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# LawEx

01-15 NOV, 2023

ISSUE - 18



MAJOR BILLS PASSED BY  
**PARLIAMENT IN 2023**



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## About Magazine

“LawEx” is a carefully curated set of Current Events designed specifically for CLAT aspirants. To take you one step closer to realizing your dream, “LawEx” provides a fortnightly overview of the most significant current events related to politics, economics, science and technology, & sports with a wide range of infographics to ensure a smoother learning experience and enhanced retention of information.

## Editor's Note

This Issue covers the important Bills passed by the Parliament of India in 2023 like the Women’s Reservation Bill, 2023 (Nari Shakti Vandan Adhiniyam), Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2023, Digital Personal Data Protection Bill, 2023, etc. To know more, keep reading.

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## MAJOR BILLS PASSED BY THE PARLIAMENT IN 2023



## WOMEN'S RESERVATION BILL, 2023 (NARI SHAKTI VANDAN ADHINIYAM)

### Key Provisions

- The Nari Shakti Vandan Adhiniyam, as the Bill is called, seeks to reserve one-third of all seats for women in the Lok Sabha, the State Legislative Assemblies, and the National Capital Territory of Delhi.
- This will also apply to seats reserved for Scheduled Castes (SCs) and Scheduled Tribes (STs) in the Lok Sabha and the State Legislative Assemblies.
- The law, however, will be implemented after the next census and the subsequent delimitation exercise will determine the particular seats that are to be reserved for women.
- The Constitution amendment Bill was passed by the Lok Sabha with near-unanimity, with only two members opposing it and was unanimously passed by the Rajya Sabha.



Taking Women's Representation Ahead

Union Cabinet Approves

## Nari Shakti Vandan Adhiniyam

**Bill proposes 33% reservation** for women in Lok Sabha & Assemblies

**Currently, only 15% MPs** in Lok Sabha are women



IT IS HER TIME!



Landmark **Nari Shakti Vandan Adhiniyam** Gets the Nod!

Three Days to Achieve What Was Awaited for Three Decades

Timeline



19<sup>th</sup> September 2023  
Bill Tabled in the New Parliament Building



20<sup>th</sup> September 2023  
Lok Sabha Passes the Bill with Overwhelming Majority



21<sup>st</sup> September 2023  
Rajya Sabha Passes the Bill with Unequivocal Support



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## THE CINEMATOGRAF (AMENDMENT) BILL, 2023

### Key Provisions

- The historic Bill was passed by the Parliament amending the Cinematograph Act after 40 years as the last significant amendments in the Cinematograph Act, 1952 were made in the year 1984.
- Provisions to Check Unauthorised Recording and Exhibition of Films Amounting to Piracy - To check film piracy by way of cam-cording in the theatres; and most importantly also prohibit any unauthorized copying and online transmission & exhibition of a pirated copy of any film, strict penal provisions have been incorporated.
  - The provisions include strict punishment of a minimum of 3 months imprisonment and a fine of Rs. 3 lakhs which can be extended up to 3 years imprisonment and a fine up to 5% of the audited gross production cost.
- Age-Based Certification - Introduction of age-based categories of certification by further subdividing the existing UA category into three age-based categories, viz.
  - Seven years (UA 7+),
  - Thirteen years (UA 13+), and
  - Sixteen years (UA 16+), instead of twelve years.
  - These age-based markers would be only recommendatory, meant for the parents or guardians to consider whether their children should view such a film.
  - This new classification system aligns with the graded-age classifications implemented for streaming platforms under the IT Rules, 2021 and Shyam Benegal Committee recommendations (2017).
- Aligning with the Supreme Court Judgements - Omission of revisional powers of the central government as per judgment of Supreme Court in the case of K.M. Shankarappa vs Union of India (2000).
  - The government has done away with the requirement to renew a film's license every 10 years and has made it valid for a lifetime.
  - Keeping up with the judgement of the K.M Shankarappa Vs Union of India case judgement, the government has kept it away from the revision power and now the autonomous body of Central Board of Film Certification (CBFC) will have the full authority to look after it".
- Change of Category of Film for Television - Recertification of the edited film for television broadcast, as only unrestricted public exhibition category films can be shown on television.
  - Historically, films rated for adults have been prohibited on television since a 2004 Bombay High Court order. As a result, broadcasters often voluntarily make cuts to films and seek re-certification from the CBFC for a U/A rating.
  - The bill formalizes this practice, allowing films to be recertified for television and "other media."
- Certificates to be Perpetually Valid - Under the Act, the certificate issued by the Board is valid for 10 years. The Bill provides that the certificates will be perpetually valid.

**Cinematograph (Amendment) Bill 2023**  
Historic Bill Passed After 40 Years

**Aims to comprehensively curb menace of 'Piracy' which is causing losses of Rs 20,000 Cr to film industry.**

**Strict punishment of minimum 3 months imprisonment and fine of Rs. 3 lakhs which can extend up to 3 years imprisonment and 5% of audited gross production cost.**

**Apart From Cam-Cording, The Real Menace Of Online Piracy Made Punishable**

**Cinematograph (Amendment) Bill 2023**  
Historic Bill Passed After 40 Years

**Omission of Revisional Powers of Central Government as per judgment of Supreme Court.**

**Perpetual validity of certificates of CBFC.**

**Recertification of edited film for TV broadcast, as only Unrestricted Public Exhibition category films can be shown on TV.**

**Introduction of 3 categories in existing UA category- UA 7+, UA 13+, and UA 16+ - as recommendatory guidelines**





## THE CONSTITUTION (SCHEDULED TRIBES) ORDER (THIRD AMENDMENT) BILL, 2023

### Key Provisions

- It aimed for the inclusion of the Hattee community of the Trans Gori area of seeks for inclusion of the Hattee community of the Trans Gori area of Sirmour district in the list of Scheduled Tribes. Sirmour district is in Himachal Pradesh.
- With the passing of the Bill –
  - The ST population in Himachal Pradesh will go up to 5.5 lakh from 3.5 lakh currently.
  - The members of the Hattee community will be entitled to all benefits which are provided to the members of the Scheduled Tribes, especially reservation in educational institutions and government jobs.

## THE HATTI AREA



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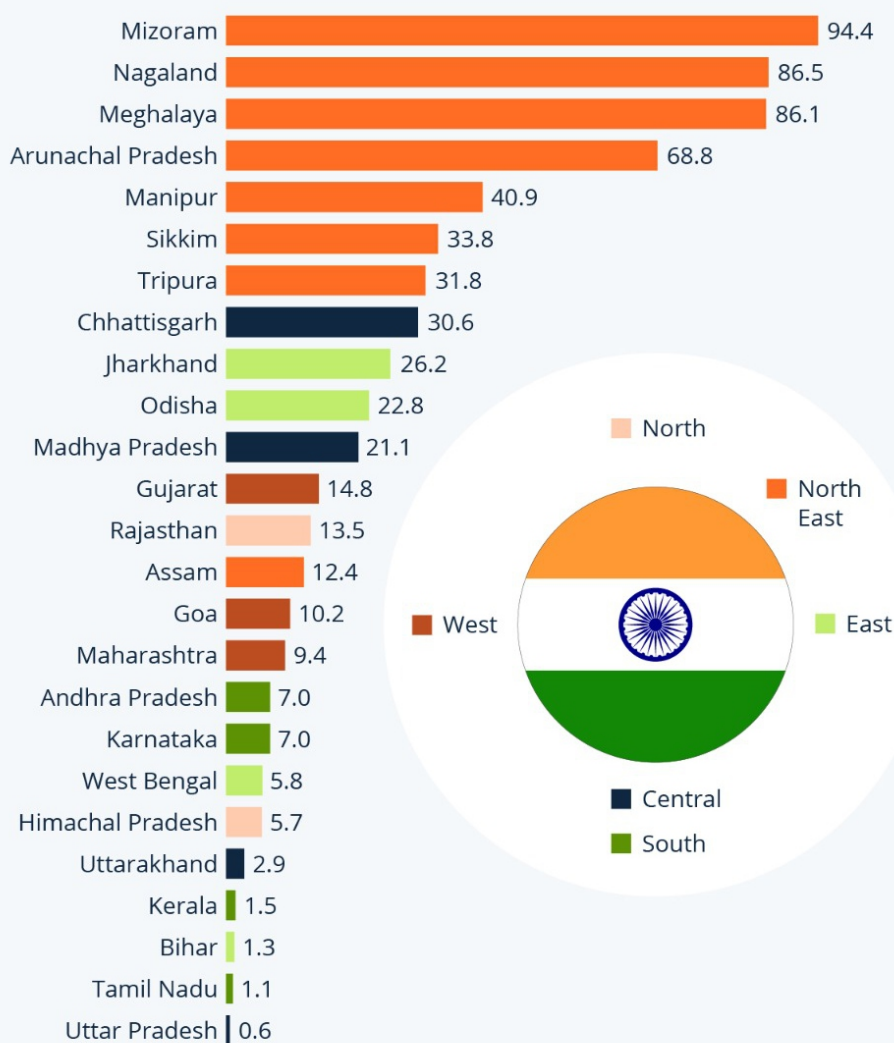
## THE CONSTITUTION (SCHEDULED TRIBES) ORDER (FIFTH AMENDMENT) BILL, 2023

