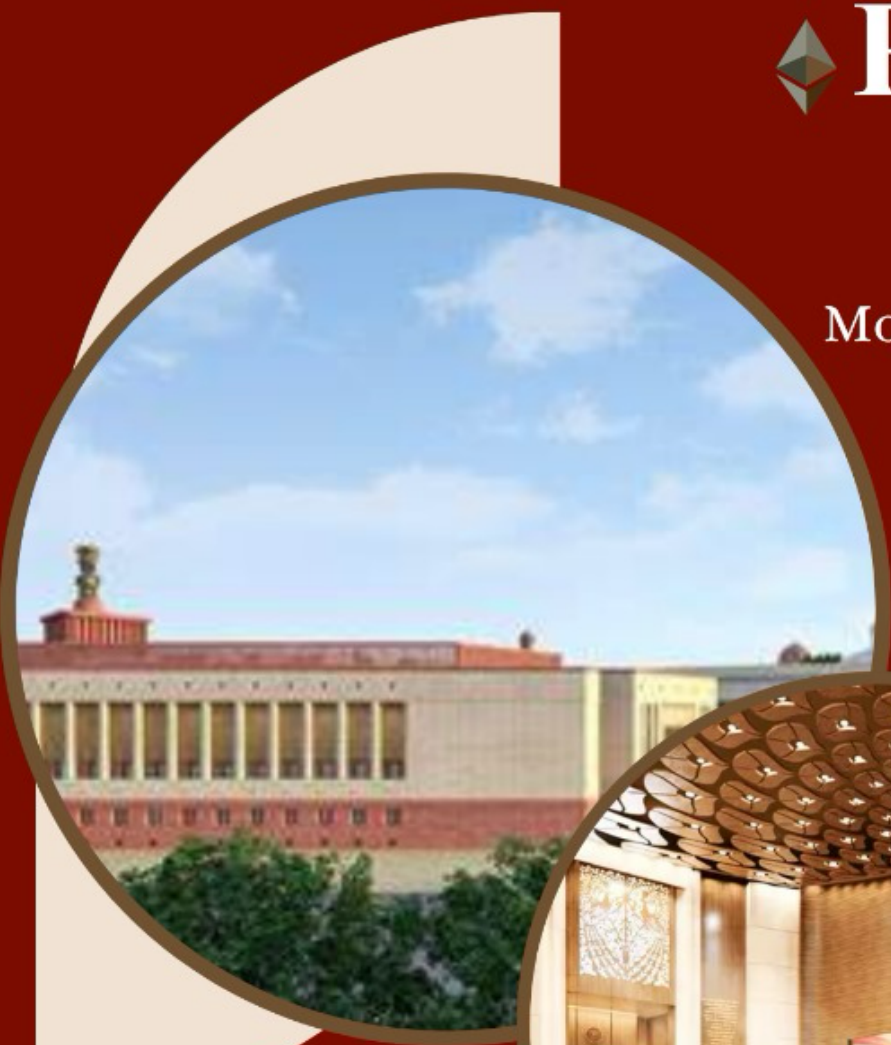




# PARLIAMENTARY REPORT PART I

Monsoon Session, 2024





# **MONSOON SESSION OF THE PARLIAMENT, 2024**

## **PARLIAMENTARY SESSION REPORT - I**

**BY**

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## **PREFACE**

Post-elections, the Monsoon Session of the 18<sup>th</sup> Lok Sabha commenced, marking a significant period in the country's legislative process. This session was pivotal, with the introduction of several bills that are poised to influence a large portion of the population. The purpose of this brief is to provide an accessible overview of the Bills introduced during this session, offering insights into their potential impact on various sectors of society. These new laws are expected to have far-reaching effects, addressing issues ranging from economic reforms to social welfare.

This summary aims to highlight the core provisions of these Bills, outline their intended objectives, and analyse their potential implications for the Indian populace. This summary provides an overview of the proposed legislations from the session, but readers are advised to consult official documents for a more detailed and comprehensive understanding of the laws and their implications.

This Report has been prepared by the Kautilya Society of RMLNLU, Lucknow, and will be released in two parts. It reflects the analysis and comments of its members and does not necessarily represent the views of the Indian Parliament or any related institutions. Readers should refer to the official legislative texts and supporting documents for a more in-depth understanding.

## **MONSOON SESSION DIGEST**

- ❖ The monsoon session of parliament began on July 22 with the presentation of the Economic Survey for 2023-24 and adjourned on August 9, a day ahead of schedule. The government thanked the presiding officers of the both Houses for ensuring that not a single working day of proceedings got washed out.
- ❖ On 23<sup>rd</sup> July, Nirmala Sitharaman created history as she became the first Finance Minister to present seven budgets in a row -- six annual budgets and one interim. She surpassed the record of Morarji Desai, who presented six budgets consecutively
- ❖ The general discussion on the Union Budget 2024-25 was a significant focus, engaging 181 members in a debate that spanned 27 hours and 19 minutes. Throughout the session, the Lower House addressed various matters of public importance, with 400 issues raised and 86 starred questions answered, the Lok Sabha Speaker Om Birla [claimed](#).
- ❖ The three bills which were passed are The Finance Bill, 2024, The Appropriation Bill, 2024, and The Jammu and Kashmir Appropriation Bill, 2024. The contentious Waqf Amendment Bill which was referred to Joint Parliamentary Committee (JPC). This marks the first time after 10 years that any bill has been sent to the JPC.
- ❖ With regard to private members' bills, 64 bills were introduced during the session. Two Private Members' resolutions were discussed. A resolution on the need to regulate airfares and a resolution to repeal the NEET examination and move 'education' from the Concurrent List to the State List was discussed.

