

Civil Law Updates- 2025

Laws that rose above Parliament's din to become legislation in 2024

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Introduction:

From 'One Nation, One Election' to financial reforms, here's a glimpse at the landmark bills passed this year that are poised to reshape governance, law, and the economy

As the year 2024 came to a close, several significant bills have been introduced in the Indian Parliament, set to shape the nation's legal and political future. Among the most notable are the Constitution (One Hundred and Twenty-Ninth Amendment) Bill, 2024, aimed at implementing the 'One Nation, One Election' policy, and the Union Territories Laws (Amendment) Bill, 2024, which seeks to align elections across the Union Territories.

The string of amendments were around banking regulation, restructuring of railway management, and fair practice during public examinations. In addition, the government introduced the Waqf (Amendment) Bill and the Jammu and Kashmir Appropriation (No 3) Bill, which it claimed would enhance governance efficiency, promote transparency in management processes. Few bills, however, the strong criticism and protests from Opposition parties, civil society and activists. Here's a look at some of the major bills introduced in the Indian Parliament during 2024.

1. Laws enacted by the Indian Parliament

1.1 The Constitution (One Hundred and Twenty-Ninth Amendment) Bill, 2024

- On December 17, Union Law Minister Arjun Ram Meghwal introduced the 'One Nation, One Election' Bill in the Parliament. It was recommendation by a high-level committee headed by former President Ram Nath Kovind and aims to align elections for the Lok Sabha and state assemblies to minimise the frequency of electoral disruptions. The Bill advocates for staggered election dates, constitutional amendment to have elections simultaneously. It also advocates for efficient management of elections, and a specific procedure for handling no-confidence motions or hung houses.
- This means, if the President at the appointed date, announced that the terms of all State Assemblies will come to an end on the expiry of the full term of the Lok Sabha, the terms of (5 Years) State Assemblies will be curtailed in this process.

- Even if the Lok Sabha is dissolved before the end of its full term, the elections will be held only for the remaining period. That is if Lok Sabha is dissolved after 3 years, the election is only for a period of 2 years. Like that, if a State Assembly is dissolved in the middle, the election will be for the remaining period only. The curtailment of the tenure of the State Assembly has serious implications for Federalism and the rights of the elected State Legislatures.
- The Federal structure will get weakened and diluted as the basic right of five year term of the Assembly gets mutilated by this process. One of the major arguments advanced by the government is that "One Nation: One Election" system will cut down the wasteful expenditure incurred on multiple elections. But actually this system will increase the election costs only.
- For if a State Assembly falls before its 5 year term, the election will be held only for the remaining period. If the Lok Sabha is dissolved like that, the election is only for the remaining period. By this process they are multiplying the expenditure on polls manifold. Actually the very purpose of the motto is defeated.
- If the Central Government wants to defer an election to a particular Assembly it can do. This is a dangerous provision which can be used to subvert the basic rights of the States. This basic idea crops up from the RSS ideology that is motivating the "One Nation: One Election" theory.
- There are also practical difficulties and challenges to implement the scheme of simultaneous elections. Also there will be reduced emphasize on local issues. For instance in the State Assembly elections, candidates often address local problems like water scarcity, education, healthcare and other facilities. In the case of simultaneous elections, local issues might get overshadowed by national or state level topics.
- Coordinating elections across the entire country involving multiple tiers of Government can be a big challenge to the Government. It is not at all practicable. At present even for small States, the Election Commission is conducting the elections in 6 phases or more. What will be the position of the Election Commission, if it conducts elections for a the whole country at one time. Is it practically possible? Though the Constitutional Amendment Bill is likely to be defeated in the Parliament, the Central Government is trying its best to enact such a legislation.
- While introducing the Bill, 269 members supported the move and 198 opposed it. However, for passing of the Bill, 2/3 majority is required.

1.2 The Union Territories Laws (Amendment) Bill, 2024

The Union Territories Laws (Amendment) Bill, 2024 was also introduced in the Lok Sabha on December 17. It seeks to bring the UTs under the framework of the simultaneous elections.

The Bill proposed amendment to the following Acts:

- Government of Union Territories Act, 1963
- The Government of National Capital Territory of Delhi Act, 1991
- The Jammu and Kashmir Reorganisation Act, 2019

The aim of the Bill is to enable the General Elections for the Union Territory Legislative Assemblies to coincide with the General Elections of the Lok Sabha, as an integral part of the government's policy to conduct simultaneous elections throughout the nation.

