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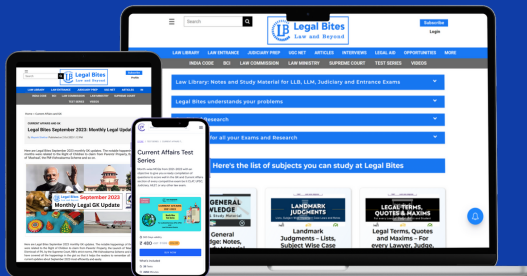


# IMPORTANT LEGAL UPDATES 2023

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### 1. Three New Criminal Law Enacted Replacing IPC, CRPC And Evidence

On 25th December 2023, three newly passed criminal law bills received the President's assent. These bills include the Bharatiya Nyaya (Second) Sanhita, aiming to substitute the Indian Penal Code, the Bharatiya Nagarik Suraksha (Second) Sanhita, seeking to replace the Code of Criminal Procedure, and the Bharatiya Sakshya (Second) Sanhita, intending to supplant the Indian Evidence Act. These bills received clearance from the Lok Sabha on December 20th and from the Rajya Sabha on December 21st.

- [\[Click here to Download Bharatiya Nyaya Sanhita\]](#)
- [\[Click here to Download Bharatiya Nagarik Suraksha Sanhita\]](#)
- [\[Click here to Download Bharatiya Sakshya Sanhita\]](#)

## 2. Supreme Court's Verdict on Repealing of Article 370 from Jammu and Kashmir

On 11th December 2023, the Supreme Court gave its final verdict on the repeal of Article 370 from the state of Jammu and Kashmir. A constitution bench was set up to ascertain the legal validity of the government's decision to remove the special status given to the said status. The apex court ruled in favour of the decision of the union government taken in 2019 which led to the abrogation of Article 370, and stated that the decision was taken aptly.

## 3. Parliament Security Breach

On 13th December 2023, the Parliament of India witnessed a security breach wherein two persons entered the premises and used smoke bombs. The two persons jumped on tables and were later detained by the police. A total of five people have been arrested in the said matter and investigations are ongoing to uncover the purpose and objective behind the attack.

## 4. Manipur Massacre: Continuing Violence and Legal Intervention

On 25th September 2023, the Supreme Court stated that there must be a thorough investigation to find if there were any state officers who colluded in the violence taking place in the state. It was also stated that as much as the court is unsatisfied with the state of affairs, it cannot take over the state administration. The apex court also stated that the legal rights of advocates from appearing in the court must not be curtailed.

## 5. 28% GST levied on Online Gaming

On 11th August, 2023 the Parliament approved of the 28% GST (Goods and Services Tax) to be levied on online gaming. These amendments relate to the Integrated Goods and Services Tax (Amendment) Bill, 2023, and the Central Goods and Services Tax (Amendment) Bill, 2023. This action of the legislative council is in parlance with the decision made by the GST Council in its 51st meeting which was held on 2nd August 2023. The ideology is to provide clarity on the taxation of these specific sectors.

## **6. Supreme Court rules against the Plea for Legalising same-sex marriage**

On 17th October 2023, the Supreme Court through a 5-judge constitution bench refused to legalise same-sex marriage in India. However, it has left the matter to be legislated upon by the Parliament. While all the judges of the constitution bench agreed to the fact that the discrimination against same-sex couples must be brought to an end, they also stated that the matter of allowing their marriage is a legislative subject and thus must first be dealt with by the Parliament. The Special Marriage Act, 1954 needs to be amended in that regard, as was the plea of the petitioners. They stated that Articles 14, 15, 19, 21 and 25 are violated by the SMA, 1954.

## **7. Removal of Air Traffic restrictions in Agra: Taj Trapezium Case**

On 4th February 2023, the Supreme Court removed the restrictions imposed on air traffic as per which the traffic had to be reduced and limited keeping instead of the protection to be granted to the monument that is: the Taj Mahal. In the year 2019, the apex court had ordered the construction of a new terminal at the Agra Airport, however, it had also added that there mustn't be a resultant increase in the air traffic. The same restriction, however, was removed this year in February.