Bills introduced during the session	14
Bills passed during the session	3
Bills were withdrawn during the session	1
Bills pending before the session	20
Bills pending at the end of the session	30

*Source: PRS Legislative Research*

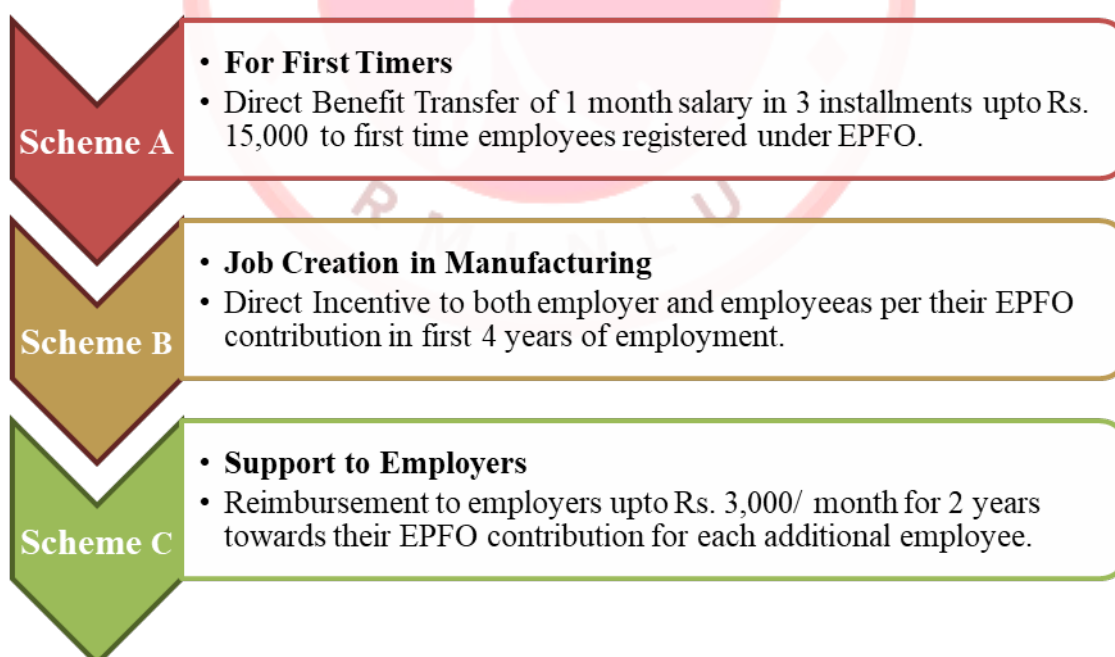
## UNION BUDGET 2024

### 1. Productivity and Resilience in Agriculture

- ❖ **Focus on Agricultural Research** – A comprehensive review of the Agricultural Research field to bring more productivity. 109 new high-yielding and climate-resilient varieties of 32 field and horticulture crops will be released for cultivation by farmers.
- ❖ **Digital Public Infrastructure** – Coverage of farmers and their lands in 3 years. Digital Crop survey for kharif crops in 400 districts. Jan Samarth-based Kisan Credit cards will be issued. National Cooperation policy will be framed for fast-track growth of rural employment and economy.
- ❖ **Natural Farming** – One crore farmers across the country will be initiated into natural farming over the next two years, supported with certification and branding. 10,000 need-based bio-input resource centres will be established.

### 2. Employment and Skilling

- ❖ **Employment Linked Incentive** – Under this, 3 schemes will be undertaken as a part of PM's package.



- ❖ **Skilling Program** – 20 lakh youth will be skilled over a 5-year period. 1000 Industrial Training Institutes will be upgraded in hub and spoke arrangements. Course content and design will be aligned as per industry needs.



### 3. Inclusive Human Resource Development and Social Justice

- ❖ **Purvodaya** – Plan for resource rich states in Eastern part including Bihar, Jharkhand, West Bengal, Odisha and Andhra Pradesh for generation of economic opportunities to attain Viksit Bharat. Allocation of more than Rs. 3 lakh crores for schemes specific to women.
- ❖ **Pradhan Mantri Janjatiya Unnat Gram Abhiyan** – Improving the socio-economic condition of tribals covering 63,000 villages and 5 crore tribals.
- ❖ **India Post Payment Bank** – More than 100 branches of India Post Payment Bank will be set up in the North East region to expand the banking services.
- ❖ **Andhra Pradesh Reorganization Act** – Completion of Polavaram Irrigation Project to ensure food security of the nation. Funds to be provided for infrastructure development in Koppaerthy node on Vishakhapatnam-Chennai Industrial Corridor and Orvakal node on Hyderabad-Bengaluru Industrial Corridor.

### 4. Manufacturing and Services

- ❖ **Support for promotion of MSMEs** – This budget emphasizes MSMEs and labour-intensive manufacturing. A self-financing guarantee fund will offer up to ₹100 crore in guarantee cover per applicant, regardless of loan size.
- ❖ **Mudra Loans** – The Mudra loan limit will be raised to ₹20 lakh from the current ₹10 lakh for entrepreneurs who have previously borrowed and repaid loans under the ‘Tarun’ category successfully.
- ❖ **MSME Units for Food Irradiation, Quality & Safety Testing** – Financial assistance will be provided to establish 50 multi-product food irradiation units within the MSME sector. Additionally, 100 food quality and safety testing labs with NABL accreditation will be set.
- ❖ **Internship in Top Companies** – The finance minister announced the launch of a comprehensive scheme as the 5th initiative under the Prime Minister’s package, aiming to provide internship opportunities for 1 crore youth over 5 years in 500 leading companies.