1.3 The Appropriation (No 3) Bill, 2024

Lok Sabha passed the Appropriation (No 3) Bill, 2024, which permits the government to sanction and withdraw certain funds from the Consolidated Fund of India for the financial year 2024-25. The Appropriation Bill is popularly called a Supply or Spending Bill, which is essentially a measure of law giving authority for the government's spending in a democratic setup. Normally, in democratic societies, the government needs legislative sanction to spend public money.

1.4 The Banking Laws (Amendment) Bill, 2024

On December 3, the Lok Sabha discussed the Banking Laws (Amendment) Bill, 2024, introduced by Union Finance Minister Nirmala Sitharaman. The amendment addresses the need for strengthening the regulatory framework of banking institutions and ensuring financial stability within the sector.

The proposed amendment brought forward key changes for bank account holders and cooperative banks:

- **Flexibility in nomination:** Account holders can nominate up to four nominees; depositors can nominate successive or simultaneous nominees, but locker holders are restricted to successive nominations.
- **'Substantial interest' redefined:** The cap for directorship increases from Rs 5 lakh to Rs 2 crore.

- **Director tenure:** Increases tenure of directors, except chairmen and whole-time directors, in cooperative banks from eight years to 10 years, in accordance with the Constitution (97th Amendment) Act, 2011.
- **Board membership:** Allows directors of Central Cooperative Banks to also be part of State Cooperative Bank boards.
- **Auditor remuneration:** Allows banks to take greater autonomy in deciding remuneration of statutory auditors.
- **Reporting compliance:** Changes regulatory reporting dates to the 15th and last calendar day of every month instead of the current second and fourth Friday's schedule.

1.5 The Railways (Amendment) Bill, 2024

- Railway Minister Ashwini Vaishnaw introduced the Railways (Amendment) Bill, 2024 in Lok Sabha on 9th August. The Bill is aimed at integration of the Indian Railways Board Act, 1905 and Railways Act, 1989 into an integrated legislation to enhance operational efficiency and simplify the legal framework of Indian Railways.
- The Bill was strongly criticised and saw push back in the Lok Sabha, as the Opposition argued that it threatens the Indian Railways' autonomy. However, the NDA-led government reacted that the Bill is aimed at smoothening governance.

1.6 The Waqf (Amendment) Bill, 2024

The Waqf (Amendment) Bill, 2024 was introduced in the Winter Session of Parliament amid protests by Opposition parties. At the core of the controversy was the proposed amendment to the Waqf Act, 1995, intended for the overhaul of the Waqf property governance structure. As the government framed these amendments as moves toward accountability and transparency, it faced resistance from lawmakers as well as the Muslim community. The Bill was subsequently sent to a Joint Parliamentary Committee (JPC) for detailed examination.

Highlights of the Bill

- The Bill changes the composition of the Central Waqf Council and Waqf Boards to include non-Muslim members.
- The Survey Commissioner has been replaced by the Collector, granting him powers to conduct surveys of waqf properties.
- Government property identified as waqf will cease to be waqf. Collector will determine ownership of such properties.

- Finality of the Tribunal's decisions has been revoked. The Bill provides for direct appeal to the High Court.

1.7 The Jammu and Kashmir Appropriation (No.3) Bill, 2024

- In the aftermath of the revocation of Article 370 in August 2019, which put an end to the special status of Jammu and Kashmir, governance of the region was brought under central control. The Jammu and Kashmir Reorganisation Act, 2019, invoked Section 73 that suspended the local assembly and allowed the central government to oversee its finances.
- The Jammu and Kashmir Appropriation (No 3) Bill, 2024 aims to give powers to the President to clear for payments from the Consolidated Fund of Jammu and Kashmir pending its sanction by the Parliament. Funds will be allocated from this Appropriation Bill on varied services and departments-general administration, finance, law, social welfare, and housing-specific for the schedule of the given financial year.

1.8 The Public Examinations (Prevention of Unfair Means) Bill, 2024

The Public Examinations (Prevention of Unfair Means) Bill, 2024 was introduced in Lok Sabha on February 5. It was designed to prevent malpractices in public exams in India and ensure fair evaluation based on merit.