### Key Provisions

- It aims for the inclusion of Bhuinya, Bhuiyan, and Bhuyan communities as synonyms of the Bhardia Bhumia community.
- It also aims to include Dhanuhar, Dhanuwar, Kisan, Saunra, Saonra and Binjhia communities in the list of Scheduled Tribes in Chhattisgarh.
- Also, it includes three Devanagari versions of the name of the Pando community and Dhanuhar and Dhanuwar communities in Chhattisgarh.

## North-East Is India's Tribal Stronghold

Scheduled tribes as a share of total population, by Indian state (in percent)



As of latest Census (2011). No scheduled tribes in Punjab and Haryana.  
Excludes Union territories

Source: Census Commissioner/Ministry of Home Affairs India

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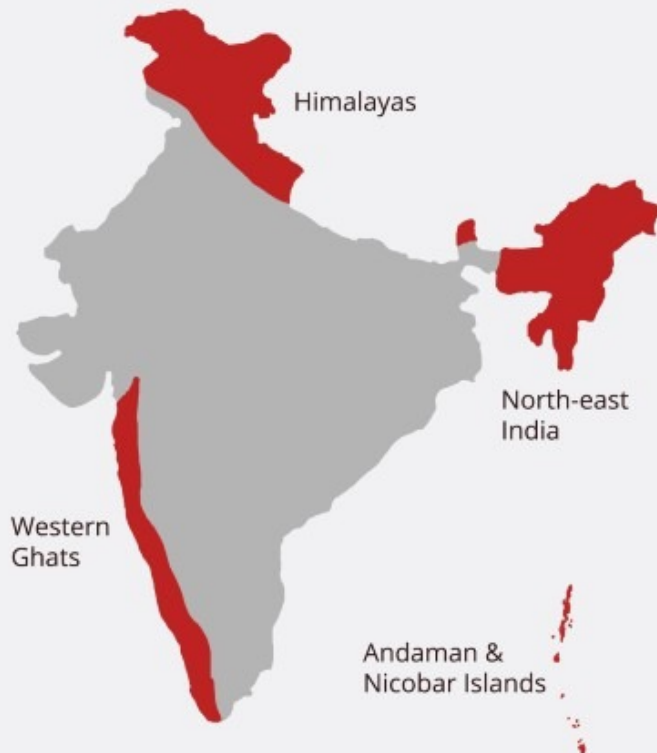


## THE BIOLOGICAL DIVERSITY (AMENDMENT) BILL, 2023

### Key Provisions

- The Bill aims to amend the Biological Diversity Act, 2002.
  - The Biological Diversity Act, 2002 was enacted in response to India's commitments under the Convention on Biological Diversity (CBD) of 1992.
  - It set up a National Biodiversity Authority as a regulatory body.
- It seeks to address concerns of several central ministries, state governments, researchers, industry, and other stakeholders, regarding the implementation of the 20-year-old law that is meant to preserve the country's biological diversity and to ensure its sustainable use.
- Among other things, the amendments aim to encourage Indian systems of medicine like Ayurveda, attract more foreign investment in the preservation and commercial utilisation of India's biological resources, and simplify and streamline processes so that it is easy for everyone to comply with its provisions.
- The Bill passed makes several amendments to the 2002 Act, addressing most of the concerns raised by the practitioners of traditional systems of medicine, the seed sector, and the pharmaceutical industry.
- Certain categories of users of biological resources, like practitioners of Indian systems of medicine, have been exempted from making payments towards the access and benefit-sharing mechanism.
- Companies registered in India and controlled by Indians are now treated as Indian companies, even if they have foreign equity or partnership, thereby reducing the restrictions on them.
- Provisions have been included to speed up the approval process in cases of use of biological resources in scientific research, or for filing of patent applications.

## INDIA'S BIODIVERSITY HOTSPOTS IN BRIEF



Total number of biodiversity hotspots:

**4**

Total combined geographical area-

**24.46%**

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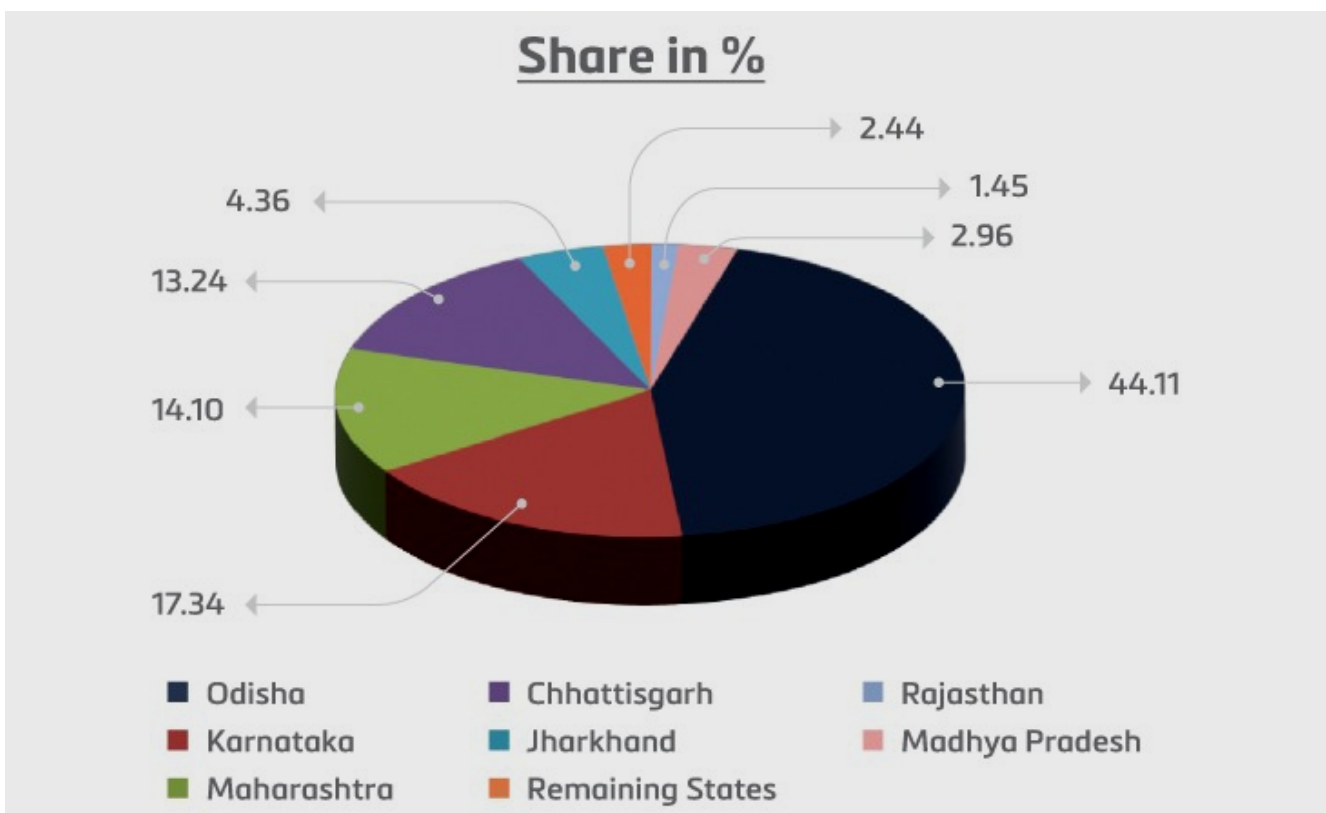