### 5. Urban Development

- ❖ **Urban Housing** – PM Awas Yojana Urban 2.0 will address the housing needs of 1 crore urban poor and middle-class families with a ₹10 lakh crore investment, including ₹2.2 lakh crore in central assistance over the next 5 years.

- ❖ **Water Supply and Sanitation** – In collaboration with State Governments and Multilateral Development Banks, the government will support water supply, sewage treatment, and solid waste management projects for [100 large cities through bankable initiatives](#).
- ❖ **PM SVANidhi** – Building on the success of the PM SVANidhi Scheme, the government plans to launch a new initiative to develop 100 weekly 'haats' or street food hubs in select cities each year for the next five years.

## **6. Energy Security**

- ❖ **PM Surya Ghar Muft Bijli Yojana** – The PM Surya Ghar Muft Bijli Yojana, launched to install rooftop solar plants, aims to provide 1 crore households with up to 300 units of free electricity each month. The scheme has received an overwhelming response, with over 1.28 crore registrations and 14 lakh applications.
- ❖ **Nuclear Energy** – Nuclear energy is anticipated to play a crucial role in the energy mix for [a developed India \(Viksit Bharat\)](#).

## **7. Infrastructure**

- ❖ **Strong Fiscal Support for Infrastructure:** Over the next five years, the Government aims to increase the fiscal support for infrastructure. In furtherance of the same, Rs. 11,11,111 crores have been allocated for capital expenditure. Additionally, Rs 1.5 lakh crore will be provided to state governments as long-term interest-free loans to improve state infrastructure.
- ❖ **Irrigation and Flood Mitigation Schemes:** The government will provide approximately Rs 11,500 crore in financial aid for flood management, river pollution control and irrigation projects in Bihar. Assistance will be provided to Sikkim and Assam for the mitigation of floods and landslides, and to Himachal Pradesh and Uttarakhand for reconstruction and rehabilitation projects.
- ❖ **Improving Road Connectivity:** An industrial node will be developed in Gaya, falling on the Amritsar-Kolkata Industrial Corridor. Further, Rs 26,000 crore will be allocated for road connectivity projects in Bihar.

## 8. Innovation, Research and Development

- ❖ **Anusandhan National Research Fund:** Institutionalization of research fund for basic research and prototype development
- ❖ **Private Sector driven Research:** Allocation of Rs. 1 lakh crore to boost private-sector-driven research and innovation at commercial level
- ❖ **Space Economy:** Allocation of Rs. 1000 crore to expand the space economy by 5 times

## 9. Next Generation Reforms

- ❖ **Labour Reforms:** An e-shram portal will be integrated with other portals to provide comprehensive labour services, including employment and skilling. Further, the Shram Suvidha and Samadhan portals will be revamped to make compliance for industry and trade easier.
- ❖ **Business Reforms:** The implementation of Jan Vishwas Bill 2.0, which seeks to facilitate the growth of businesses by reducing barriers, will provide a boost to ease of doing business. Moreover, states will be encouraged to implement Business Reform Action Plans and digitize their economies.
- ❖ **Rural and Urban Land Reforms:** The land reforms will focus on 2 aspects: (i) improving land administration, planning and management and (ii) updating urban planning, building bylaws and land usage.
- ❖ **Welfare Schemes:** A plan for minors, allowing parents and guardians to contribute, called NPS – Vatsalya, will be launched. As per the plan, upon reaching the age of majority, the account will turn into an NPS (National Pension System) account. Further, the NPS will be improved while also maintaining fiscal prudence to protect common citizens.

## DIRECT TAX PROPOSALS

The Union Budget 2024-25 intends to conduct a thorough review of direct and indirect taxes within the next six months. It also includes plans to revamp the GST structure and reassess Customs Duty rates to strengthen the tax base and bolster domestic manufacturing.

### ❖ **Comprehensive Review of the Income-Tax Act, 1961**

The Income-Tax Act is set to undergo a comprehensive review aimed at minimizing disputes and litigations, while also making the Act clearer, more concise, and easier to understand. the



simplification of tax regimes—eliminating exemptions and deductions for both corporate and personal income tax—has been well-received by taxpayers.

### ❖ **Employment and Investment**

The current budget announcement declares the abolition of angel tax for all investors. This move is expected to significantly boost the Indian startup ecosystem, promoting innovation and entrepreneurship. A simplified tax regime is proposed for foreign shipping companies in domestic cruises, recognizing the potential of cruise tourism. Additionally, the corporate tax rate for foreign companies will be reduced from 40% to 35% to attract more foreign capital.

### ❖ **New Tax Regime**

Second, in the new tax regime, the tax rate structure is proposed to be revised, as follows:

<b>Total Income (in Rs. /₹)</b>	<b>Rate of Tax (in per cent)</b>
Up to 3,00,000	nil
From 3,00,001 to 7,00,000	5
From 7,00,001 to 10,00,000	10
From 10,00,001 to 12,00,000	15
From 12,00,001 to 15,00,000	20
Above 15,00,000	30

The standard deduction for salaried employees is proposed to be increased from ₹50,000/- to ₹75,000/-. Similarly, the deduction on family pension for pensioners is proposed to be enhanced from ₹ 15,000/- to ₹ 25,000/-.

❖ **Simplification of direct tax regime for charities, TDS rate structure and capital gains taxation**

The two tax exemption regimes for charities will be combined into one. TDS will be reduced from 5% to 2% on many payments, and the 20% TDS on mutual fund unit repurchases will be removed. The TDS rate for e-commerce operators will drop from 1% to 0.1%. Credit for TCS will now be given on TDS deducted from salaries. The budget decriminalizes late TDS payments made by the TDS statement due date.

