

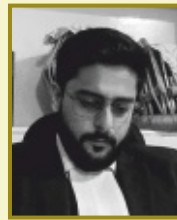
**OUR ALUMNI, OUR PRIDE**



When I first entered Indore Institute of Law I was anxious about my future. Over the five years, so many doors were opened for our personal and academic development that I became confident. The college aims at enhancing our knowledge, skills and abilities. It, in fact, didn't leave the attitude part behind as well. These years at IIL are the best years concerning learning, experience and gaining exposure to fields relevant to my discipline, all due to my faculty member. At last, thanks to the college and Training & Placement Department for their continuous efforts in getting me placed where I am now. This endeavor will lead our college to incredible heights.

**MRS. SHIVANGI SINGH**

Associate @ Shardul Amarchand Mangaldas (Delhi)



Indore Institute of Law has enriched my life in many ways. It has provided me with necessary tools to enhance my educational and interpersonal skills. It has also stressed to me the importance of critical thinking and leadership. All these aspects of college helped me to become well-rounded and dynamics as a person. My experiences at Indore Institute of Law are truly irreplaceable and I would not trade them for anything. Also I would like to suggest all the freshers and all my juniors to follow their teachers guidance and it will lead you to great heights.

**LOKESH MALIK**

Advocate @chamber of Salman Khurshid, Senior Advocate Supre Court of India



Indore Institute of Law is an institution of excellence as it provides ample opportunities to students for their holistic development. The support and exposure which IIL gave me was immense as I enhanced my skills and brought the best out of me.

**PALASH SHRIVASTAVA**

Managing Partner  
PVA & Partners Raipur (C.G.)

Nobody is bothered about an institution more than its alumni.



I am currently working as a Senior Associate at Draftspotting Technologies Pvt Ltd. I had the honor of witnessing this institution blossom into becoming the flag bearer of high-quality education of Law and I feel grateful for being part of this process. It is a delight to tell about this institution where I have grown as a student, person and professional in the span of 5 years. The faculty has been the light at the end of every tunnel whom we students follow and find our paths. With the guidance of CDC, I was able to secure internships at renowned organizations such as Indigo airline, Syska LED and Pernod Ricard where I got the opportunity to excel in the contract management domain. This experience was so highly valuable for me both at my current job and with regards to my long-term interest in law school. It killed two birds with one stone, allowing me to get a real taste of law school and learn more about the industry and world of lawyers I work in.

**ARPIT JAIN**

Senior Associate @ Draftspotting Technologies Pvt Ltd.



Greetings to all my fellow mates, IIL - my alma mater and no doubt one of the significant stepping stone to my current journey in Academics. The environment, opportunities that IIL provided me including academic support helped me a lot in building my confidence and get clarity for my career goals. I will be forever indebted to my respected mentors at the college for believing in me and providing impeccable assistance whenever possible. My interest in Academics started with the introduction of Literary Society in college and gaining experience while working as Student editor for Nyay Disha and Legal Voice of India. Regular interaction with legal luminaries, Competitions in Lex Bonanza, First Student Council will always be one of the most cherished memories during my college life and contributed a lot in understanding and developing never ending love for legal fraternity. All the very best to my fellow IIL family to achieve new heights and excel in legal academia.

**SHUBHAM SHUKLA**

Asst.Prof.  
Amity Law School, Jaipur



It gives me immense pleasure to say that at Indore Institute of Law, I received plenty of opportunities to prove my worth not only as a student but grow as a professional as well. With the help of the extensive guidance of every faculty at IIL, they supported by a healthy environment, I learnt some really important and valuable lessons for my life and my career. Best part of college days, being a part of ALUMNI SOCIETY, I have developed connections, enriched knowledge and sharpened my skills. Having placed at a prestigious finance company, I feel proud to be a IIL'ian - The Best Law College of Central India.

**RISHABH BHARGAVA**

Asst. Legal Manager, Capri Global Capital Ltd. Indore



It gives me immense Pride in calling that I've graduated from IIL, Indore. Being from BALLB batch of 2016-2021, IIL gave me a good knowledge to be proficient in life and also gave good friends, a confidence of Life and more that Good teachers to learn from. With great institutional ambience and great learning atmosphere, the five years which were spent at college laid foundation for my career and what I am today. With platform to develop on technical as well as extra-curricular aspects and support by each and every staff at IIL is really appreciable. All the best to future IIL'ians.