- The Public Examinations (Prevention of Unfair Means) Bill, 2024 was introduced in Lok Sabha on February 5, 2024. The Bill seeks to prevent use of unfair means in public examinations. Public examinations refer to examinations conducted by authorities specified under the Schedule to the Bill, or notified by the central government. These include: (i) Union Public Service Commission, (ii) Staff Selection Commission, (iii) Railway Recruitment Board, (iv) National Testing Agency, (v) Institute of Banking Personnel Selection, and (vi) Departments of the central government and their attached offices for recruitment.
- **Offences in relation to public examinations:** The Bill defines several offences in relation to public examinations. It prohibits collusion or conspiracy to facilitate indulgence in any unfair means. It specifies unfair means to include: (i) unauthorised access or leakage of question paper or answer key, (ii) assisting a candidate during a public examination, (iii) tampering with computer network or resources, (iv) tampering with documents for shortlisting or finalising of merit list or rank, and (v) conducting

fake examination, issuing fake admit cards or offer letters to cheat, for monetary gain. It also prohibits: (i) disclosing exam-related confidential information before time, and (ii) unauthorised people from entering exam centres to create disruptions. Above offences will be punishable with imprisonment between three and five years, and a fine up to Rs 10 lakh.

- **Responsibilities of service providers:** In the event of violation of provisions of the Bill, service providers must report to the police and the concerned examination authority. A service provider is an organisation that provides computer resources or any other support to a public examination authority. Failure to report such incidents will be an offence. In case, the service provider themselves commit an offence, the examination authority must report it to the police. The Bill prohibits service providers from shifting the exam centre without permission from the examination authority. An offence by a service provider will be punishable with a fine of up to one crore rupees. Proportionate cost of examination will also be recovered from such a service provider. Further, they will also be barred from conducting public examinations for four years.
- If it is established that offences involving service providers were committed with the consent or connivance of any Director, senior management, or persons-in-charge of the service providers, such persons will be held personally liable. They will be punished with imprisonment between three years and 10 years, and a fine of one crore rupees.
- **Organised crimes:** The Bill specifies a higher punishment for organised crimes. An organised crime is defined as an unlawful act committed by a person or a group of persons to further a shared interest for wrongful gain in relation to public examinations. Persons committing an organised crime will be punished with imprisonment between five years and 10 years, and a fine of at least one crore rupees. If an institution is held guilty of committing an organised crime, its property will be attached and forfeited, and a proportionate cost of the examination will also be recovered from it.
- **Inquiry and investigation:** All offences under the Bill will be cognisable, non-bailable, and non-compoundable. No action will count as an offence if it is proved that the accused had exercised due diligence. An officer not below the rank Deputy Superintendent or Assistant Commissioner of Police will investigate the offences under

the Act. The central government may transfer the investigation to any central investigating agency.

1.9 The Finance Bill, 2024

On August 7, the Lok Sabha passed the Finance Bill 2024 aimed at implementing tax-related measures based on the Budget 2025. The Bill contains proposals such as:

- **Participation exemption for foreign dividends:** With this provision, multinational corporations would be able to organize themselves much better and bring back profit with greater ease.
- **Uniform LTCG tax rate:** A new uniform long-term capital gains tax rate of 12.5 per cent has been introduced for all assets, replacing the old system with different rates for different asset types.
- **Option to pay a lower tax rate:** Taxpayers may choose to pay a reduced rate on capital gains from the transfer of long-term capital assets such as property. They can decide between a 20 per cent tax on capital gains, indexation, or a lesser rate.
- This Bill also proposes amendments to the Income-tax Act, 1961, the Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015, as well as other related laws.

2.0 Tamil Nadu State Laws:

2.1 Amendment to the Criminal Laws:

The Tamil Nadu Assembly has passed the Criminal Laws (Tamil Nadu Amendment) Bill, 2025, and the Tamil Nadu Prohibition of Harassment of Women (Amendment) Bill, 2025. The Bills were moved by Chief Minister M.K. Stalin in the Assembly on Friday (January 10, 2025).

Many critical issues of women's safety have disturbed the woman but the recent Anna University sexual harassment and murder that happened within the campus has triggered the rise in adrenaline rush. A 19-year-old student was sexually assaulted by an intruder on campus, sparking public outrage in December 2024. The public and the opposition have blamed this incident on the ruling party Dravida Munnetra Kazhagam (DMK) and CM Stalin for not ensuring women's safety, especially inside the educational institutions.