For capital gains, short-term gains on certain financial assets will now be taxed at 20%. Long-term gains on all financial and non-financial assets will be taxed at 12.5%. The exemption limit for capital gains has been raised to ₹1.25 lakh per year, benefiting lower and middle-income classes.



## **THE DISASTER MANAGEMENT (AMENDMENT) BILL, 2024**

### **INTRODUCTION**

The Disaster Management (Amendment) Bill, 2024, introduced on August 1, 2024, by Union Minister Nityanand Rai, aims to enhance India's disaster management framework. The Bill seeks to clarify the roles of various authorities, grant statutory status to the National Crisis Management Committee and the High-Level Committee, and strengthen the National and State Disaster Management Authorities. Key provisions include creating disaster management plans, establishing Urban Disaster Management Authorities, forming State Disaster Response Forces, and developing comprehensive disaster databases.

### **BACKGROUND**

As per the Statement of Objects and Reasons of the Amendment Bill, there was a need to mainstream Disaster Management in the development plans. Aligning with the recommendation of the Fifteenth Finance Commission, learnings from past disasters, and experience gained during the implementation of the Act, the Disaster Management Act, 2005 has been reviewed in consultation with all stakeholders, including State Governments.

### **PIVOTAL CHANGES INTRODUCED**

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#### **1. Definitions and Terminology**

In the definition of 'Disaster', a clarification has been added regarding "man-made causes" do not include any law and order-related matters or situations.

#### **2. Disaster Database and Data Risk**

A special provision has been introduced to establish and maintain a comprehensive disaster database both at national and state level, ensuring all relevant information is systematically recorded and accessible. Additionally, a new provision has been added to address potential risks associated with disaster data, aiming to safeguard the integrity and security of the information.

#### **3. Disaster Management Structures**

Under the revised disaster management framework, a National Crisis Management Committee has been constituted under Section 8A, and a High-Level Committee has been formed under

Section 8B. Additionally, beyond the existing National and State Authorities, an Urban Authority and Urban Plan have been introduced to further enhance disaster management efforts in urban areas.

#### **4. National Disaster Management Authority (NDMA)**

Clause 3 of the Amendment Bill enhances the functioning of the National Disaster Management Authority (NDMA) by empowering the Vice-Chairperson, or a designated member in their absence, to manage day-to-day operations, addressing the longstanding vacancy in this role. Clause 5 allows the NDMA to determine staffing needs, subject to Central Government approval, and to appoint experts as needed. Clause 6 expands the NDMA's responsibilities to include coordinating the National Plan, guiding State Governments, implementing National Policy, and maintaining a national disaster database. Additionally, a change in Section 11 broadens the consultation scope by using words like "other stakeholders", promoting greater community involvement.

#### **5. National Policy and Planning**

A National Policy has been introduced to establish guiding principles and actions for disaster management at both the national and state levels. Additionally, the process for reviewing and updating the National Plan has been revised. [The plan will now be reviewed every three years and updated at least once every five years, rather than on an annual basis.](#)

#### **6. State Disaster Management Authorities**

The State Authority has been assigned the responsibility of approving both the District Plan and Urban Plan, as outlined in Section 18(2) (ca). Additionally, new functions have been added to expand the State Authority's responsibilities, covering sections 18(2)(i) to 18(2)(p). Furthermore, the Director General of Police has now been designated as an ex officio member of the State Executive Committee, enhancing the integration of law enforcement into the state's disaster management framework.

#### **7. Local Authorities**

Autonomous District Councils have now been included in the definition of local authorities, broadening the scope of local governance in disaster management. Additionally, separate Urban Disaster Management Authorities are to be established for State capitals and all cities with municipal corporations, with the exception of the National Capital Territory of Delhi and

the Union Territory of Chandigarh, where these authorities will be headed by the municipal commissioner.

## **8. Disaster Response Force**

The "National Disaster Response Force" has been renamed to "Disaster Response Force." Additionally, Clause 44A introduces a provision for the establishment of a State Disaster Response Force (SDRF), designed to provide specialized responses to disaster situations at the state level.

## **9. Finance, Accounts, and Audit**

The National Disaster Response Fund, as specified in Section 46, has been expanded to cover "meeting different aspects of disaster management" rather than being restricted to "threatening disaster situations or disasters." Similarly, the National Disaster Mitigation Fund, outlined in Section 47, now serves a broader purpose, shifting from funding "projects exclusively for mitigation" to addressing "disaster mitigation needs" more comprehensively.

## **10. Offences and Penalties**

Section 56(2) empowers state governments to take disciplinary action either independently or under directives from the state government. Additionally, Section 76A grants expanded authority to the National Authority, enhancing its capacity to oversee and manage disaster-related matters with broader powers.