**PARSHAV GANDHI**

Associate, Finvin Investor Pvt. Ltd. Mumbai



Greetings to each of you present here. I am Nilesh Manore, a pass out graduate from this prestigious Institute where I have spent the most wonderful years of my life. From 2007 to 2010, I did my education from IIL, which was near Raj Express and Press Complex. The professors and faculty of that time were all gold medalists and each had a personality of their own, which was reflected in their sincerity and character from the way they teach us and stay kind and helpful to us. They always kept Encouraging us that the field of Law is very glamorous, and so, you all have to perform immensely in further studies and make a name for yourself. As a tribute to them, through their education and methods, today we are practicing in High Court as a legal practitioner. I am working in court since 2011, in session 2020\_21 I also worked on the post of Joint Secretary with the tremendous official barriers. In 2014-15, I served as an Executive Member of the High Court Bar Association, Indore. In our time the building of the college was old, and today when we see everything seems new, different infrastructure of each and every place, new tradition of study, everything is new now. Call us our New Era or Generation, in reaching today, all the well-known officials of IIL who handles the entire management of this prestigious Institute and every year introduces us with many different policies for everyone's sake. They all have had played a vital role in our lives and so today I thank all the professors from the bottom of my heart and soul as they taught us with full devotion and dedication and always taught us to do good things in life, to move forward and to take right decisions at the hurdles and turns of life. Last but not the least all I could say that wherever I am today, what ever I am doing it is only because of my professors and faculty.

**NILESH MANORE**

Joint Secretary  
High Court, Indore

Being an alumni is not just a title, but a lifelong commitment to the growth and success of the institution.

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**INDIA AS A WELFARE STATE**  
**"POWER HAS ONLY ONE DUTY TO SECURE THE SOCIAL WELFARE OF THE PEOPLE."**



**Benjamin Disraeli**

What is the Welfare State?  
According to William O. Doughs, an American Jurist and Politician of the Twentieth Century, "The concept of the public welfare is broad and inclusive... the values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled".

A welfare state is a state committed to providing basic economic security for its citizens by protecting them from market risks associated with old age, unemployment, and sickness. Based on the principles of equality of opportunity and public responsibility, a welfare state focuses on assuring equitable standards of living for all and plays a key role in the protection and promotion of the economic and social well-being of its citizens. So basically, a welfare state provides education, housing, sustenance, healthcare, pensions, unemployment insurance, sick leave or time off due to injury, supplemental income in some cases, and equal wages through price and wage controls. The term welfare state first emerged in the UK during World War II.

According to the Political Scientist Esping-Andersen, there are

| S.No. | Scheme  | Beneficiary                   | Description   |
|-------|---|-------------------------------|---|
| 01    | Atal Pension Yojana   | Senior Citizens.              | A pension program that allows people to make voluntary contributions within a certain range with a matching government contribution to receive a pension in the future.   |
| 02    | Mahatma Gandhi National Rural Employment Guarantee Act (MNREGA) | Rural Unemployed People       | Legal guarantee for one hundred days of employment in every financial year to adult members of any rural household willing to do public work-related unskilled manual work at the statutory minimum wage of Rs. 120 per day in 2009 prices. |
| 03    | Pradhan Mantri Ujjwala Yojana                                   | Women below the poverty level | Launched to provide free LPG connections to women from below poverty line families.   |
| 04    | Midday Meal Scheme  | Children                      | Lunch (free of cost) to school-children on all working days.  |
| 05    | Deen Dayal Upadhyaya Grameen Kausalya Yojana                    | Rural BPL and SC/ST youth     | To engage rural youth, especially BPL and SC/ST segments of the population, in gainful employment through skill training programmes.  |
| 06    | Pradhan Mantri Gramin Awaas Yojana                              | Rural Poor People             | Provides financial assistance to rural poor for constructing their houses themselves.   |
| 07    | Rajiv Gandhi Grameen Vidyutikaran Yojana                        | Rural Population              | Programme for creation of Rural Electricity Infrastructure & Household Electrification for providing access to electricity to rural households.   |
| 08    | Pradhan Mantri Kaushal Vikas Yojna                              | Youth                         | To provide encouragement to youth for the development of employable skills by providing monetary rewards by recognition of prior learning or by undergoing training at affiliated centres.  |
| 09    | Pradhan Mantri Gram Sadak Yojana                                | Rural Population              | Good all-weather road connectivity to unconnected villages.   |

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9 Pradhan Mantri Gram Sadak Yojana Rural Population Good all-weather road connectivity to unconnected villages.  
10 Sampurna Grameen Rozgar Yojana Rural Population Providing additional wage employment and food security, alongside the creation of durable community assets in rural areas.  
11 Ayushman Bharat Yojana General Population The national scheme that aimed at making necessary interventions in primary, secondary and tertiary health-care systems, in a holistic fashion.  
12 Kasturba Gandhi Balika Vidyalaya Girls of SC, ST, OBC, minority communities and BPL families. Educational facilities (residential schools) for girls belonging to SC, ST, OBC, minority communities and families below the poverty line

(BPL) in educationally backward blocks.  
13 Antyodaya Anna Yojana BPL Families Some BPL families covered under the targeted public distribution system are issued ration cards and "Antyodaya Ration Card" must be given to the Antyodaya families for a quota of subsidized food and essentials.  
14 Pradhan Mantri Matritva Vandana Yojana Pregnant Females A cash incentive of Rs. 4000 to women (19 years and above) for the first two live births.  
15 Deendayal Disabled Rehabilitation Scheme Disabled People Create an enabling environment to ensure equal opportunities, equity, social justice and empowerment of persons with disabilities.  
16 Standup India SC/ST/Women Entrepreneurs for greenfield enterprises The objective of the Stand-Up India scheme is to facilitate bank loans to people of Scheduled Caste (SC) and Scheduled Tribe (ST) and women borrower for setting up a greenfield enterprise.