## **8. NTPC's Requirement of clearing CLAT for Assistant Law Officers: Question forwarded to Supreme Court**

On 3rd January 2023, the question about the validity of the condition as imposed by National Thermal Power Corporation Limited (NTPC) for clearing CLAT (Common Law Admission Test) to become Assistant Law Officers in the Public Sector Undertaking being itself, was forwarded to the Supreme Court by way of appeal. Before that the Kerala High Court ruled in favour of NTPC stating that it has the right to ascertain the eligibility and recruitment conditions.

## **9. Anusandhan National Research Foundation Act 2023 passed by Parliament**

On 7th August 2023, the bill was passed by Lok Sabha. This act seeks to establish NRF (National Research Foundation) that will seed, grow and promote Research and Development (R&D) and foster a culture of research and innovation throughout India's universities, colleges, research institutions, and R&D laboratories. 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. The Act embodies the principles as enunciated in the National Education Policy (NEP) 2020.

## **10. Inauguration of India's new Parliament Building by Prime Minister Narendra Modi**

On 28th May 2023, post a seven-hour program held as a part of the inauguration program, the new Parliament building was made functional by India's Prime Minister Shri Narendra Modi. The new Parliament building as inaugurated is a part of India's Central Vista Redevelopment Project. The same is situated in New Delhi. It is aimed at strengthening the governance infrastructure by redevelopment and renovation of India's Parliament, thereby showcasing the renewed India which is an evolution of the traditional form.

## **11. Mitti Café inaugurated at the Supreme Court by CJI Chandrachud to encourage inclusivity**

On 10th November 2023, Chief Justice of India that is Justice DY Chandrachud inaugurated 'Mitti Café' and by that, he sent out a message of inclusivity. The café which has been set up in the court premises, is run and managed entirely by persons with disabilities. Alina Alam is the founder of 'Mitti Café' and her idea was endorsed by Senior Advocate Priya Hingorani who suggested that one such café must be opened in the Supreme Court's premises. It is a social initiative aimed at providing employment opportunities to the disabled.

## **12. The Digital Personal Data Protection Act, 2023 passed by Parliament**

On 11th August 2023, the Digital Personal Data Protection Act, 2023 came into force to provide the processing of digital personal data in a way that does not infringe on the right to privacy of individuals but also provides relevant access to the data for lawful objectives.

Moreover, this is a revolutionary enactment as it is the first time that in an Act, both the pronouns, that is 'she/he' have been used.

## **13. Introduction of the Telecommunications Bill, 2023 in Lok Sabha**

On 18th December 2023, the Telecommunications Bill, 2023 was introduced in the Lok Sabha. The bill is crucial as it seeks to repeal the Indian Telegraph Act, 1885, the Indian Wireless Telegraphy Act, 1933, and the Telegraph Wires (Unlawful Possession) Act, 1950. The bill seeks to regulate all activities that are related to the field of telecommunications. The bill also amends the Telecom Regulatory Authority of India (TRAI) Act, 1997.

## **14. Rejection of plea by Supreme Court to ban Pakistani Artists citing 'cultural harmony' as a reason**

On 28th November 2023, the Supreme Court stated that it shall not allow the appeal which primarily seeks to ban artists hailing from a particular country for the sole reason that they belong to that country. The apex court stated that in today's scenario, it is of utmost importance to maintain cultural harmony and so doing this would only instigate violence and hatred among the two countries' populations.

## **15. Strike down of 75% domicile reservation in Haryana by Punjab and Haryana High Court**

On 17th November 2023, the Punjab and Haryana High Court stated that the domicile reservation quota of 75% introduced by the Haryana government in the private sector is discriminatory and so the same was struck down by the said court. The court cited that the same is violative of the constitutional principles which demand equality of opportunity for all.