## **SHORTCOMINGS**

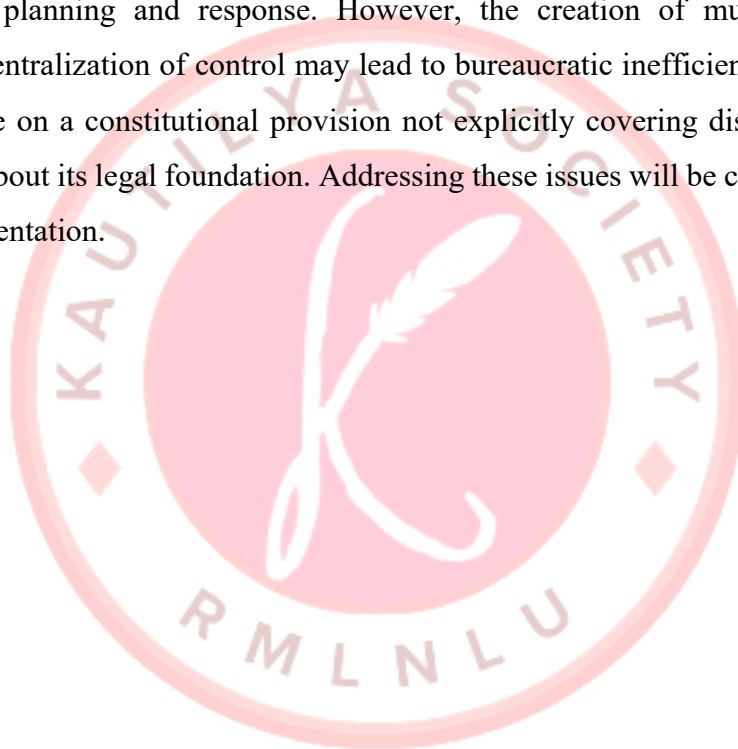
- 1. Multiplicity of authorities:** The creation of multiple authorities with overlapping functions, coupled with unclear role definitions, can lead to bureaucratic hurdles. The Amendment Bill exacerbates this by increasing the National Authority's power over staffing decisions, while leaving the State Authority's role unchanged, thus creating potential conflicts and further centralizing control under the Central Government through extensive rule-making powers.
- 2. Constitutional Irregularities:** The Bill has been brought under Entry 23 of the Concurrent List of Seventh Schedule which deals with "social security and social insurance, employment and unemployment" and not Disaster Management does not find



mention un the Seventh Schedule. The Administrative Reforms Commission’s 3<sup>rd</sup> Report has recommended to make a new entry, “Management of Disasters and Emergencies, natural or manmade” be included in List III (Concurrent List) of the Seventh Schedule of the Constitution’.

## CONCLUSION

The Disaster Management (Amendment) Bill, 2024, introduces significant reforms to improve disaster management in India by clarifying roles, expanding authorities, and establishing new frameworks for planning and response. However, the creation of multiple overlapping authorities and centralization of control may lead to bureaucratic inefficiencies. Additionally, the Bill's reliance on a constitutional provision not explicitly covering disaster management raises concerns about its legal foundation. Addressing these issues will be crucial for the Bill’s effective implementation.



## **BOILERS BILL, 2024**

### **INTRODUCTION**

On 8<sup>th</sup> August, Piyush Goyal, the Union Minister for Commerce and Industry, presented the *Boilers Bill 2024*; this officially revokes the Boilers Act, 1923, to further modernise pre-constitutional acts and ensure smoother functioning. Previously, The Prime Minister had chaired a Cabinet meeting on 2nd August 2024, where the decision was made to repeal the *Boilers Act of 1923* and introduce the "*Boilers Bill, 2024*" in Parliament.

It has been created in accordance with contemporary drafting techniques to provide greater clarity to the contents of the Bill. The Boilers Bill has consolidated similar provisions spread across different sections into six chapters to enhance readability and comprehension of the Act. A detailed list of the functions/powers of the Central Government, State Governments, and Central Boilers Board has been provided to prevent any misunderstandings.

### **BACKGROUND**

The Government of India is reviewing all pre-constitution Acts to determine their appropriateness and pertinence in present-day circumstances. The Boilers Act of 1923, which predates the Constitution, addresses the protection of life and property. Therefore, it was deemed crucial to proceed with implementing the existing Act and introducing a new Boilers Bill, 2024, in Parliament by reviewing and adapting its provisions according to the needs of the modern era.

In 2007, the Indian Boilers (Amendment) Act made significant changes to The Boilers Act of 1923 by introducing inspection and certification by third-party inspecting authorities. Nevertheless, upon closer review of the current Act, the government felt a necessity to update it and integrate the decriminalized provisions in alignment with the Jan Vishwas (Amendment of Provisions) Act, 2023.

### **PIVOTAL CHANGES INTRODUCED**

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#### **1. Restructure of the Bill**

The Act has been restructured significantly, now being split into six separate chapters that organize the provisions based on their thematic relevance in a systematic manner. This

restructuring represents a change from the previous setup, when the Act did not have formal chapter divisions and its related provisions were spread out in the text. The recent organization ensures that related clauses are clustered together in their corresponding sections, improving the understandability and ease of access of the legal document. This organized method helps with navigating and understanding more easily while also displaying a logical and cohesive structure, making it easier to comprehend and apply the law

## **2. Addition of New Laws**

The Bill includes multiple new measures designed to improve the efficiency of the Boilers Act, 2024.

Clause 43 gives the power to address any obstacles faced in carrying out the Boilers Act, 2024. This provision permits required changes to occur over a span of three years, guaranteeing a seamless shift and successful implementation of the Act's rules.

Another significant inclusion is Clause 44, which deals with the abolition and preservation of current legal documents. This provision guarantees that the guidelines, directives, mandates, and other legal tools implemented under the Boilers Act, 1923, will continue to be effective until new ones are introduced under the reinstated Boilers Act, 2024. This clause is essential for ensuring that there is no break in the law and to prevent any gaps in regulations as the new Act is implemented.

## **3. The Decriminalisation of Certain Clauses and Monetary Penalties**

In order to improve boiler safety and protect workers dealing with them, the Bill maintains criminal punishments for four of the seven serious offenses that endanger lives and property. These severe crimes, which have the potential for disastrous results, still result in legal repercussions, showing the seriousness of these breaches.

