

Overview of Major Amendment Bills Passed in Indian Parliament In 2022

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Abstract:

The development of any nation depends on its constitution and mission policy. For this purpose, the formulation of elevated goals, policies, or amendments in the existing policies is orderly because without it, change with time is impossible. Human needs are increasing day by day, so naturally, goals and strategies are decided from the point of view of fulfilling those needs and making human life comfortable. Through the presented research, changes or amendments in the Constitution of India have been analyzed over time. In it, mainly the Bills for the year 2022 have been studied in detail. Through the said study, the main objective of the bill amendment has been analyzed. From this, it can be seen that constitutional amendments are mainly made to make human life smooth and transparent in transactions as per the changing times.

Keywords: Constitution of India, Parliament, Amendments, Policies, Bills, Etc.

Introduction:

Every nation has to change or amend its policy with time as well. Because it helps in streamlining the administration and also facilitates solving new problems. India is primarily a democratic country and also a country with a population of 1.4 billion; so naturally, the problems here are also related to population. Amendments or amendments are made to various laws in the constitution to bring transparency to administration and protect the interests of the people.

Amendments to the Constitution of India or new Bills are passed in the following ways:

- 1) By simple majority of Parliament.
- 2) By Special Majority of Parliament.
- 3) By a special majority of the Parliament accompanied by a simple majority of half of the States.

According to which article Parliament can amend the Constitution:-

Constitutional Amendment Provision - Article – 368 Article 368 of Part 20 of the Constitution of India provides the right of Parliament to amend the Constitution and the method of amending the Constitution.

Who has the right to change the constitution:-

Article 368 (1) empowers the Parliament to amend any provision of the Constitution by way of addition, alteration or deletion in the manner prescribed in this Article. As per the judgment of the Supreme Court in Kesavananda Bharti case, Parliament cannot alter the basic structure of the Constitution while amending the Constitution.

Procedure of Amendment – In Article 368 (2), the procedure of amendment is given as follows:

- 1) Amendment of the Constitution is initiated by introducing the relevant Bill in any House of the Parliament. Such a bill can't be presented to the state legislatures.
- 2) Prior assent of the President isn't required for a Minister or a non-public Member to introduce a Bill.
- 3) This bill must be gone by a special majority in both houses. That is, this bill has to be approved by the bulk of the full number of members of that house and a minimum of two-thirds of the members present and voting in this house.
- 4) There's no provision for joint sitting (Section-108) because the bill must be passed independently in both houses.
- 5) If the constitutional amendment bill changes the federal provisions of the constitution, then a minimum of half the state legislatures must support it by a straightforward majority before submitting the bill to the President for assent.
- 6) After the Bill is passed in both the homes it'll be sent for President's assent after obtaining the support of the State Legislatures if necessary.
- 7) The President is obliged to pass the bill.
- 8) After the assent of the President the Constitution Amendment Bill shall be converted into the Constitution Amendment Act and therefore the Constitution shall be amended accordingly.

Objectives of Study:

- 1) To study Indian Constitution Amendments passed in 2022.
- 2) Find out the explanations for constitutional amendments.
- 3) To analyze the main amendments to the Constitution of India in 2022.
- 4) To study the impact of amendments to the Constitution of India passed in 2022.

Methodology:

Information was collected by newspaper, articles, magazines, government reports, websites, etc.

Major Amendment Bills Passed in Indian Parliament in 2022:

1] The Central Universities (Amendment) Bill, 2022:

Ministry: Skill Development and Entrepreneurship

- The Central Universities (Amendment) Bill, 2022 was introduced in Lok Sabha on quarter day, 2022. The Bill amends the Central Universities Act, 2009, which provides for establishing central universities in various states. Key features of the Bill include:
 - Gati Shakti Vishwavidyalaya: The Bill seeks to convert the National Rail and Transportation Institute, Vadodara (a deemed university) to the Gati Shakti Vishwavidyalaya, which can be a central university. The National Rail and Transportation Institute was declared a deemed university under the University Grants Commission Act, 1956. The Vishwavidyalaya are going to be sponsored and funded by the central government through the Ministry of Railways.
 - Scope of education: The Bill provides that Gati Shakti Vishwavidyalaya will take measures to supply quality teaching, research, and skill development in disciplines associated with transportation, technology, and management. If required, the University may additionally establish centres in India and abroad. In keeping with the Statement of Objects and Reasons, establishment of the Vishwavidyalaya will address the requirement of trained talent within the transportation sector.