The Bills:

1. Criminal Laws (Tamil Nadu Amendment) Bill, 2025:

Enhanced Punishments:

- For rape, imprisonment has been increased from 10 to 14 years, which may be extendable to lifetime imprisonment.
- For those who have authority and still commit sexual assault, the punishment will be doubled as the remainder of the perpetrator's natural life.

For rapes involving minors:

- Victims under 16 years: Rigorous imprisonment for not less than 20 years, extendable to life imprisonment.
- Victims under 12 years: Life imprisonment or the death penalty.
- For gang rape, the punishment is life imprisonment for the offender's natural life.

2. Tamil Nadu Prohibition of Harassment of Women (Amendment) Bill, 2025:

- **Inclusion of Digital Harassment:** The definition of harassment was expanded to include acts committed digitally and electronically.
- **Increased Penalties:**
 - First-time offenders face imprisonment of three to five years and fines of up to ₹1 lakh.
 - Repeat offenders face imprisonment of five to ten years and fines of up to ₹10 lakh.

The government has also announced the establishment of seven special courts across Tamil Nadu to expedite cases involving sexual crimes. Special units led by Additional Superintendents of Police will oversee investigations, ensuring swift trials and justice.

2.2 Tamil Nadu Hostels and Homes for women and children (Regulation) Amendment Bill, 2024

- The Tamil Nadu government has decided to modify the procedure for grant of licence to hostels, lodging houses and homes for women and children. It has moved a Bill in the Assembly that seeks to suitably amend the Tamil Nadu Hostels and Homes for Women and Children (Regulation) Act, 2014.
- The Bill moved by Minister for Social Welfare and Women Empowerment P. Geetha Jeevan in the House on Monday seeks to receive application for licence of such hostels, lodging houses and homes in electronic form and are to be “auto-generated” subject to some conditions. Earlier, the applications were to be made to the respective Collector.

3.0 Some of the Important Judgments from the Supreme Court and the High Courts:

3.1 Salaries of nuns and priests in govt-aided schools are taxable: Supreme Court

- The Supreme Court on the 9th November, 2023 said there is nothing wrong in income tax department deducting tax (TDS) from salaries paid to nuns and priests working as teachers in govt-aided Christian missionary schools even if they have taken a vow of poverty.
- Dismissing the appeals filed by nearly 100 dioceses and congregations from Tamil Nadu and Kerala, a bench of CJI D Y Chandrachud, and Justices J B Pardiwala and Manoj Misra said whether or not they have taken vow of poverty, the salaries are given from govt grants and once there is a income, there has to be a tax.
- Representing the dioceses, senior advocates Arvind Datar and S. Muralidhar stated that the salaries paid to nuns and priests are considered income of the religious congregation that operates the school, and the teachers themselves do not personally receive the salary payments.
- If a nun or a priest dies in an accident, the compensation money also goes to the parish and not to relatives of the deceased, Datar said, explaining that this is so because they sever their relationship with their families and relatives after taking the vow. The petitioners explained that the salaries of nuns and priests get transferred to the congregation or diocese running the school, and the congregation submits returns wherever necessary. The appeals had challenged the decisions of Madurai bench of Madras HC which had rejected their plea for exemption from I-T, a relief enjoyed by

aided missionary schools since 1944 for 70 years till Centre decided to impose tax deduction at source in Dec 2014.

- One of the petitioners said, "To become a 'nun' and member of a congregation, a candidate must undergo rigorous training and at the final stage she must take three sacred vows - of obedience, chastity and poverty. Once a candidate becomes a member of a congregation, she cannot own any property and cannot have any income of her own... These sisters dedicate themselves as servants of God and spend their lives for charitable purposes and services like education, health, rehabilitation of the poor, orphans and destitutes. They live in abstinence by leading an ascetic life."