## THE MINES AND MINERALS (DEVELOPMENT AND REGULATION) AMENDMENT BILL, 2023

### Key Provisions

- The Bill aimed to amend the Mines and Minerals (Development and Regulation) (MMDR) Act, 1957.
  - The MMDR Act, 1957 was amended in 2015 to introduce auction-based mineral concession allocation for transparency, create District Mineral Foundation (DMF) for the welfare of affected communities, establish National Mineral Exploration Trust (NMET) to promote exploration, and impose stricter penalties for illegal mining.
  - The Act was further amended in 2016 and 2020 to address specific emergent issues and was last amended in 2021 to bring further reforms in the sector, such as, removing the distinction between captive and merchant mines, etc.
- The Bill seeks to allow the private sector to mine six out of 12 atomic minerals, including lithium, and deep-seated minerals such as gold and silver.
- Earlier, all 12 atomic minerals were reserved for mining and exploration by state-owned entities.
- The atomic minerals which will be opened for private sector exploration are lithium (used for manufacturing batteries for electric vehicles and energy storage devices), beryllium, niobium, titanium, tantalum and zirconium.
- The Bill also empowers the central government to exclusively auction mining leases and composite licences for certain critical minerals.
- Deep-seated minerals include gold, silver, copper, zinc, lead, nickel, cobalt, platinum group of minerals and diamonds. They are difficult and expensive to explore and mine as compared to surficial or bulk minerals.

### Share of States in Value of Mineral Production 2021-22



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## OFFSHORE AREAS MINERALS (DEVELOPMENT AND REGULATION) AMENDMENT BILL, 2023

### Key Provisions

- The Bill seeks to modify the existing Offshore Areas Mineral (Development and Regulation) Act, 2002, to enable the auction as the method of allocating operating rights in offshore areas.
- Two types of operating rights, production lease, and composite licence, to be granted through auction by competitive bidding exclusively to the private sector.
- It aims to provide a fixed 50-year production lease for offshore minerals. The provision for renewal of production leases has been removed.
- To ensure funds for exploration, disaster relief, research, and benefits to affected parties, a non-lapsable Offshore Areas Mineral Trust will be established.
  - The trust will be funded by an additional levy on mineral production, not exceeding one-third of the royalty, with the exact rate prescribed by the Central Government.
- Royalty, auction premium, and other revenues from mineral production in offshore areas will accrue to the Government of India.

### BURIED TREASURES

> Resources delineated by the Geological Survey of India

**1,53,996 MT** (million tonne) of lime mud within the exclusive economic zone off Gujarat and Maharashtra coasts



**745 MT** of construction-grade sand off Kerala coast



**79 MT** of heavy mineral placers in

the inner-shelf and mid-shelf off Odisha, Andhra Pradesh, Kerala, Tamil Nadu and Maharashtra



Phosphorite in the eastern and western continental margins



> Polymetallic ferromanganese (Fe-Mn) nodules and crusts in Andaman and Lakshadweep seas



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G20  
भारत 2023

Offshore Areas Mineral (Development and Regulation) Amendment Act, 2023

- ❖ Grant of composite licences for offshore minerals through auctions
- ❖ Offshore Areas Mineral Trust to be established

SHRI SAGHANA

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## THE FOREST (CONSERVATION) AMENDMENT BILL, 2023

### Key Provisions

- The Bill aimed to bring significant changes to the Forest (Conservation) Act, 1980, which is a crucial central statute for the conservation of forests in India.
- The amendment Bill renames the parent legislation, the Forest (Conservation) Act, 1980, to Van (Sanrakshan Evam Samvardhan) Adhiniyam, which translates to Forest (Conservation and Augmentation) Act.
  - Besides being in Hindi, the new name is a reflection of a new focus on afforestation and reforestation activities, with the objective of increasing India's forest cover and fulfilling its international commitment of creating an additional carbon sink of 2.5-3 billion tonnes by 2030.
  - These objectives have been included in the preamble to the proposed amended Act. The original Act did not have any preamble.
- The Bill exempts certain kinds of infrastructure or development projects from the need to get forest clearance, which is mandatory at present.
  - These include "strategic linear projects of national importance and concerning national security" situated within 100 km of international borders.
  - Even non-linear projects involving the creation of "security-related infrastructure" would remain exempt, if the area of forest land to be diverted is restricted to 10 hectares.
  - In Naxal-affected areas, projects involving the diversion of up to five hectares of land for "defence-related" infrastructure or public utilities would no longer be covered by the provisions of the Forest (Conservation) Act.
  - But all these projects would still have to carry out compensatory afforestation, mandated by another law.
- A major feature of the Bill is the encouragement provided for private forests and agro-forestry projects.
  - The amendment ensures that private forests and agro-forestry would not be considered forests in the traditional sense, which means these too would be exempt from the provisions of the original Act.
  - That would ensure that farmers or owners of these private forests can harvest their lands, for commercial or other uses, without the need for acquiring forest clearance.
- This decision had been under consideration for a long time and could potentially result in a major growth in agro-forestry projects.
- The Bill adopts many features of the Mines and Minerals (Development and Regulation) Act, 1957 like the establishment of trusts for mining-affected persons and encouraging exploration etc.
- The amendments add new activities such as infrastructure for frontline forest staff, ecotourism, zoo, and safari into the array of forestry activities for the conservation of forests. Surveys and investigations in forest areas will not be considered non-forestry activities.
- The Bill encourages activities like the establishment of zoos, safaris, and ecotourism, which will be owned by the government and set up in approved plans outside Protected Areas.

### THE GREEN SURVEY

#### TOTAL GEOGRAPHICAL AREA

3,287,469 square kilometres

#### TOTAL FOREST COVER

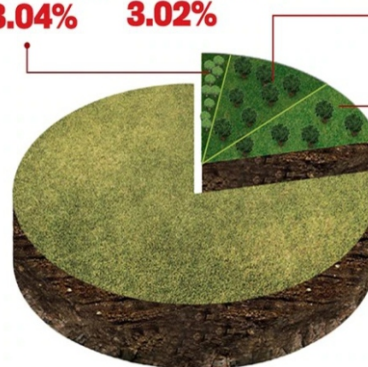
2021	2019
713,789 sq. km	712,249 sq km
21.71%	21.67%

#### VERY DENSE FOREST (VDF)\*

2021	2019
99,779 sq km	99,278 sq km
3.04%	3.02%

#### MODERATELY DENSE FOREST (MDF)\*\*

2021	2019
306,890 sq. km	308,472 sq. km
9.33%	9.39%



● Area (square kilometres)  
● Percentage of geographical area  
\*VDF: Tree canopy of 70 per cent and above  
\*\*MDF: Tree canopy of 40-70 per cent  
#OF: Tree canopy cover of 10-40 per cent

2021	2019
307,120 sq. km	304,499 sq. km
9.34%	9.26%

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## THE JAN VISHWAS (AMENDMENT OF PROVISIONS) BILL, 2023

### Key Provisions

- The Bill seeks to amend 183 provisions of 42 Acts administered by 19 ministries with the aim of reducing the compliance burden on individuals and businesses.
  - It will affect many areas like media, industry, trade, information technology, copyright, motor vehicles, cinematography, etc.
- The Bill seeks to decriminalize minor offences. Such offences that do not involve any harm to the public interest or national security are aimed to be replaced them with civil penalties / administrative actions.
- The Bill seeks to remove imprisonment clauses and/or fines in some provisions and convert them into penalties in some others.
  - The Bill removes all offences and penalties under the Indian Post Office Act, of 1898, which is considered to be obsolete and irrelevant in the present context.
- The Bill provides for a periodic revision of fines and penalties every three years, with an increase of 10% of the minimum amount for various offences in the specified Acts.
- The Bill will promote the ease of doing business, and a working group has been formed to take this forward.
  - The working group has representatives from industry associations, business chambers, legal professionals, legal experts and representatives from seven ministries as well as from the National Housing Bank (NHB), National Bank of Agriculture and Rural Development (NABARD), and the Central Pollution Control Board (CPCB).
- Among Acts which will be amended through the Bill are the Press and Registration of Books Act, the Boilers Act, the Indian Forest Act, the Drugs and Cosmetics Act.