## 16. Supreme Court admits plea to examine if transgender women can claim under Domestic Violence Act, 2005

On 2nd November 2023, while hearing a plea against the Bombay High Court judgement which stated that if a person has identified as a 'woman' then naturally they are covered under the definition of 'aggrieved person' under Section 2(a) of the Domestic Violence Act, 2005. The same shall be decided by the Supreme Court in January of 2025.

## 17. Competition Amendment Act, 2023: Amendment made to a decade-old law

On 3rd April 2023, Competition Amendment Act, 2023 was passed. The Act has made significant changes in the principal law such as a change in the definition of the word 'control' which now also includes 'material influence' over the management, affairs or strategic decision-making. The amendment has also reduced the timeline for the implementation of a combination from 210 days to 150 days. Moreover, if CCI does not approve/ pass its opinion on a combination within 30 days, the same shall lead to the combination being deemed approved.

## 18. Introduction of Mediation Act, 2023

On 15th September 2023, the Mediation Act, 2023 received Presidential assent. The Act seeks to recognize pre-litigation mediation, and online and community mediation and encompasses the term "conciliation" to align with international practice. The provisions also encompass the enforcement of domestic mediated settlement agreements. 'Mediation Council of India' has been established by this Act to streamline the functions as proposed to be performed under this Act.

## 19. Advocates Amendment Act, 2023 passed by Lok Sabha

On 4th December 2023, the Lok Sabha passed the Advocates (Amendment) Act, 2023 which seeks to amend the Advocates Act of the year 1961. The amendment act is important as it covers the following aspects about instructing certain courts to maintain and prepare a list of touts. Along with the preparation of lists the amendment has also mentioned provisions for providing for penalty to such touts respectively.

## 20. The Supreme Court has ruled that Consumer Disputes are non-arbitrable

On 5th October 2023, the Supreme Court stated that it is not appropriate to compel consumer disputes for arbitration based solely on the facts that consumers are part of an arbitration agreement. This order of the Supreme Court has thereby reaffirmed the importance of consumer protection in disputes and preserves the right of consumers to address their grievances.

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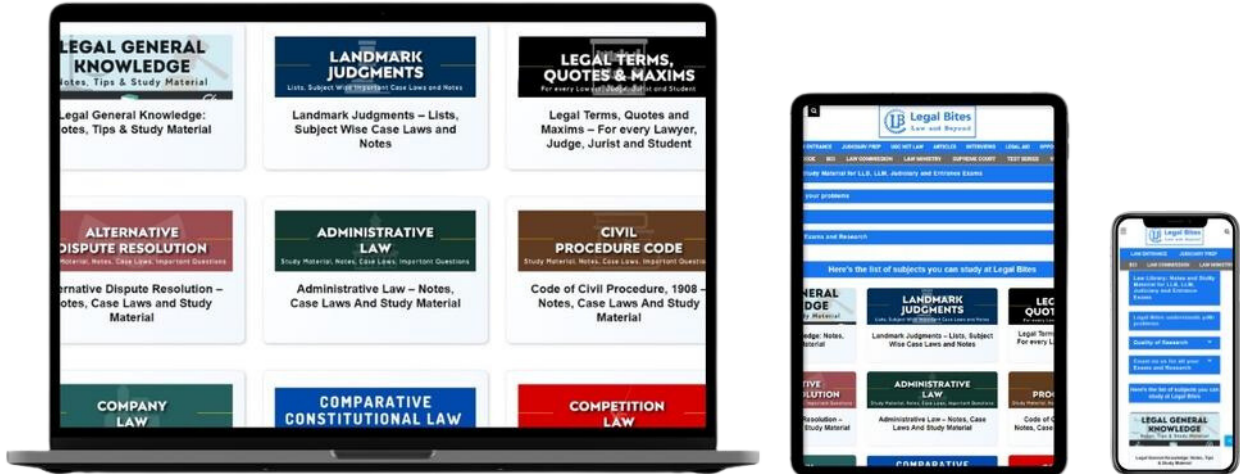
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