

IMPORTANT LEGISLATION 2023

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There have been a number of significant pieces of legislation passed in 2023. Let's take a look at the Important Legislation passed in 2023.

Numerous important Acts were enacted, addressing critical domains like the 106th constitutional amendment, maritime security, protection of personal data, and environmental preservation, among various others.

Important Legislation passed in 2023

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Constitution (One Hundred and Sixth Amendment) Act, 2023

This amendment in the Constitution of India added Article 239 AA which provides for the reservation of Seats in Delhi's Legislative Assembly for women. This amendment states that one-third of the seats will be reserved for women, this is further provided that this reservation is to be applied separately and collectively as well. This means that this one-third reservation is applied to the seats of Scheduled Castes and also to the total seats that are filled by direct elections.

Article 330 A introduces similar provisions for the reservation of women in the Lok Sabha, stating that the reservation will be drawn from the seats allocated under Article 330 (2)

Moreover, a similar provision has also been provided for by enacting it for the Legislative Assembly of each state by inserting Article 332-A in the Constitution which gives an identical provision as the above paragraph but this uses Article 332 (3) for calculation of one-third of the total seats.

The Central Goods and Services Tax (Amendment) Act, 2023

This Act was introduced in the Lok Sabha on 11th August 2023. It amends the original Central Goods and Services Tax Act, 2017 and provides for the collection of tax on the supply of goods and services that takes place within the state.

Except for lottery and gambling, actionable claims are not considered to be a supply of goods or services in this Act. Therefore, tax is not imposed on those transactions. A claim to any

debt that is not secured by way of supplying a mortgage of immovable property or by way of pledging of movable property, is called an actionable claim.

This Act has also added a mandatory provision of registration of those who supply online money gaming whether from outside India to persons in India or within India to persons in India.

The Mediation Act, 2023

Through this Act, it has been attempted to settle a civil or commercial dispute by mediation before initiating proceedings in any court or tribunal. The court or tribunal can still refer the dispute to mediation at any stage of the proceeding even if the pre-litigation mediation had failed.

Under this Act, the central government is required to establish the Mediation Council of India which consists of a chairperson, two full-time members with prior experience in mediation, three ex-officio members that include the Law Secretary, and a part-time member from an industry body. The main function of this council is the registration of mediators and the recognition of mediation service providers.

The Integrated Goods and Services Tax (Amendment) Act, 2023

This Act amends the original Integrated Goods and Services Tax Act of 2017. An online money gaming supplier that is located outside of India will be liable to pay this tax on such supply made to anyone in India. A game where the participant pays money and gets money or its equivalent in return which also includes virtual digital assets, which are supplied over the internet, then such game is categorized as an online money game. This includes any scheme, competition or any other activity whether it is based on chance, skill or both. Registration is also made compulsory for these suppliers.

The Pharmacy (Amendment) Act, 2023

This Act amends the original act of the Pharmacy Act of 1948. If a person wanted to practise pharmacy then registration under the Act of 1948 is mandatory. This new amendment has inserted a new section 32C which specifically recognises the registration of a pharmacist under the Jammu and Kashmir Pharmacy Act of 2011.

The Anusandhan National Research Foundation Act, 2023

This Act repeals the Science and Engineering Research Board Act of 2008 and also dissolves the board that was established under the repealed Act. This new Act has a provision for setting up the Anusandhan National Research Foundation (NRF) which will act as the top body in the country to provide strategic direction for innovation and research in various sciences. The key functions of this organization are to formulate programs for research and development and facilitate growth in the sector.

Coastal Aquaculture Authority (Amendment) Act, 2023

This Act amends the original Coastal Aquaculture Authority Act of 2005. The amendment is done to allow some of the allied activities in protected areas to promote coastal aquaculture which ultimately will lead to industry growth. This includes regulation of aquaculture farms which involves culturing shrimp, prawn fish or other aquatic life in a controlled environment along coastal areas. This Act also penalises unregistered farms. The Coastal Aquaculture Authority's functions have been enlarged to include the fixation of standards for inputs and discharge of effluents from aquaculture units and prohibit and monitor the same.

National Dental Commission Act, 2023

This new Act repeals the Dentists Act of 1948. Through this Act, the central government is required to establish a National Dental Commission consisting of 33 members. The chairperson should be an eminent dentist who will be appointed by the central government. The functions of this commission include the regulation of standards for dental education and training.

Through this Act, every state government is mandated to establish State Dental Councils within one year of the commencement of this Act. The councils will receive grievances related to professional misconduct and will also maintain state registers of dentists. Two or more state governments are allowed to form a Joint Dental Council to discharge the functions of the State.

A Dental Advisory Council will also be constituted by the central government that will advise the commission on education, training and other standards of work.