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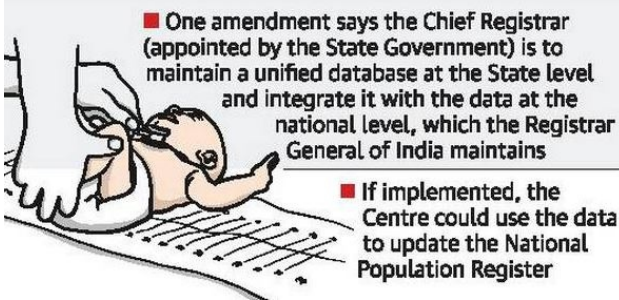


## THE REGISTRATION OF BIRTHS AND DEATHS (AMENDMENT) BILL, 2023

### Key Provisions

- The Bill seeks to amend the Registration of Births and Deaths Act, 1969.
  - The Registration of Births and Deaths Act, 1969 provides for the regulation and registration of births and deaths.
  - The registration of births and deaths falls under the Concurrent List, giving powers to both Parliament and state legislatures to make laws on the subject.
- The Bill introduces the concept of digital birth certificates, intended to serve as a comprehensive document for multiple purposes, reducing the need for multiple documents to prove birth details.
- The legislation will help create a national and state-level database of registered births and deaths which eventually would ensure efficient and transparent delivery of public services and social benefits and digital registration.
- The Bill proposes linking Aadhaar details of parents and informants to birth certificates.
- Expands the scope of Aadhaar inclusion to various reporting authorities, including medical officers, jailors, and managers of institutions.
- The Bill proposes to make it obligatory for States to register births and deaths on the Centre's Civil Registration System (CRS) portal, and to share the data with the Registrar General of India which functions under the Union Home Ministry.

### Repository of data | A look at some of the proposed amendments to the Registration of Births and Deaths Act (RBD), 1969



### REVAMPING THE SYSTEM

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>▶ All the state governments will be mandated to share the database with the office of the Registrar General of India</li> <li>▶ The database will be linked to other government schemes, which will enable automatic addition and deletion</li> <li>▶ Rigorous penalty clause on registrars who fail to register births and deaths as per the</li> </ul> | <p>Registration of Births and Deaths Act, 1969</p> <ul style="list-style-type: none"> <li>▶ Real-time data of both births and deaths to be shared in the public domain by all state governments</li> <li>▶ Maharashtra is among the 24 states, besides Uttar Pradesh and Rajasthan, which will maintain real-time data of births and deaths</li> </ul> |
|---|--|



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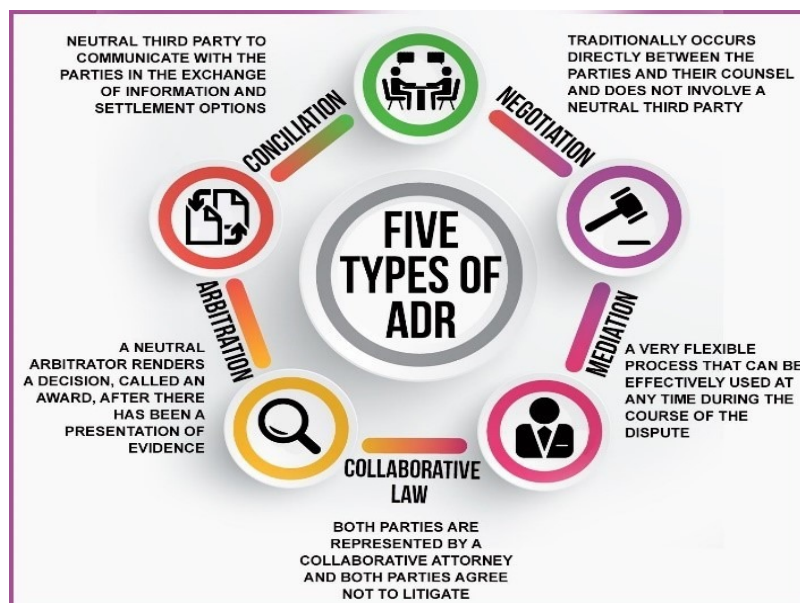




## THE MEDIATION BILL, 2023

### Key Provisions

- The Bill seeks to codify, institutionalise and promote the process of mediation, by establishing the Mediation Council of India, recognising mediation service providers, and providing for the registration of mediators. It also provides for online and community mediation.
- Essentially, it makes pre-litigation mediation voluntary in nature, allowing parties to choose whether or not to participate in the process.
- Mediation is a procedure to amicably resolve a dispute between two contesting parties, with minimum intervention of the court.
- The Bill provides for the creation of a 'Mediation Service Provider' or MSP, to conduct mediation procedures, accreditation, maintenance of panels and all operations ancillary thereof. The MSP shall be graded by the Mediation Council of India.
- The Bill provides an indicative list of subject matters not fit for mediation, including disputes involving allegations of fraud, forgery, claims involving minors, persons suffering from intellectual disabilities and mental illness, disputes affecting the rights of the third party which is not part of the mediation proceeding, tax disputes and disputes under the Competition Act.
- The Bill expands mediation to include family disputes, community conflicts and other unconventional domains in addition to civil and commercial disputes.
  - Moreover, the Mediation Bill will have an overriding effect for conducting mediation over other laws, except for legislations specified under the second schedule and to proceedings conducted by the Lok Adalat.
- The Bill also provides for parties to seek interim relief before the commencement or during the mediation proceedings, by approaching the appropriate court/tribunal, in "exceptional circumstances."
- The Bill seeks to enforce mediated settlement agreements (MSA) as per the provisions of the Civil Procedure Code as if it were a judgement or decree passed by the court.
  - This provision follows India's ratification of the Singapore Chapter of the UN Convention on International Settlement Agreements Resulting from Mediation in 2019.
- The Bill has followed suit of codifying the mediation provisions in the International Centre for Settlement of Investment Disputes (2018), the Uniform Mediation Act of USA, Model Law on International Commercial Conciliation (2002), among others. The code emerges as a beacon of hope in addressing the issues of binding confidentiality, party empowerment, procedural clarity, bias and neutrality.





## THE INDIAN INSTITUTES OF MANAGEMENT (AMENDMENT) BILL, 2023

### Key Provisions

- The Indian Institutes of Management (Amendment) Bill, 2023 amends the Indian Institutes of Management Act, 2017.
- The Act declares Indian Institutes of Management (IIMs) as institutes of national importance and regulates their functioning.
- The Bill designates the President of India as a Visitor of every Institute covered by the Act.
  - The Visitor is granted powers that include: (i) initiating inquiries into the functioning of IIMs, (ii) taking action against Institutes to ensure compliance, (iii) appointing the Chairperson of the Co-ordination Forum.
- The Bill mandates the Board to obtain the prior approval of the Visitor before appointing an Institute Director. The procedure for selecting the Director will be prescribed by the central government.
  - Under the Act, the Director of an IIM is appointed by the Board of Governors, based on the recommendations of a Search-cum-Selection Committee.
- The Bill classifies the National Institute of Industrial Engineering (NITIE), Mumbai as IIM, Mumbai, 21<sup>st</sup> IIM of the country.
- The Bill amends the procedure of the appointment of the Chairperson of the Board of Governors. Now the Chairperson of the Board will be nominated by the Visitor.

