. 12.

50 *Id.*, s. 13.

51 *Id.*, s. 14.

52 The Bhartiya Vayuyan Adhiniyam 2024 (Act 16 of 2024).

53 *Id.*, s. 43(1).

54 *Id.*, Preamble.

India, or wherever they will be. It will also apply to the aircraft over or in India, though it is registered outside India.<sup>55</sup> The Act defines some terms that were not defined in the previous Act of 1934, such as “maintenance”<sup>56</sup> and “manufacture”.<sup>57</sup> This Act empowers the government to regulate the design, manufacture and maintenance of the aircraft.

The Act says that the “Directorate General of Civil Aviation”<sup>58</sup> (hereinafter DGCA) to ensure the safety supervision and regulatory duties, “Bureau of Civil Aviation Security”<sup>59</sup> (hereinafter BCAS) for regulation and supervision of matters relating to civil aviation securities and “Aircraft Accidents Investigation Bureau”<sup>60</sup> (hereinafter AAIB) for investigation of accidents and other incidents, shall remain same as constituted under the 1934 act. The power of supervision and the authority to give directions to the aforementioned authorities will lie with the central government.<sup>61</sup> The central government will have the power to modify or revoke orders issued by DGCA and BCAS.<sup>62</sup>

The Central Government shall have the power to make rules regarding the layout, production, procurement from abroad, and delivery abroad, and the holding and functioning of aircraft.<sup>63</sup> This rule-making power is subject to the condition of prior publication, but the central government, in the public interest, may, by issuing a written order, waive this requirement.<sup>64</sup> This Act also contains provisions granting the central government the power to make rules to protect public health in the event of epidemics.<sup>65</sup> Further, the Act empowers the central government to make laws in emergencies, including the power to suspend or cancel the license issued under this Act, or to suspend or cancel the operation of aircraft in India or any part thereof, in whole or in part, subject to certain conditions.<sup>66</sup>

The central government under this Act can exempt any or all provisions of this Act for any aircraft and for any person or group of persons.<sup>67</sup> The central government can also delegate its powers to the Director General (DG) of DGCA, the DG of BCAS, and the DG of AAIB, except for rule-making power, by issuing a Gazette notification for this purpose.<sup>68</sup>

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

56 *Id.*, s. 2(10). Maintenance is performance of any work or operation on aircraft or any part thereof to ensure its operational safety.

57 *Id.*, s. 2(11). Manufacture here means doing any operation or work which involves the production of aircraft or any part thereof in accordance with the specified manufacturing standards.

58 *Id.*, s. 3.

59 *Id.*, s. 5.

60 *Id.*, s. 7.

61 *Id.*, s. 8.

62 *Id.*, s. 9.

63 *Id.*, s. 10.

64 *Id.*, s. 34.

65 *Id.*, s. 14.

66 *Id.*, s. 15.

67 *Id.*, s. 20.

68 *Id.*, s. 21.

The Act also mandates that the central government, by notification, prohibit the construction, fix the height of buildings or structures, and require the planting of trees of specific heights for the safe operation of aircraft, and, in cases where these aforesaid structures are already situated, the government can order their demolition at the owner's expense. This type of construction or building can be prohibited or demolished within a radius of 20 kilometres from the "Aerodrome reference point"<sup>69</sup> on the land.<sup>70</sup>

If any person suffers any loss or damages while exercising power by the government authorities under section 18, the compensation shall be paid to that person, as determined in the agreement. If the deal fails to determine the amount, the central government will appoint an arbitrator who is qualified for appointment as a judge of the high court to determine the amount of compensation. But the provisions of the Arbitration and Conciliation Act, 1996, will not apply here.<sup>71</sup> An appeal against the arbitrator's award can be made within thirty days to the respective High Court; however, the High Court can entertain the appeal after thirty days if it is satisfied that there were genuine reasons for the delay in filing the appeal.<sup>72</sup>

If any act done in contravention of the Act such as carriage of arms, explosive or dangerous goods, or giving false information about such goods<sup>73</sup> or flying aircraft in such a manner that it poses a risk to any person or property<sup>74</sup> or a person fails to comply the directions issued by DGCA or BCAS<sup>75</sup> or any person fails to comply with direction issued under section 18 for prohibition or demolition of the building or structure or trees<sup>76</sup>, then he shall be liable for imprisonment, up to two years or fine up to one crore or both. If any person commits the Act of slaughtering animals and throws the harmful substance of the same within the ten-kilometre area of the "aerodrome reference point", then he shall be liable for imprisonment, which may be extended up to three years or a fine of up to one crore or both.<sup>77</sup> This Act makes criminal the abetment of the offences specified under this section.<sup>78</sup>

Further, the Act provides the procedure for the cognisance and trial of offences under this Act. It says that the court of a Judicial Magistrate First Class or above can try the case, and that the court will not take cognisance of the offences unless the DG of DGCA, BCAS, or AAIB makes a complaint in writing.<sup>79</sup> The Act also provides that the officer, not below the rank of Deputy Secretary, shall be appointed for adjudication of penalties, and an appeal shall lie against the

69 *Id.*, s. 2(2). Aerodrome reference point is centre point of the aerodrome.

70 *Id.*, s. 18.

71 *Id.*, s. 22.

72 *Id.*, s. 23.

73 *Id.*, s. 25(1).

74 *Id.*, s. 26.

75 *Id.*, s. 27.

76 *Id.*, s. 28.

77 *Id.*, s. 25(2).

78 *Id.*, s. 29.

79 *Id.*, s. 31.

order of the adjudication officer to the officer above next to his rank. But no appeal shall lie against the final order by the government of India.<sup>80</sup>

#### V CONCLUSION

The year 2024 was marked by several statutes aimed at strengthening India's legal and regulatory framework. A series of essential and transformative enactments was passed, reflecting the government's commitment to addressing environmental governance, regional autonomy, public administration, and regulatory modernisation. Notable among these is the Water (Prevention and Control of Pollution) Amendment Act, 2024, which enhances environmental protection through revised penalty structures and practical enforcement mechanisms. Another critical statute is the *Bhartiya Vayuyan Adhiniyam*, 2024, which updates civil aviation laws for greater safety and regulatory clarity. Additionally, laws like the Public Examinations (Prevention of Unfair Means) Act, 2024, and amendments to the Scheduled Castes and Scheduled Tribes Orders further underscore India's focus on transparency, social justice, and inclusive governance. These enactments reveal that the legislature is responsive to contemporary challenges and focused on promoting socio-economic development while upholding national and international commitments.

80 *Id.*, s. 33.