National Nursing and Midwifery Commission Act, 2023

This Act repeals the Nursing Council Act of 1947. A Commission will be established by this Act, which will consist of 29 members in which the chairperson must have a postgraduate degree in nursing and midwifery and also an experience of a minimum of 20 years in the same field. Key functions of this commission include providing a uniform process for admission in nursing institutions, framing policies, regulating standards and regulating such institutions.

Each state is also required to establish a State Nursing and Midwifery Commission where there is not already one. The state commission shall consist of 10 members which will include representatives from the health department, nursing college and nursing professionals.

The Indian Institutes of Management (Amendment) Act, 2023

Indian Institutes of Management (IIMs) are declared institutes of national importance through this Act. This Act mandates the Board to obtain prior approval of the President of India before appointing the Director for the institute. The central government will prescribe the procedure through which the selection of the director is to be done. The director of an IIM will be appointed by the Board of Governors, considering the Search-cum-Selection Committee's recommendations.

Digital Personal Data Protection Act, 2023

Whenever there is a transaction being done, whether online or offline, lots of personal data is collected, this Act applies to the processing of digital personal data within India whether it is collected online, offline or digitised. This also applies outside India. Consent of the person is mandatory to collect such personal data and for its processing. The central government is required to establish the Data Protection Board of India that will regulate the non-compliance of provisions of this Act.

Jan Vishwas (Amendment of Provisions) Act, 2023

This Act amends about 42 laws in various fields that involve the environment, agriculture and media. This changes the nature of various fines, converting them into penalties that don't

require a court proceeding. This Act has now also provided a provision for appeal and the appellate mechanism is improved.

The Mines and Minerals (Development and Regulation) Amendment Act, 2023

This Act amends the original Mines and Minerals (Development and Regulation) Act of 1957. This Act has added various provisions regarding Exploration Licenses that include a list of 29 minerals as given in the 7th Schedule of this Act and also includes provisions regarding auction, validity, maximum area permitted and incentives of these licenses.

The Constitution (Scheduled Tribes) Order (Second Amendment) Act, 2023

This Act amends the Constitution (Scheduled Tribes) Order, 1950, concerning its application to the state of Tamil Nadu. This provides a list of the tribal communities that are deemed to be Scheduled Tribes in States and Union Territories to give them necessary benefits.

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

This amends the Offshore Areas Mineral (Development and Regulation) Act of 2002 in which The Offshore Areas Mineral Trust is established, in which the royalty and any other money as is required by the concerned provisions are required to be submitted by the concession holders. This amendment also increases the penalties on various offences.

The Forest (Conservation) Amendment Act, 2023

This amendment enlarges the area of application of the original Forest (Conservation) Act, 1980 to include more types of land. A new provision has also been added where the state government cannot allow any forest land to any private person whether he is an individual or a group, without the central government's prior approval.

The Registration of Births and Deaths (Amendment) Act, 2023

The registration of Births and Deaths will be managed by the Registrar-General who is appointed through this Act, where he also has the jurisdiction to issue necessary directions to regulate the same. A system is established by this amendment, where at the state level, the concerned government will appoint Chief Registrars to look after the whole state and inferior to them will be the Registrars who will be responsible for local areas as assigned to them.

The Maritime Anti-Piracy Act, 2022

This **Act received the assent of the President on 31st January 2023**. The United Nations Convention on the Law of the Sea was adopted internationally, and in India, an Act was passed to implement its provisions. As the name suggests, the primary intention behind this Act is to curb maritime piracy and for doing that, impose punishments. **Section 2(h) of this Act** defines Piracy-

“(i) any illegal act of violence or detention or any act of depredation committed for private ends by any person or by the crew or any passenger of a private ship and directed on the high seas against another ship or any person or property on board such ship; (ii) any act of voluntary participation in the operation of a ship with knowledge of facts, making it a pirate ship; (iii) any act of inciting or of intentionally facilitating an act described in sub-clause (i) or sub-clause (ii); or (iv) any act which is deemed piratical under the international law including customary international law”

The Competition (Amendment) Act, 2023

To sustain healthy competition in the Indian Market the Competition Act of 2002 was passed, but it was not able to keep up with the change in the market, leading to subsequent amendments. This amendment made the following changes - provision of “deal value threshold” meaning that any agreement or deal that has a value of Rs 2000 crores or more will need the approval of the Competition Commission of India. This Act has also revised the nature of punishment for various offences.

Conclusion

In conclusion, these legal developments enacted in the face of this legislation show the commitment to progress ensuring that the legal system keeps up the pace with modern challenges and increases the opportunities which consequently helps in the nation’s growth and prosperity.

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