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## Changes to IIMs IIM (Amendment) Bill, 2023 was introduced in Lok Sabha on July 28

**Latest amendments  
to IIM Act seek to  
designate President  
of India as 'Visitor'  
of every IIM**



**It grants the Visitor the  
authority to terminate  
services of the director**



**IT ALSO MANDATES  
THE BOARD TO  
OBTAIN APPROVAL  
OF VISITOR FOR  
APPOINTING OR  
REMOVING A DIRECTOR**

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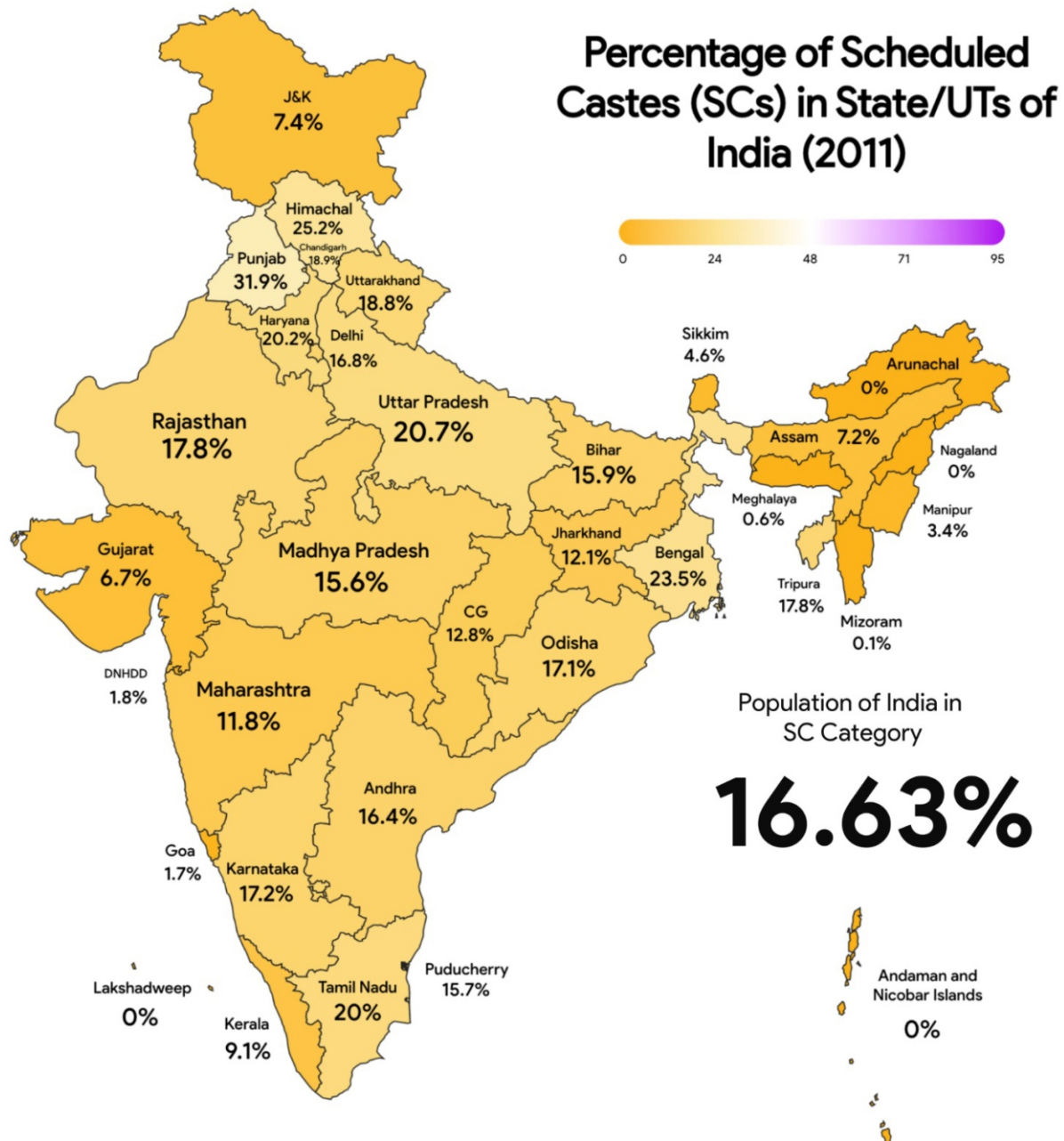


## THE CONSTITUTION (SCHEDULED CASTES) ORDER AMENDMENT BILL, 2023

### Key Provisions

- It seeks the inclusion of two communities of Chhattisgarh- 'Mahra' and 'Mahara' in the list of Scheduled Castes (SC).
- The Chhattisgarh government has proposed the inclusion of 'Mahra' and 'Mahara' communities in the list of SCs, which has been accepted by both the Registrar General of India and the National Commission for Scheduled Castes.
- The Bill will help expand the benefits of government schemes and benefits meant for Scheduled Castes in the state to around two lakh more people.

Source: Census 2011 (socialjustice.nic.in)



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## THE COASTAL AQUACULTURE AUTHORITY (AMENDMENT) BILL, 2023

### Key Provisions

- The Bill aims to decriminalise the offences committed in carrying out coastal aquaculture activities and ensure ease of doing business.
- The Bill broadens the definition of coastal aquaculture and brings all coastal aquaculture activities under the purview of the Act, removing ambiguities between different aspects of coastal aquaculture.
- It also seeks to fine-tune the operational procedures of the Coastal Aquaculture Authority to make it more responsive to the needs of the stakeholders, promote newer forms of environment-friendly coastal aquaculture like cage culture and seaweed culture, and usher in global best practices in this sector, including mapping and zonation of aquaculture areas, quality assurance and safe aquaculture products.
- The bill aims to encourage the establishment of facilities in areas having direct access to seawater to produce genetically improved and disease-free broodstocks and seed for use in coastal aquaculture, besides preventing the use of antibiotics and pharmacologically active substances, which are harmful to human health in coastal aquaculture.
- The bill provides that the registration granted under the Coastal Aquaculture Authority Act shall prevail and be treated as valid permission under CRZ notification with the intention of enabling lakhs of small marginal aquaculture farmers to avoid the possible need for obtaining CRZ clearances from multiple agencies.

# Coastal AQUACULTURE AUTHORITY (AMENDMENT) BILL 2023



main objectives of the Coastal Aquaculture Authority (Amendment) Bill are:



to harmonize the CAA Act with the CRZ Notifications issued from time to time and to treat the registration granted under CAA Act as a valid permission under CRZ Regulations;



to keep Coastal Aquaculture outside the prohibitions imposed by CRZ Notifications;



to reduce the regulatory compliance burden without diluting the core principles of environment protection in coastal areas;



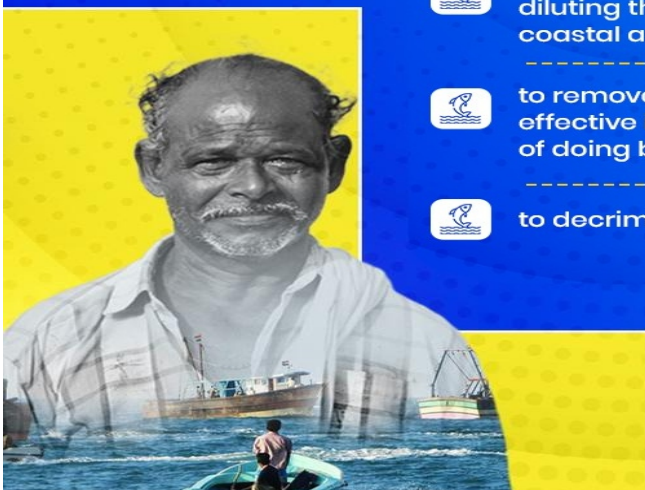
to remove difficulties and ambiguities in the Act for effective implementation, and for promoting ease of doing business;



to decriminalize the offence(s) under the Act;



Amendment Bill is bringing a major policy reform to provide representation for all 13 coastal States and Union Territories in the Authority



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## THE CENTRAL GOODS AND SERVICES TAX (AMENDMENT) BILL, 2023 AND THE INTEGRATED GOODS AND SERVICES TAX (AMENDMENT) BILL, 2023

### Key Provisions

- The amendments pertain to the insertion of a provision in Schedule III of the CGST Act, 2017, to provide clarity on the taxation of supplies in casinos, horse racing and online gaming.
- The amendment in IGST Act relates to inserting a provision to impose GST liability on online money gaming provided by offshore entities. Such entities would be required to get GST registration in India.
- The amendments will also provide for blocking access to online gaming platforms located overseas in case of failure to comply with registration and tax payment provisions.
- The amendments to the Central GST (CGST) and Integrated GST (IGST) laws were approved by the GST Council.
- The council had approved a levy of 28 per cent GST on the full face value of entry-level bets in online gaming, casinos and horse racing.