- Appointment of a brand new Vice-Chancellor (VC): the present VC of the National Rail and Transportation Institute will hold office for: (i) six months from when the Act is notified, or (ii) until a brand new VC for the Gati Shakti Vishwavidyalaya is appointed, whichever is earlier.

2] The Family Courts (Amendment) Bill, 2022:

Ministry: Law and Justice

- The Family Courts (Amendment) Bill was introduced in Lok Sabha on July 18, 2022. The Bill amends the Family Courts Act, 1984. The Act allows state governments to determine Family Courts. The central government is empowered to notify dates for the Act to return into force in numerous states. The governments of Himachal Pradesh and Nagaland have founded Family Courts in their states under the Act. However, the central government has not extended the appliance of the Act to those states.

- Application of Act in Himachal Pradesh and Nagaland: The Bill seeks to increase the applying of the Act to the state of Himachal Pradesh, with effect from February 15, 2019, and to the state of Nagaland, with effect from September 12, 2008. The establishment of Family Courts in both the states is retrospectively valid from these dates. All actions taken under the Act in both the states, including the appointment of judges, and orders and judgments gone the Family Courts, will be deemed to be valid from these dates retrospectively.

3] The Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Amendment Bill, 2022:

Ministry: External Affairs

- The Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Amendment Bill, 2022 was introduced in Lok Sabha on April 5, 2022. The Bill amends the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005. The 2005 Act prohibits unlawful activities (such as manufacturing, transport, or transfer) associated with weapons of mass destruction, and their means of delivery. Weapons of mass destruction are biological, chemical, or nuclear weapons.
- Prohibition on financing certain activities: The Bill bars persons from financing any prohibited activity associated with weapons of mass destruction and their delivery systems. To stop persons from financing such activities, the central government may freeze, seize or attach their funds, financial assets, or economic resources (whether owned, held, or controlled directly or indirectly). It's going to also prohibit persons from making finances or related services available for the good thing about other persons in reference to any activity which is prohibited.

4] The Indian Antarctic Bill, 2022:

Ministry: Earth Sciences:

- The Indian Antarctic Bill, 2022 was introduced in Lok Sabha on April 1, 2022. The Bill seeks to administer effect to the Antarctic Treaty, the Convention on the Conservation of Antarctic Marine Living Resources, and therefore the Protocol on Environmental Protection to the Antarctic Treaty. It also seeks to safeguard the Antarctic environment and regulate activities within the region. Key features of the Bill include:
- Applicability: The provisions of the Bill will apply to somebody, vessel or aircraft that's an element of an Indian expedition to Antarctica under a permit issued under the Bill. Areas comprising of Antarctica include: (i) the continent of Antarctica, including its ice-shelves, and

every one areas of the seabed adjacent to that, and (ii) all islands (including their ice-shelves), seas, and air space south of 60°S latitude.

- Central committee: The central government will establish a Committee on Antarctic Governance and Environmental Protection. The Committee is chaired by the Secretary of the Ministry of Earth Sciences. 10 members, not below the rank of joint secretary, are going to be nominated from various Ministries and organizations like defense, external affairs, National Centre for Polar and Ocean Research, and National Security Council Secretariat. Additionally, two experts from Antarctic environment and geo-political fields are going to be nominated by the central government.
- The functions of the Committee include: (i) granting permits for various activities, (ii) implementing and ensuring compliance of relevant international laws for cover of Antarctic environment, (iii) obtaining and reviewing relevant information provided by parties to the Treaty, Convention, and Protocol, and (iv) negotiating fees/charges with other parties for activities in Antarctica.
- Need for permit: A permit by the Committee or written authorization from another party to the Protocol (other than India) are required for various activities such as: (i) an Indian expedition to enter or remain in Antarctica, (ii) an individual to enter or remain in an Indian station in Antarctica, (iii) a vessel or aircraft registered in India to enter or remain in Antarctica, (iv) someone or vessel to drill, dredge or excavate for natural resources, or collect samples of natural resources, (v) activities which can harm native species, and (vi) waste disposal by someone, vessel or aircraft in Antarctica.
- Before a permit is granted by the Committee, the applicant must do an environmental impact assessment of the proposed activities. Moreover, a permit must not be granted unless a waste management plan has been prepared for the expedition by the Committee.
- Prohibited activities: The Bill prohibits certain activities in Antarctica including: (i) atomic explosion or disposal of radioactive wastes, (ii) introduction of non-sterile soil, and (iii) discharge of garbage, plastic or other substance into the ocean which is harmful to the marine environment.
- Offences and penalties: The Bill specifies penalties for contravention of its provisions. For example, conducting an atomic explosion in Antarctica is punishable with an imprisonment of 20 years which can touch incarceration and a fine of a minimum of Rs 50 crore. Drilling for natural resource or introducing non-native animals or plants in Antarctica without a permit are going to be punishable with imprisonment up to seven years and a fine between Rs 10 lakh and Rs 50 lakh. The central government may notify one or more Sessions Courts to be the Designated Court under the Bill and specify its territorial jurisdiction to undertake offences punishable under the Bill.