The Bill brings in monetary penalties for the remaining offenses as a more fitting and proportional form of punishment. These violations, while still significant, are viewed as less serious and are therefore liable to monetary fines instead of legal consequences. Moreover, the Bill will bring about significant alteration in the language and implementation for non-criminal situations. The term "fines" is being substituted with "penalties," transferring the power to impose them from the courts to the government. This adjustment simplifies the procedure,

enabling quicker imposition of penalties using administrative methods instead of going through court cases, thus speeding up enforcement and guaranteeing adherence to safety rules.

#### **4. Removal of Obsolete Clauses**

The Bill aims to update the legal framework by removing unnecessary and outdated provisions from the Boilers Act, 1923. In particular, Section 1(2), which previously stated the Act applied to all of India, has been deleted. This clause is viewed as obsolete and redundant in today's legal framework, as the territorial scope of laws is typically regulated by more detailed legal instruments.

Furthermore, Section 2A, which expanded the Act's scope to include feed-pipes, and Section 2B, which did the same for economisers, have also been left out. These measures are considered unnecessary because improvements in technology and changes in safety standards have made them outdated. The elimination of these parts shows a move towards a more efficient and modern regulatory framework.

#### **CONCLUSION**

To sum up, the Bill is essential for updating the old Boilers Act, 1923, to align it with current standards and practices. The Bill clarifies and simplifies legal rules to ensure clear and easily understood responsibilities for those in the boiler industry.

Additionally, the Bill implements more effective methods for quickly addressing non-criminal offenses, transferring enforcement to an executive system and reducing the load on the judicial system. Getting rid of outdated rules improves the ease of conducting business by eliminating unnecessary red tape and creating a more efficient, business-friendly atmosphere. In general, the Bill finds a middle ground between effective regulation and ensuring public safety, showing a progressive stance on governing and regulating industries.

**THE READJUSTMENT OF REPRESENTATION OF SCHEDULED TRIBES IN ASSEMBLY  
CONSTITUENCIES OF THE STATE OF GOA BILL, 2024**

**INTRODUCTION**

The Readjustment of Representation of Scheduled Tribes in Assembly Constituencies of the State of Goa Bill, 2024 was presented in the Lok Sabha on August 5, 2024. This legislative proposal seeks to enable the reservation of seats for the Scheduled Tribes (hereinafter “ST”) of Goa by readjusting the seats of the Legislative Assembly, pursuant to the inclusion of certain communities in the Scheduled Tribe category of Goa.

**BACKGROUND**

Post the inclusion of three new communities viz. Kunbi, Gawda and Velip in the Schedules Tribe category for the State of Goa in 2003, the ST population increased substantially, but the peculiarity of the situation was that there were no seats reserved for them, depriving them of the constitutional reservation under Article 332. Further, the last delimitation exercise was held in 2002, after which the existing number of seats was frozen till the delimitation of 2026, and no provision of the Representation of People Act of 1950 or 1951 or the Delimitation Act 2002 provided the Election Commission to readjust the seats. Therefore, it was expedient to enact this law to provide the Election Commission with the power to readjust and reserve seats for the STs in order to ensure their democratic participation.

**PIVOTAL CHANGES INTRODUCED**

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**1. Estimation of population of Scheduled Tribes by Census Commissioner**

The bill requires that the population of the Scheduled Tribes in the State, according to the last census, will be estimated by the Census Commissioner and then notified in the Gazette of India. This will be the final figure to be used for the purposes of reservation of seats for STs and will supersede all the previous figures for the same purpose.

**2. Readjustment of Seats for determining Reserved Seats for Scheduled Tribes**

The Election Commission of India has been empowered to make amendments to the Delimitation Order, in order to provide proper representation to the Scheduled Tribes. It will readjust the Legislative Assembly constituencies having regard to the provisions of Article 332



of the Constitution. In the process, it will have to mandatorily publish its proposals for amendment and invite and consider all the objections and suggestions received.

### **3. Power of the Election Commission of India**

The Election Commission has been accorded power to amend the Delimitation Order. To effectuate this, the Commission has been given the power of a civil court. Further, the amendments made by the commission will apply to the next elections conducted after the amendments are published in the Gazette of India. Moreover, these amendments have been made subject to laying before the legislature. The Election Commission can also make any necessary corrections in the Delimitation Order.

### **CONCLUSION**

In a nutshell, the bill is a significant step towards ensuring the equitable participation and representation of the Scheduled Tribes. It corrects the anomaly of under-representation of the Scheduled Tribes of the State of Goa in the Legislative Assembly and enhances their democratic participation in the electoral process. The changes, such as relying on the most [recent census data](#) for estimating the ST population, the expansion in powers of the Election Commission and mandatory stakeholder consultation involved in the entire process, bring about more transparency and credibility to the legislation.

## **THE CARRIAGE OF GOODS BY SEA BILL, 2024**

### **INTRODUCTION**

The Carriage of Goods by Sea Bill, 2024, introduced in the Lok Sabha on August 9, 2024, outlines the responsibilities, liabilities, rights, and immunities for goods transported from or to ports in India or worldwide. It aligns with the Hague Rules (1924) and its amendments, retaining existing provisions. The Bills of Lading Bill 2024 will extend rights under bills of lading to consignees or endorsees. A bill of lading is a key document in shipping, serving as a title, receipt, and contract between the carrier and shipper. This new Bill will also repeal The Indian Bills of Lading Act 1856. Additionally, it grants the central government authority to issue directives and amend the rules for bills of lading.

### **BACKGROUND**

The law governing carrier liability has evolved over time, with frameworks including the Hague Rules, Hague-Visby Rules, Hamburg Rules, Rotterdam Rules, and the Indian Carriages of Goods by Sea Act. India enacted the Carriages of Goods by Sea Act in 1925, following the Brussels Convention on Maritime Law, which incorporated the Hague Rules 1924. This Act regulates the shipping of goods between Indian ports or from India to international destinations.