## GAME OF SKILL VS GAME OF CHANCE

▶ Earlier, online games of skill attracted 18 per cent GST and games of chance 28 per cent

▶ Now, both games of skill and chance attract 28 per cent GST on the full face value of bets

### A GAME OF SKILL

- DETERMINED BY WHETHER IT INVOLVES REAL SKILLS OF THE PLAYER
- ONLINE GAMES LIKE CARROM, CHESS, ETC.
- ATTRACTS GST OF 18 PER CENT ON GROSS GAMING REVENUE IF NO MONEY IS INVOLVED

### A GAME OF CHANCE

- A GAME THAT RELIES PRIMARILY ON LUCK OF THE PLAYER AND UNPREDICTABLE OUTCOMES
- SEEN TO BE LIKE BETTING AND GAMBLING
- ATTRACTS GST OF 28 PER CENT ON THE FULL VALUE OF BETS

## WHAT'S WHAT

**▶ ONLINE GAMING** A game that is offered on the internet and is accessible by a user through a computer resource or an intermediary

**▶ ONLINE REAL-MONEY GAME** An online game where a user makes a deposit in cash or kind with the expectation of earning winnings on that deposit

**▶ WINNINGS** This refers to any prize, in cash or kind, which is distributed or intended to be distributed to a user of an online game based on the user's performance and as per the rules of the game

**NOTE** AS PER IT RULES 2021

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## THE GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI (AMENDMENT) BILL, 2023

### Key Provisions

- The Bill does away with the contentious Section 3A of the ordinance that held that the Delhi legislative assembly will not have control over services under Entry 41 of List II of the Seventh Schedule of the Constitution.
  - Entry 41 of List II of the Seventh Schedule of the Constitution pertains to the State Public Services and State Public Service Commission.
- The Bill, like the ordinance, provides for the establishment of the National Capital Civil Services Authority (NCCSA), which will comprise the Chief Minister who will serve as the chairperson, the principal home secretary of Delhi as the member secretary and the chief secretary of Delhi, who will serve as a member.
  - The Authority shall have the responsibility to recommend the transfers and postings of all Group 'A' officers and officers of DANICS serving in the affairs of the government of the National Capital Territory of Delhi but not officers serving in connection with any subject matter, either fully or in part, connected with Entries 1, 2 and 18 of List II of the Seventh Schedule to the Constitution.
  - Entries 1, 2 and 18 of List II of the Seventh Schedule of the Constitution relate to Public order, Police and Land.
- The Bill states that the “quorum for the meeting of NCCSA shall be of two members”.
  - This indicates that despite the absence of the chief minister, the other two members can hold the meeting.
- The Bill empowers the Lt Governor to approve the recommendations of the NCCSA or ask for a reconsideration.
  - It also that in case of a difference of opinion, the decision of the Lt Governor shall be final.
- The Bill also states that the power to appoint authorities, boards, and commissions will be with the President for any law of Parliament while for laws made by the Delhi legislative assembly for the time being in force, the NCCSA shall recommend a panel of suitable persons for constitution or appointment or nomination by the Lt Governor.
- The Bill also does away with the provision that mandated the NCCSA to submit an annual report to the Centre and Delhi government, which will be tabled in Parliament and the Delhi Legislative Assembly.

## Delhi Services Bill, 2023

### WHAT THE BILL WILL DO

The Government of National Capital Territory of Delhi (Amendment) Bill, 2023, will, if passed, replace an ordinance that gives the Union government control of the national capital's bureaucratic set-up. The ordinance was issued on May 19 and rolled back a May 11 SC judgment that gave charge of the Capital's bureaucracy to the elected government

### OPPN TO PUSH BACK

The opposition of the services ordinance has been one of the rallying points for the INDIA grouping. The AAP government in Delhi has called the ordinance “illegal” and “unconstitutional”

### KEY CHANGES IN BILL

It omits a provision that pertains to court rulings; tweaks how tribunals' heads are picked, and has no specific mention of Article 239-AA(7), which concerns a provision on Delhi's administration



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## DIGITAL PERSONAL DATA PROTECTION BILL, 2023

### Key Provisions

- **Applicability** - The Bill will apply to the processing of digital personal data within India where such data is collected online, or collected offline and is digitised.
  - It will also apply to such processing outside India if it is for offering goods or services in India.
  - Personal data is defined as any data about an individual who is identifiable by or in relation to such data.
  - Processing has been defined as a wholly or partially automated operation or set of operations performed on digital personal data. It includes collection, storage, use, and sharing.
- **Consent** - Personal data may be processed only for a lawful purpose upon the consent of an individual.
  - Consent may not be required for specified legitimate uses such as voluntary sharing of data by the individual; processing by the State for permits, licenses, benefits, and services; medical emergency; and employment.
  - For individuals below 18 years of age, consent will be provided by the parent or the legal guardian.
- **Rights and duties of data principal** - An individual whose data is being processed (data principal), will have the right to obtain information about processing, seek correction and erasure of personal data, nominate another person to exercise rights in the event of death or incapacity, and grievance redressal.
  - Data principals will have certain duties. They must not register a false or frivolous complaint and furnish any false particulars or impersonate another person in specified cases.
- Violation of duties will be punishable with a penalty of up to Rs 10,000.
- **Obligations of data fiduciaries** - The entity determining the purpose and means of processing, (data fiduciary), must make reasonable efforts to ensure the accuracy and completeness of data, build reasonable security safeguards to prevent a data breach, inform the Data Protection Board of India and affected persons in the event of a breach, and erase personal data as soon as the purpose has been met and retention is not necessary for legal purposes (storage limitation).
  - In the case of government entities, storage limitation and the right of the data principal to erasure will not apply.
- **Transfer of personal data outside India** - The Bill allows the transfer of personal data outside India, except to countries restricted by the central government through notification.
- **Exemptions** - The central government may exempt government agencies from the application of provisions of the Bill in the interest of specified grounds such as security of the state, public order, and prevention of offences.
- **Data Protection Board of India** - The central government will establish the Data Protection Board of India to adjudicate on non-compliance with the provisions of the Bill.
- The Bill grants certain rights to individuals including the right to obtain information, seek correction and erasure, and grievance redressal.

### Decoding the data protection bill

#### WHAT IT MEANS FOR CONSUMERS

- **DATA** can be processed or shared by any entity only after consent.
- **SAFEGUARDS**, including penalties, introduced to prevent misuse of personal data.
- **ALL** data to be categorized under three heads— general, sensitive and critical.

#### THE GOVERNMENT & REGULATORY ROLE

- **GOVT** will have the power to obtain any user's non-personal data from companies.
- **THE** bill mandates that all financial and critical data has to be stored in India.
- **SENSITIVE** data has to be stored in India but can be processed outside with consent.

#### WHAT COMPANIES HAVE TO DO

- **SOCIAL** media firms to formulate a voluntary verification process for users.
- **SHARING** data without consent will entail a fine of ₹15 crore or 4% of global turnover.
- **DATA** breach or inaction will entail a fine of ₹5 crore or 2% of global turnover.

Source: Mint research

### KEY TERMS IN DATA PROTECTION

**DATA PRINCIPAL:** The person to whom the data in consideration belong

**DATA PROCESSOR:** A person, state, company or any other entity which processes data on behalf of someone else

**DATA FIDUCIARY:** A person, state, company or any other judicial entity which control the various aspects related to data storage and defines how it can be processed

**PERSONAL DATA:** Any data set that may contain information that can reveal personal traits of a human

being, and can be used to single out the person

**NON-PERSONAL DATA:** Data sets which do not contain any personal information and instead have information detailing the larger trends such as the income group of a town, the average age, the male-to-female-population ratio, etc

**DATA PROTECTION AUTHORITY:** A regulatory body for the Act which can have adjudicating powers and pass executive instructions in cases of conflict between two parties under the Data Protection Act

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## ANUSANDHAN NATIONAL RESEARCH FOUNDATION BILL, 2023

### Key Provisions

- The Bill will establish the National Research Foundation (NRF), an apex body to provide high-level strategic direction of scientific research in India as per recommendations of the National Education Policy (NEP), at a total estimated cost of Rs. 50,000 crores during five years (2023-28).
  - The Department of Science and Technology (DST) will be the administrative Department of NRF which will be governed by a Governing Board consisting of eminent researchers and professionals across disciplines.
  - Since the scope of the NRF is wide-ranging – impacting all ministries - the Prime Minister will be the ex-officio President of the Board and the Union Minister of Science & Technology & Union Minister of Education will be the ex-officio Vice-Presidents.
  - NRF's functioning will be governed by an Executive Council chaired by the Principal Scientific Adviser to the Government of India.
- The Bill will also repeal the Science and Engineering Research Board (SERB) established by an Act of Parliament in 2008 and subsume it into NRF which has an expanded mandate and covers activities over and above the activities of SERB.
- The Bill seeks to set up different funds –
  - the Anusandhan National Research Foundation Fund, for the financing of activities under the Act;
  - the Innovation Fund for supporting outstanding creativity in the areas supported by the Foundation;
  - the Science and Engineering Research Fund for the continuation of the projects and programmes initiated under the Science and Engineering Research Board Act, 2008; and
  - one or more Special Purpose Funds for any specific project or research.