5] The Criminal Procedure (Identification) Bill, 2022:

Ministry: Home Affairs

The Identification of Prisoners Act, 1920 allows law enforcement officials to gather certain identifiable information (fingerprints and footprints) of persons including convicts and arrested persons. Also, a Magistrate may order measurements or photographs of someone to be taken to assist the investigation of an offence. Just in case of acquittal or discharge of the person, all material must be destroyed.

There are advances in technology that allow other measurements to be used for criminal investigations. The DNA Technology (Use and Application) Regulation Bill, 2019 (pending in Lok Sabha) provides a framework for using DNA technology for this purpose. In 1980, the Law Commission of India, while examining the 1920 Act, had noted the requirement to revise it to bring it in line with modern trends in criminal investigation. In March 2003, the Expert Committee on Reforms of the Criminal Justice System (Chair: Dr. Justice V. S. Malimath) recommended

amending the 1920 Act to empower the Magistrate to authorize the gathering of knowledge like blood samples for DNA, hair, saliva, and semen.

The Criminal Procedure (Identification) Bill, 2022 was introduced in Lok Sabha on March 28, 2022. The Bill seeks to switch the Identification of Prisoners Act, 1920.

Key Features of the Bill:

The Bill expands: (i) the sort of information that will be collected, (ii) persons from whom such data is also collected, and (iii) the authority which will authorize such collection. It also provides for the information to be stored in an exceedingly central database. Under both the 1920 Act and also the 2022 Bill, resistance or refusal to relinquish data are going to be considered an offence of obstructing an employee from doing his duty. Table 1 compares provisions of the 2022 Bill with the 1920 Act.

- The National Crime Records Bureau (NCRB) is going to be the central agency to keep up the records. It'll share the info with enforcement agencies. Further, states/UTs may notify agencies to gather, preserve, and share data in their respective jurisdictions.
- The data collected are going to be retained in digital or electronic form for 75 years. Records are going to be destroyed just in case of persons who are acquitted finally appeals, or released without trial. However, in such cases, a Court or Magistrate may direct the retention of details after recording reasons in writing.

Bill may violate the proper to Privacy yet as Equality:

The Bill permits the gathering of certain identifiable information about individuals for the investigation of crime. The knowledge specified under the Bill forms a part of the non-public data of people and is thus protected under the proper to privacy of people. The proper to privacy has been recognized as a fundamental right by the Supreme Court (2017). The Court laid out principles that ought to govern any law that restricts this right. These include a public purpose, a rational nexus of the law with such purpose, which this can be the smallest amount intrusive thanks to achieve the aim. That is, the infringement of privacy must be necessary for and proportionate thereto purpose. The Bill may fail this test on several parameters. It's going to also fail Article 14 requirements of a law to be fair and reasonable and for equality under the law.

The issue arises because of the actual fact that: (a) data are often collected not just from convicted persons but also from persons arrested for any offence and from the other person to assist an investigation; (b) the info collected doesn't must have any relationship with evidence required for the case; (c) the info is stored during a central database which might be accessed widely and not just within the case file; (d) the info is stored for 75 years (effectively, for life); and (e) safeguards are diluted by lowering the amount of the official authorized to gather the information. We discuss these issues below, and explore a number of the implications through some examples.