Historically, the risk of damage to goods during transit often made it challenging to determine liability. To address this, the Carriage of Goods by Sea Act of 1925 establishes the responsibilities and liabilities of carriers, ensuring they exercise due diligence and maintain their ships properly. Failure to meet these standards leads to carrier liability for damages.

After serving effectively for nearly 100 years, the Carriage of Goods by Sea Act of 1925 needed updates to align with international conventions and modern practices. Consequently, the Carriage of Goods by Sea Bill, 2024, has been introduced with minor amendments to simplify and update the law.

### **PIVOTAL CHANGES INTRODUCED**

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#### **1. Power to issue directions**

The Bill empowers the central government to issue directions for carrying out all or any of the provisions of the Act.

## **2. Amendment of schedule**

If the Central Government deems it necessary or advisable, it may amend the Schedule through a notification. Any such amendment will have the same force as if it were part of this Act and will take effect on the date of the notification, unless the notification specifies a different date.

## **3. Procedure for Submission of Notification**

Every notification issued under this Act must be laid before each House of Parliament for thirty days, which may be within one session or across multiple successive sessions. If both Houses agree to modify or annul the notification before the end of the following session, it will only take effect in its modified form or be voided. Modifications or annulments do not affect the validity of actions taken under the notification prior to the change.

## **4. Power to issue an Order**

If any difficulty arises in implementing this Act, the Central Government may issue an order, published in the Official Gazette, to make necessary provisions to address the issue, provided they are consistent with the Act. However, no such order can be made after two years from the commencement of the Act. Additionally, every order made must be laid before each House of Parliament as soon as possible after its issuance.

## **5. Repeal of Indian Carriage of Goods by Sea Act, 1925**

The Indian Carriage of Goods by Sea Act, 1925 hereby repealed. However, this repeal does not affect the previous operations of the repealed Act, including any actions taken or rights, privileges, obligations, or liabilities acquired under it. Rules, notifications, orders, or exemptions issued under the repealed Act will remain in force until they are repealed or superseded by provisions of the new Act, provided they are not inconsistent with the new Act.

Any ongoing proceedings or remedies related to rights, privileges, obligations, or penalties under the repealed Act may continue as if the Act had not been repealed.

The repeal also does not affect section 331 and Part XA of the Merchant Shipping Act, 1958, or laws limiting vessel owners' liability. Section 6 of the General Clauses Act, 1897 applies to this repeal.

## CONCLUSION

The Carriage of Goods by Sea Bill, 2024 updates and modernizes India's maritime law, aligning it with international standards like the Hague Rules. It introduces key changes, such as allowing the Central Government to issue directions, amend schedules, and address implementation challenges. The repeal of the Indian Carriage of Goods by Sea Act, 1925, does not disrupt existing rights or ongoing proceedings but updates the legal framework to improve clarity and coherence. This Bill represents a significant step toward modernizing India's shipping regulations and ensuring they meet contemporary global practices.



## **THE OILFIELDS REGULATION AND DEVELOPMENT BILL 2024**

### **INTRODUCTION**

The Oilfields Regulation and Development Bill 2024 (“The Bill”) was introduced in the Rajya Sabha on 5<sup>th</sup> August 2024. The Bill seeks to amend select provisions of the Oilfields Regulation and Development Act 1948. The Oilfields Regulation and Development Act 1948 was originally enacted as the Mines and Minerals (Regulation and Development) Act, 1948 and regulated the regime of oilfields, mines and minerals. Thereafter, the Mines and Minerals (Development and Regulation) Act, 1957 was enacted for the development and regulation of mines and minerals under the control of the Central Government and the Mines and Minerals Act of 1948 had to be renamed as the Oilfields Act of 1948.

Now, the 2024 Bill seeks to delink the mining operations from petroleum operations to further develop the petroleum operations in the country, provide clarity on the provisions governing petroleum operations and attract investments for the industry.

### **PIVOTAL CHANGES INTRODUCED**

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#### **1. Expansion of the meaning of “mineral oils”**

In section 3, the definition of “mineral oils” has been expanded to include a variety of hydrocarbons existing in different physical states in their usual industrial connotation but excluding coal, lignite and helium occurring in association with petroleum, coal or shale. This will enable the exploration and utilization of more valuable mineral oil resources and improve the infrastructure for mineral operations.

#### **2. Leases**

Clause (f) has been added to section 3, which defines “petroleum lease”. Section 4A has been inserted, which prohibits any person from exploring, producing, selling, carrying away or disposing of mineral oils in the economic territory of India, except through the authority of a valid petroleum lease granted under this Act. The scope of section 5, which lays down the Central Government’s power to make rules regarding petroleum (erstwhile mining) leases, has been expanded to allow the government to not only control the grant of leases, but also renew or extend them.



### **3. Dispute resolution mechanisms**

Clause (e) has been added to section 5 which provides that any dispute arising in relation to petroleum leases or authorisation granted by Central Government for working of an oilfield has to be resolved through alternative dispute resolution methods within or outside India. This will give the parties a chance to settle their disputes through cost-effective and less adversarial means.

### **4. Promoting Research**

In section 6, clause (ga) has been added which provides for the collection, aggregation, dissemination, use or sharing of data and samples of mineral oils with the Central Government for economic development, academic research and public welfare. This focus on collecting data of mineral oils for economic development, academic research and public welfare. These initiatives, coupled with clearly specified provisions and the efforts to align with the good global practices, will certainly give a boost to the investment and necessary capital and technology for expediting petroleum operations in the country and give a fillip to the industry.