MHRD

Government of India  
Ministry of Human Resource Development



### National Education Policy 2020

## National Research Foundation will be setup through an Act of Parliament

#### Autonomous Body

##### Funding

- Research - through Competitive, Peer-review Process
- Capacity Building through:
  - Research Mentors
  - Doctoral and Postdoctoral Fellowships

##### Beneficial Linkages - Researchers, Government and Industry

##### Recognising Outstanding Research

##### Initially Eight Verticals (Sciences, Technology, Social Sciences, Arts & Humanities etc.)



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## MULTI-STATE COOPERATIVE SOCIETIES (AMENDMENT) BILL NEW DELHI, 2022

### Key Provisions

- The Bill amends the Multi-State Cooperative Societies Act, 2002.
- The Bill seeks to establish the 'Cooperative Election Authority' to conduct and supervise elections to the boards of multi-state co-operative societies.
- It will consist of a chairperson, vice-chairperson and members not exceeding three to be appointed by the central government.
- A Co-operative Rehabilitation, Reconstruction, and Development Fund will be established for the revival of sick multi-state co-operative societies. The Fund will be financed through contributions by profitable multi-state co-operative societies.
- The Bill also provides for concurrent audits for multi-state cooperative societies, a mechanism for redressal of complaints, and the appointment of one or more cooperative ombudsmen and cooperative information officers.
- The Bill allows state co-operative societies to merge into an existing multi-state co-operative society, subject to the respective state laws.



# Multi-State Cooperative Societies

## (Amendment) Bill, 2022

Passed in the Lok Sabha



Ministry of Cooperation | भारतीय किसान  
Government of India | भारत सरकार

### How the bill benefits the Cooperative Societies

- 

Enhancement of transparency and professionalism in multi-state cooperative societies.
- 

Increase in the representation of weaker and marginalized sections in the Board of Directors.
- 

Board membership will be cancelled for non-compliance with the guidelines.
- 

Appointment of auditors from the panel approved by the Central Registrar for Financial Transparency.
- 

Appointment of Cooperative Information Officers to disseminate information to the members.



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## INFORMATION TECHNOLOGY (INTERMEDIARY GUIDELINES AND DIGITAL MEDIA ETHICS CODE) AMENDMENT RULES, 2023

### Key Provisions

- The Ministry of Electronics and Information Technology (MeitY) amended the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 and created the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2023 (IT Rules, 2023).
  - The amendment requires real money gaming services, where users deposit money in expectation of winnings, to get themselves certified as “permissible” by a Self-Regulatory Body (SRB) consisting of experts and industry members.
    - Since decades of constitutional jurisprudence has narrowed down the definition of “betting and gambling,” for which administrative authority rests with States, “permissible” real money games would likely be those where the outcome doesn't depend purely on chance.
  - The real money gaming industry, which has battled States in court — often successfully — against wholesale bans, has welcomed this amendment and indicated that they will comply.
    - The games that are not declared “permissible” would fall under the “betting and gambling” category, opening them up to restrictions from States where such activities are prohibited.
  - The Government has categorically refused to get into the debate on whether a real money game is one of skill or chance, which is a crucial distinction to legally determine whether an app facilitates betting or gambling. This decision has been left to the SRBs.
  - As such, major fantasy sporting apps and card games that have obtained court orders recognising them as games of skill, may not be impacted. Before passing this amendment, the Union Cabinet amended the Allocation of Business Rules to give the Centre powers to regulate “online gaming”.
- On Fact News**
- The amendment authorises a “fact check unit of the central government” to identify “fake or false or misleading” information in respect of “any business of the central government”.
  - The newly proposed unit will scrutinise any online comments, news reports or opinions about government officials and ministries and then notify online intermediaries for its censorship.
    - Such intermediaries will not only include online social media companies but also service providers across a plump layer of the tech stack including ISPs and file hosting companies.
  - Under the new IT Rules, social media companies will lose their “safe harbour immunity” for posts that the Government has flagged as misinformation.
    - Social media companies have traditionally enjoyed legal immunity for content posted by users, as the Information Technology Act, 2000 treats them as intermediaries.
- On Online Real Money Gaming Industry**
- The amendment will also empower the Union Government to regulate the online real money gaming industry, which comprises apps like fantasy sports sites, rummy and poker.

#### SOCIAL MEDIA

- Identify “first originator” of content that authorities consider anti-national
- Appoint grievance officer, resolve complaints in 15 days
- File monthly compliance report on complaints received, action taken

#### DIGITAL NEWS

- Follow Press Council of India, Cable TV Networks (Regulation) Act norms.
- Self-regulatory bodies to oversee adherence to Code of Ethics
- I&B Ministry to form panel, oversight mechanism

#### OTT PLATFORMS

- Self-classify content into five age-based categories: U (universal), U/A 7+ (years), U/A 13+, U/A 16+, and A.

- Parental locks for any content classified as U/A 13+ or above.
- Age verification mechanism for content classified as ‘A’ (adult)

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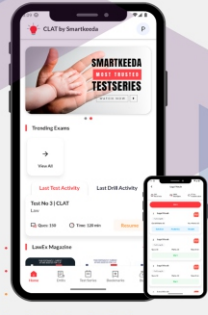
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## MODEL PRISONS ACT, 2023

### Key Provisions

- The Ministry of Home Affairs (MHA) has prepared the 'Model Prisons Act 2023' that will replace a British-era law to overhaul the prison administration that will focus on the reformation and rehabilitation of inmates, it said on May 12.
- It will replace the existing 130-year-old colonial law, the Prisons Act of 1894, in an attempt to shift the focus of incarceration from “retributive deterrence” to “reform and rehabilitation”.
- Intending to provide guidance and address gaps in the existing prison laws, the 2023 Act seeks to bring in the use of technology in prison management, make provisions for the grant of parole, furlough, and remission, and introduce special provisions for women and transgender inmates.
- The 2023 Act also seeks to bring about “transparency in prison management” and includes provisions for security assessment and segregation of prisoners; individual sentence planning; grievance-redressal; prison development board; use of technology in prison administration; and protecting society from criminal activities of hardened criminals and habitual offenders.
- Provisions for establishing high-security jails and open, semi-open jails have also been inserted.
- New measures for prisoners to video conference with courts have also been introduced. However, if a prisoner is using prohibited items like mobile phones in jail, they will be punished for it.
- Along with the Prisons Act, 1894, the Prisoners Act, 1900, and the Transfer of Prisoners Act, 1950 have also been reviewed by the MHA, and their relevant provisions have been assimilated into the Model Prisons Act, 2023.

## 130-year-old colonial-era Prison laws revised

The MHA has prepared a new 'Model Prisons Act 2023'



Lays emphasis on the safety of women & transgender prisoners



Ensures rehabilitation of inmates in society after completion of sentence



Brings about transparency in prison management by using technology



Focuses on vocational training & skill development of prisoners and their reintegration into the society



Source: Gol



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## REVAMP OF CRIMINAL LAWS

### Key Provisions

- Union Home Minister recently introduced three Bills in Lok Sabha to replace the Indian Penal Code (IPC), 1860; The Code of Criminal Procedure, 1973 (originally enacted in 1898); and the Indian Evidence Act, 1872.