Persons whose data could also be collected:

- The Bill expands the set of persons whose data is also collected to incorporate persons convicted or arrested for any offence. As an example, this could include someone arrested for rash and negligent driving, which carries a penalty of a maximum imprisonment of six months. It also expands the ability of the Magistrate to order collection from someone (earlier only from those arrested) to help investigation. This differs from the observation of the Law Commission (1980) that the 1920 Act is predicated on the principle that the less serious the offence, the more restricted should be the ability to require coercive measures.³ Note that the DNA Technology (Use and

Application) Regulation Bill, 2019 waives the consent requirement for collecting DNA from persons arrested for less than those offences which are punishable with death or imprisonment for a term exceeding seven years.

Persons who may order data to be collected:

- Under the 1920 Act, a Magistrate may order data to be collected so as to assist the investigation of an offence.¹ The Law Commission (1980) remarked that the 1920 Act didn't require the Magistrate to present reasons for his order.³ It observed that the ambit of the law was very wide ("any person" arrested in reference to "any investigation"), and refusal to obey the order could carry criminal penalties. It recommended that the availability be amended to need the Magistrate to record reasons for giving the order. The Bill doesn't have any such safeguard. Instead, it lowers the amount of the law officer who may take the measurement (from sub-inspector to go constable) and also allows the top warder of a jail to require measurements.

What data could also be collected:

- The Bill widens the ambit of knowledge to be collected to incorporate biometrics (finger prints, palm prints, foot prints, iris and retina scan), physical and biological samples (not defined but could include blood, semen, saliva, etc.), and behavioural attributes (signature, handwriting, and will include voice samples). It doesn't limit the measurements to those required for a selected investigation. As an example, the Bill permits taking the handwriting specimen of someone arrested for rash and negligent driving. It also doesn't specifically prohibit taking DNA samples (which may contain information apart from only for determining identity). Note that under Section 53 of the Code of Criminal Procedure, 1973, collection of biological samples and their analysis is also done as long as "there are reasonable grounds for believing that such examination will afford evidence on the commission of an offence".

Biological samples:

- The Bill makes an exception just in case of biological samples. Someone may refuse to present such samples unless he's arrested for an offence: (i) against a girl or a baby, or (ii) that carries a minimum punishment of seven years imprisonment. The primary exception is broad. For instance, it could include the case of theft against a girl. Such a provision would also violate equality of law between persons who stole an item from a person and from a girl.

Retaining data:

- The Bill allows retaining the information for 75 years. The information would be deleted only on the ultimate acquittal or discharge of someone arrested for an offence. The retention of knowledge during a central database and its potential use for the investigation of offences within the future may not meet the requirement and proportionality standards.

6] The Delhi Municipal Corporation (Amendment) Bill, 2022:

Ministry: Home Affairs

- The Delhi Municipal Corporation (Amendment) Bill, 2022 was introduced in Lok Sabha on March 25, 2022. The Bill seeks to amend the Delhi Municipal Corporation Act, 1957 lapsed Parliament. The Act was amended in 2011 by Delhi law-makers to trifurcate the erstwhile Municipal Corporation of Delhi into: (i) North Delhi Municipal Corporation, (ii) South Delhi Municipal Corporation, and (iii) East Delhi Municipal Corporation. The Bill seeks to unify the three corporations.