### **5. Powers of the Central Government to make rules**

Further, 8 new clauses from (k) to (r) have been added to section 6, enabling the Central Government to make rules on a wide variety of matters. These include the sharing of production and infrastructure by two or more lessees for better development of oilfields and mineral oil production; ensuring safety standards at oilfields for the protection of persons and infrastructure; aligning the mineral oil management practices in India with the good international practices; reducing and reporting the emission of carbon and greenhouse gas emissions during mineral oil operations and adopting the use of solar, wind and other renewable energy projects to promote the development of sustainable energy projects.

### **6. Penalties**

The penalties for violation of the provisions of the Act given in section 9 have been expanded and made stricter to ensure compliance. As per the new section 9(1), anyone who violates the rules made under this Act will have to pay a fine of Rs 25 lakhs. This is a great shift from the meagre penalty of Rs 1000 and/or 6-month imprisonment imposed by the provisions of the previous Act of 1948.

## **7. Adjudicating and Appellate Authority**

Section 9A has introduced the designation of an adjudicating authority, not below the rank of Joint Secretary to the Government of India. The adjudicating authority will have the powers to summon any witness or admit any documentary evidence which, according to her/him, may establish the contravention of the provisions of the Act by a person, also having the powers to determine the penalty of the person in question. The person will have to be accorded an opportunity to be heard. Since the adjudicating authority and appellate tribunal will be newly instituted bodies, providing a more predictable and familiar way of dispute resolution will lie in the parties' favour. Appeals against the decisions of the adjudicating authority shall be entertained by the Appellate Tribunal instituted by section 30 of the Petroleum and Natural Gas Regulatory Board Act, 2006.

## **8. Focus on environment-friendly and sustainable practices**

The Bill places heavy emphasis on the need to reduce the emission of carbon and greenhouse gas emissions during mineral oil operations and the use of solar, wind and other renewable energy projects to promote the development of sustainable energy projects. This is a welcome step in light of the fast-depleting petroleum resources and environmental degradation.

## **CONCLUSION**

The Bill is an attempt to modernise the oil and gas sector and boost the performance and investment in the petroleum sector. One potential drawback of the Bill is that it does not clearly address environmental concerns related to oil exploration and production. Although it touched upon the need to adhere to safety standards and green practices, these can turn out to be vague when the actual implementation is concerned. Adding regulations regarding pollution control, waste management, habitat protection, etc. to control the risks to the environment from expanded oil activities is the need of the hour and adding clear guidelines along those lines can serve the purpose of the Bill better. However, the changes that the Bill seeks to introduce to streamline the industry, promote eco-friendly practices and attract investment and build self-sufficiency are laudable.

## **THE BILLS OF LADING BILL, 2024**

### **INTRODUCTION**

The Bills of Lading Bill, 2024 was to modernize and update the legal framework governing the Bills of Ladings. It seeks to replace the Indian Bills of Lading Act, 1856 by adopting contemporary legal practices and standards in the context of maritime commerce.

### **BACKGROUND**

The Indian Bills of Lading Act, 1856 sought to govern the legal technicalities surrounding Bills of lading. A bill of lading serves as a crucial document in the shipping and transportation industry, acting as a receipt of goods, a document of title, and a contract for the carriage of goods. The 1856 Act majorly addressed two significant aspects namely:

- a. Transferring of all rights in respect of the contract contained in the bill of lading along with the property to the consignee or endorsee of the bill of lading
- b. Ensuring that a transferred bill of lading in the hands of a bona fide holder be treated as conclusive evidence of the goods being laden on board.

Therefore, the introduction of the 2024 Bill with the objective to preserve substantial aspects of the old Act while ensuring its accessibility becomes imperative.

### **PIVOTAL CHANGES INTRODUCED**

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#### **1. Transfer of Rights and Liabilities**

The Bill provides for the transfer of all rights of suit and liabilities to the consignee or endorsee named in a bill of lading. This ensures that the consignee or endorsee has the same rights and liabilities as if the contract was originally made with them.

#### **2. Conclusive Evidence of Shipment**

The Bill provides that every bill of lading in the hands of a consignee or endorsee for valuable consideration is to be treated as conclusive evidence of such shipment against the master or other person signing the same, even if the goods have not actually been shipped.

### **CONCLUSION**

The proposed Bill aims to maintain the core principles of the previous Act while at the same time enhancing clarity, simplifying legal processes and providing the necessary regulatory powers to the government.



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Debjoyoti Samaddar

### **Batch of 2026**

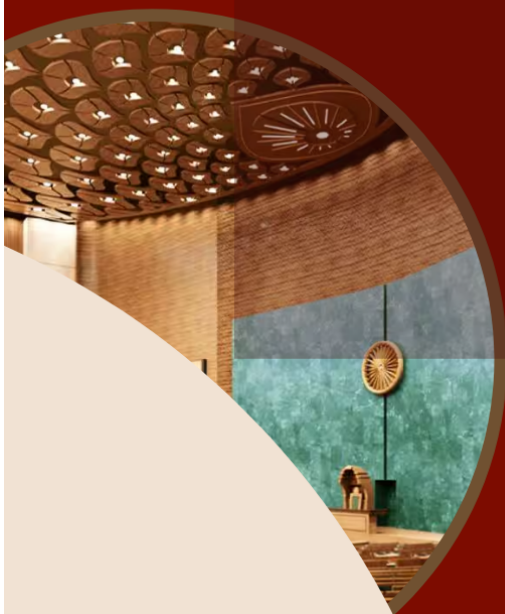
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