3.2 High Court Calls for Regulation of Christian Institutions in India

- The High Court of Tamil Nadu made a significant statement on Oct. 23, saying there is a need for Christian institutions to be regulated by a statutory government endowment body, like Hindu and Muslim institutions.
- A bench of the court sought the opinions of both the federal government, led by the Hindu nationalist Bharatiya Janata Party (BJP), and the Tamil Nadu state government, led by the Dravida Munnetra Kazhagam (DMK). The two political parties strongly differ in their political ideologies.
- The High Court stated that various instances of mismanagement of church properties and funds have been brought before the court in the absence of a statutory body to regulate the affairs of Christian institutions.
- Large Episcopal church institutions, holding properties worth billions of rupees and running medical and educational institutions, have been in the news over alleged misappropriation of funds and illegal sale of properties. Many similar litigations have been filed in courts elsewhere in India.
- In this specific instance, a bench of the Tamil Nadu High Court, which is also known as the Madras High Court, heard multiple petitions related to the appointment of a correspondent at Scott Christian College in a town known as Kanyakumari and the handling of employee salaries.
- The petitions included one filed by Baiju Nijat Pal from another Tamil Nadu city, Nagercoil, who claimed a court order to appoint him as college correspondent had not been implemented. The court noted that such arbitrary decisions seemed to stem from internal rules meant to maintain control over the administration.

- Justice N. Sathish Kumar, who was hearing the petitions, said that Christian institutions have significant public contributions to education and healthcare. Therefore, it is important to safeguard their assets and funds. He said there is a danger of the depletion of funds by vested individuals who are in authority without a regulatory framework for church endowments.

3.3 Law can't permit snooping by one spouse on the other: Madras High Court on spousal privacy

- “Privacy as a fundamental right includes spousal privacy also and evidence obtained by invading this right is inadmissible”, the Madurai Bench of the Madras High Court has held in November, 2023.
- The court was hearing a civil revision petition filed by a woman. The marriage with her husband was solemnised in 2003. The couple have two children born through the wedlock. Alleging cruelty, adultery and desertion on the part of the woman, the man had filed a petition for dissolution of marriage before a sub-court in Paramakudi in Ramanathapuram district. He marked the call data record of the wife. The woman had filed an application seeking rejection of the document. It was dismissed as premature. Challenging the same, the civil revision petition was filed.

3.4 Diocese Not Entitled To Claim Compensation For Death Of Deceased Priest: Kerala HC sets aside MACT Award:

- The Kerala High Court set aside an award of the Motor Accident Claims Tribunal granting compensation of over Rs 13 lakh and held that the Diocese is not entitled to claim compensation for the death of a deceased priest. The appeal in the present matter arose out of a petition filed under Section 166 of the Motor Vehicles Act claiming compensation in respect of the death of Father Tom Kalathil in a road traffic accident.
- The Single-Judge Bench of Justice C. Pratheep Kumar held, “In other words, the impugned award passed by the Additional Motor Accident Claims Tribunal-II, Thodupuzha, awarding compensation to the petitioner is liable to be set aside by allowing this appeal.”
- Similarly, in the Muvattupuzha Catholic diocese case (2019), an HC single bench had held that only the siblings of a deceased priest could be regarded as his legal representative to raise a compensation claim.

3.5 New Lady of Justice Statute:

The Supreme Court has unveiled the New Lady Justice statue in October, 2023. The statue, which has removed its blindfold and replaced the sword with the Constitution, reflects the idea that Indian law is neither blind nor punitive. This change, commissioned by Chief Justice DY Chandrachud, marks a shift towards a more representative and humane legal system, resonating with contemporary values of justice and equality.

About Old Statue

- Traditionally, Lady Justice has been depicted wearing a blindfold, symbolizing impartiality and the idea that justice should be administered without bias, regardless of the status or power of the individuals involved.
- The old representation included a sword, which symbolized authority and the power to punish wrongdoing. This element often conveyed a punitive approach to justice, emphasizing enforcement and control.

About New Statue

- **Blindfold Removed:** Represents awareness of societal realities and promotes transparency in judicial processes.
- **Constitution Replaces Sword:** Emphasizes democratic principles and human rights, moving away from punishment towards protection and empowerment.
- **Saree-Clad Figure:** Reflects Indian culture and resonates with contemporary Indian society.
- **Culturally Relevant:** Marks a shift away from colonial legacies toward a more inclusive justice system.

Similarity Between Two Statues

- **Scales of Justice:** Retained in the new statue, symbolizing balance, fairness, and equity in the judicial process.
- **Principle of Fairness:** Reflects the continued focus on impartial decisions based on evidence and arguments from both sides.