#### Three Bills

- I. Bharatiya Nyaya Sanhita (BNS) Bill, 2023 will replace the Indian Penal Code, 1860
- II. Bharatiya Nagarik Suraksha Sanhita (BNSS) Bill, 2023 will replace the Criminal Procedure Act, 1898
- III. Bharatiya Sakshya (BS) Bill, 2023 will replace the Indian Evidence Act, 1872

#### Key Provisions of the Bharatiya Nyaya Sanhita (BNS) Bill, 2023

- The Bharatiya Nyaya Sanhita will contain 356 amendments. It will give precedence to offences against the state, crimes against women and children, and murder.
  - The section on sedition has been repealed, which is criminalised under Section 124A of the IPC.
  - The Bill for the first time defines terrorism and offences such as separatism, armed rebellion against the government, and challenging the sovereignty of the country which were earlier mentioned under different provisions of law.
  - The Bill prescribes capital punishment as the maximum sentence for mob lynching and suggests ten years imprisonment for sexual intercourse with women on the false promise of marriage.
    - The Bill, however, states that “sexual intercourse by a man with his own wife, the wife not being under eighteen years of age, is not rape.”
  - The provisions also include one-year imprisonment for bribing voters during polls.
  - The Bharatiya Nyaya Sanhita also calls for community service as a punishment for petty offences, which will be the part of penal code for the first time.
  - The Bill fixes a maximum limit of 180 days to file a charge sheet, which can speed up the trial process and prevent indefinite delays.
- #### Key Provisions of Bharatiya Nagarik Suraksha Sanhita (BNSS) Bill, 2023
- The Bill promotes the use of technology for trials, appeals, and recording depositions, allowing video-conferencing for proceedings.
  - The Bill makes video recording of statements of survivors of sexual violence compulsory, which can help in preserving evidence and preventing coercion or manipulation.
  - The Bill mandates that police must inform about the status of a complaint in 90 days, which can enhance accountability and transparency.
  - The Bill adds electronic communication including “communication devices” to the provision on summons to produce a document.
    - Electronic communication is defined as “the communication of any written, verbal, pictorial information or video content transmitted (whether from one person to another, from one device to another or from a person to a device or from a device to a person).”
  - A police officer may be permitted to use handcuffs while arresting a person if he is a habitual, repeat offender who escaped from custody, or has committed an organised crime, terrorist act, drug-related crime, illegal possession of arms, murder, rape, acid attack, counterfeit currency, human trafficking, sexual offence against children or offences against the state.
  - Section 41A of CrPC — which has a prominent safeguard against arrests — will get a new number, Section 35.
    - It has an additional provision: no person can be arrested without prior permission of an officer, not below the rank of a deputy SP, in cases where the offence is punishable with less than three years, or if the person is infirm above 60 years of age.
  - On receiving information in cognizable cases where the offence attracts 3-7 years, the police officer will conduct a preliminary inquiry to ascertain whether there exists a prima facie case to proceed within 14 days.
  - There is a provision on procedures for the timeframe to file mercy petitions in death sentence cases.
    - After being informed by jail authorities about the disposal of the petition of a convict sentenced to death, he, or his legal heir or relative can submit a mercy petition within 30 days to the Governor.
    - If rejected, the person can petition the President within 60 days. No appeal against the order of the President shall lie in any court.
  - A decision to grant or reject sanction to prosecute a public servant must be reached by the government within 120 days of receiving a request.

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- If the government fails to do so, the sanction will be deemed to have been accorded. No sanction is required in cases including sexual offences, trafficking, etc.
  - Section 144A of the CrPC gives the district magistrate the power to prohibit the carrying of arms in any procession, mass drill or mass training, to preserve the public peace.
    - While the provisions granting powers to the DM to pass orders in urgent cases of nuisance or apprehended danger remain as they are in Section 144 of the CrPC, the provision to prohibit carrying arms does not find a mention.
    - The Bill has provisions for the magistrate to order any person to give samples of his signature, handwriting, voice or finger impressions for the purpose of investigation without being arrested.
  - There are provisions for police to detain or remove any person resisting, refusing or ignoring, or disregarding directions given as part of preventive action.
- Key Provisions of Bharatiya Sakshya (BS) Bill, 2023**
- The Bill makes electronic or digital records admissible as evidence, thereby they will have the same legal effect as paper documents.
  - The definition of documents has been expanded to include electronic or digital records, e-mails, server logs, computers, smartphones, laptops, SMS, websites, locational evidence, emails and messages available on devices, which can be used in courts, which will give freedom from the pile of papers.
  - In the Bill, the scope of expansion for secondary evidence to include copies made from the original by mechanical processes, counterparts of documents, and oral accounts of document contents has been done.
  - Through the Bill, the government is aiming to introduce precise and uniform rules for dealing with evidence during the trial of cases.
  - It recognises expert opinion as a form of evidence such as medical opinion, handwriting analysis etc., which can assist in establishing facts or circumstances relevant to a case.
  - It introduces the presumption of innocence as a fundamental principle of the criminal justice system, which means that every person accused of an offence is presumed to be innocent until proven guilty beyond a reasonable doubt.

## Three bills introduced in Lok Sabha

### Indian Penal Code (IPC), 1860

**TO BE REPLACED BY**

### Bharatiya Nyaya Sanhita Bill, 2023

- It will have **356 sections** (instead of 511 sections in IPC)
- 175 sections have been amended
- 8 sections have been added, and 22 sections have been repealed

### Code of Criminal Procedure (CrPC), 1973

**TO BE REPLACED BY**

### Bharatiya Nagarik Suraksha Sanhita, 2023

- It will have **533 sections** (instead of 478 sections in CrPC)
- 160 sections have been changed
- 9 sections have been added, and 9 sections have been repealed

### Indian Evidence Act, 1872

**TO BE REPLACED BY**

### Bharatiya Sakshya Bill, 2023

- It will have **170 sections** (instead of 167 sections in IEA)
- 23 sections have been changed
- 1 section has been added, and 5 sections have been repealed

"From 1860 to 2023, the country's criminal justice system functioned as per the laws made by the British. I can assure the House that these bills will transform our criminal justice system. The aim will not be to punish, it will be to provide justice."

— AMIT SHAH



### WHAT NEXT

The three bills will be studied by the standing committee on home affairs, which is chaired by BJP MP Brijlal (who is a ret'd IPS officer).



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## THE INTER-SERVICES ORGANISATIONS (COMMAND, CONTROL AND DISCIPLINE) BILL, 2023

### Key Provisions

- The Bill does not propose any alteration to the existing Service Acts, Rules, or Regulations that have stood the test of time and judicial scrutiny over several decades.
- Currently, the Armed Forces operate under distinct Service Acts – the Army Act 1950, Navy Act 1957, and Air Force Act 1950.
- The Bill seeks to empower the Commander-in-Chief and Officer-in-command of Inter-Services Organisations with all disciplinary and administrative powers so that they take decisions related to personnel serving in or attached to such organisations.
  - Unlike the existing structure, where these officers lack disciplinary and administrative powers over personnel from other services, the bill empowers them to exercise full command and control. This includes maintaining discipline and ensuring the proper execution of duties by service personnel.
- Existing Inter-services Organisations will be deemed to have been constituted under the Bill. These include the Andaman and Nicobar Command, the Defence Space Agency, and the National Defence Academy.
  - The central government may constitute an Inter-services Organisation which has personnel belonging to at least two of the three services: the army, the navy, and the air force.
- The Bill introduces the concept of a Commanding Officer, responsible for overseeing a unit, ship, or establishment.
  - This officer, in addition to their unit-specific duties, also carries out tasks assigned by the Commander-in-Chief or Officer-in-Command of the Inter-services Organisation.
- The superintendence of an Inter-services Organisation will be vested in the central government.
- The Bill will empower the theatre commander or even those reporting to him to take disciplinary or administrative action against personnel attached to that specific theatre command without having to refer those cases to the individual services of the personnel.
  - However, this would be first notified through a separate government notification.

## Empowering joint command heads

**WHAT THE LAW SEEKS:** To empower heads of inter-services organisations to act against personnel from any of the three services

**WHAT CURRENTLY HAPPENS:** Officers of a service lack authority to exercise disciplinary and administrative powers over personnel from another service

### WHY THIS MOVE MATTERS

- The government says the lack of such powers has a direct impact on command, control and discipline
- It believes the law will help speed up disposal of cases, save time, help better integrate the armed forces



### A KEY STEP IN THEATERISATION PUSH

It comes amid a renewed push for theaterisation, a long-awaited military reform for the best use of resources to fight future wars

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