- Unification of Municipal Corporations in Delhi: The Bill replaces the three municipal corporations under the Act with One Corporation named the Municipal Corporation of Delhi.
- Powers of the Delhi government: The Act as amended in 2011 empowers the Delhi government to come to a decision various matters under the Act. These include: (i) total number of seats of councillors and number of seats reserved for members of the Scheduled Castes, (ii) division of the realm of corporations into zones and wards, (iii) delimitation of wards, (iv) matters like salary and allowances, and leave of absence of the Commissioner, (v) sanctioning of consolidation of loans by a company, and (vi) sanctioning suits for compensation against the Commissioner for loss or waste or misapplication of Municipal Fund or property. Similarly, the Act mandates that the Commissioner will exercise his powers regarding building regulations under the final superintendence and directions of Delhi government. The Bill instead empowers the central government to make a decision these matters.
- Number of councilors: The Act provides that the quantity of seats within the three corporations taken together mustn't be quite 272. The 14th Schedule to the Act specifies 272 wards across the three Corporations. The Bill states that the whole number of seats within the new Corporation mustn't be over 250.
- Removal of Director of Local Bodies: The Act provides for a Director of Local Bodies to help the Delhi government and discharge certain functions which include: (i) coordinating between Corporations, (ii) framing recruitment Rules for various posts, and (iii) coordinating the collecting and sharing of toll tax collected by the respective Corporations. The Bill omits the availability for a Director of Local Bodies.
- Special officer to be appointed by the central government: The Bill provides that the central government may appoint a Special Officer to exercise powers of the Corporation until the first meeting of the Corporation is held after the commencement of the Bill.
- E-governance system for citizens: The Bill adds that obligatory functions of the new Corporation will include establishing an e-governance system for citizen services on anytime-anywhere basis for better, accountable, and transparent administration.
- Conditions of service for sweepers: The Act provides that a sweeper employed for doing house scavenging of a building would be required to give a reasonable cause or a 14 day notice before discontinuing his service. The Bill seeks to omit this provision.

7] The Constitution (Scheduled Tribes) Orders (Amendment) Bill, 2022:

Ministry: Tribal Affairs

- The Constitution (Scheduled Tribes) Order (Amendment) Bill, 2022 was introduced in Lok Sabha on February 7, 2022 by the Minister of Tribal Affairs, Mr. Arjun Munda. The Bill seeks to amend the Constitution (Scheduled Tribes) Order, 1950, which specifies the tribes and tribal communities deemed to be Scheduled Tribes (STs) in various states and union territories.
- Inclusion of certain community in the list of STs in Tripura: The Bill seeks to amend Part XV of the Schedule to the 1950 Order, which specifies the STs in Tripura. It includes the Darlong community as a sub-tribe of the Kuki tribe in the list of STs in Tripura.

8] The Constitution (Scheduled Castes and Scheduled Tribes) Orders (Amendment) Bill, 2022:

Ministry Tribal Affairs:

- The Constitution (Scheduled Castes and Scheduled Tribes) Orders (Amendment) Bill, 2022 was introduced in Rajya Sabha on February 7, 2022 by the Minister of Tribal Affairs, Mr. Arjun Munda. The Bill amends: (i) the Constitution (Scheduled Castes) Order, 1950 (the SC Order), and (ii) the

Constitution (Scheduled Tribes) Order, 1950 (the ST Order). The SC Order specifies the castes, races and tribes deemed to be Scheduled Castes (SCs) in various states and union territories (UTs). The ST Order specifies the tribes and tribal communities which are deemed to be Scheduled Tribes (STs) in various states and UTs.

• Changes to the lists of SCs and STs in Jharkhand: The Bill amends the Schedule to the ST Order to include certain communities in the list of STs in Jharkhand. These are the Deshwari, Ganjhu, Dautalbandi (Dwalbandi), Patbandi, Raut, Maajhia, Khairi (Kheri), Tamaria (Tamadia), and Puran communities. Further, the Schedule to the SC Order is being amended to omit the Bhogta community from the list of SCs in Jharkhand. The community is instead being included in the list of STs in the state.

Impact of amendments to the Constitution of India:

A constitution isn't merely an announcement of values and philosophy. But, a constitution is principally about embodying these values into institutional arrangements. Much of the document called the Constitution of India is about these arrangements. It's a really long and detailed document. Therefore, it must be amended quite regularly to stay it updated. Those that crafted the Indian Constitution felt that it's to be in accordance with people's aspirations and changes in society. They failed to see it as a sacred, static, and unalterable law. So, they made provisions to include changes from time to time. These changes are called constitutional amendments.

Conclusion:

In line with increasing urbanization and global change, we realize that the constitution needs to undergo appropriate changes over time. Accordingly, the Constitution makers have given the right to change the Indian Constitution from time to time. This shows us how flexible and multifaceted the Indian Constitution is and the fundamental right to amend it from time to time has been conferred from the very beginning. This is done in order to make human life happy and to maintain social balance. We know this from this article.

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