**AMARESH PATEL**  
Assistant Professor,  
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## THE CONCEPT OF PUBLIC POLICY



### History

Public Policy, as a subject or a field of enquiry, has a long past, though the contemporary public policy and policy analysis have a particularly American and twentieth-century flavour. The field of public policy whose intellectual seeds were sown in the 1940s has been a remarkable impact on academic and government institutions over the years. Public policy, as an academic pursuit, emerged at the beginning of 1950s, and since then, it has been acquiring new dimensions and is struggling hard to achieve the status of discipline in the comity of Social Sciences.

### Introduction

In our daily life, we frequently come across the term Public Policy as we come across different policies like National Health Policy, various education policies, various agricultural policies and various kinds of Fiscal policies etc. Therefore the area of public policy is to interact with the sphere which is labelled as public. The concept of public policy pre-supposes that there is a particular domain of human life which is not private and purely individual in nature.

### Public

It is crucial to understand the concept of the public in order to understand the concept of Public policy. We often come

across lots of terms like public opinion, public sector, public interest, public health and so on. The starting point of Public policy is that the concept of Public policy has to do with those spheres which are labelled as "Public", as opposed to spheres involving "Private". The word public comprises all the dimensions of human activity regarded as requiring governmental intervention or social regulation etc

Besides public administration emerged as an instrument of the state for securing public interest rather than a private interest .whereas for the political economist, the only market could balance public and private interest, the new liberalism is based on the belief that public administration is the more rational means of promoting the public interest.

### Policy

Generally whenever we come across the term 'policy' we understand this term as a principle, apart from that, the term policy denotes, among other things, "guidance for action". It may take the form of:

- Authoritative decision
- principle or a rule
- the purposive course of action
- system of governance
- the manifestation of considered judgment
- expression of political rationality
- declaration of common goals.

However, Hogwood and Gunn specified ten uses of the term 'policy' as:

- A label for the field of activity,
- Expression of the desired state of affairs
- Specific proposals
- Decision of government
- Formal authorization
- A programme
- Output
- Outcome
- A theory or model
- A process

The concept of policy is changing like other concepts of social science. Unfortunately, the policy itself is something

which takes different forms. David Easton defines policy as the outputs "of the political system, and public policy as "The authoritative allocation of values for the whole society". The magnitude of this change in the forms can be recognized from other definition advanced by scholars in this field.

Friedrich regards public policy as:

.....a proposed course of action of a person, group, or government within a given environment providing obstacles and opportunity which the policy was proposed to utilize and overcome in an effort to reach a goal or realize an objective or a purpose.

However, so far as the concept of public policy is concerned, here the meaning of the policy is to be understood as "PLAN OF ACTION."

### Concept of Public Policy

• Public policy guides to the steps taken by the administrative executive branches of the state with regard to a class of issues, in a manner consistent with law and institutional customs. National constitutional laws and regulations are the foundation stone of public policy. Further substrates include both judicial interpretations and regulations which are generally authorized by legislation.

• For the public policy to be considered as strong and becomes acceptable when it solves problems efficiently and effectively, serves justice, supports governmental institutions and policies, and encourages active citizenship.

• According to David Easton, these are the persons "engage in daily affairs of a political system ", are " recognized by most members of the system as having responsibility for these matters " and take action that is "accepted as binding most of the time by most of the members so long as they act within the limits of their roles. "

• Dye also comments that "Public policy is whatever governments choose to do or not to do "Similarly, Line berry says that "It is what government do and fail to do - to and for their citizens".



CHARU NAYAK  
BBA LL.B (Hons.) 5th Semester

## EXPANDING DIMENSIONS OF ENVIRONMENTAL JURISPRUDENCE IN INDIA



### Introduction

The landmark case of M.C Mehta v. Union of India has given a new direction for the development of Environment Jurisprudence in India. The Judiciary, by applying a number of principles for the first time in Indian cases, such as,

- Polluter Pays Principle
- Public Trust Doctrine

• And the Precautionary Principle has set the road map for the achievement of the principle of "Sustainable Development."

This aforesaid case is the compilation of four famous cases namely;

1. Sriram Food fertilizer Industry v. Delhi Administration.
2. Indian Council for Enviro Legal Action and others v. Union of India.[2]
3. Vellore citizen Welfare Forum v. Union Of India,
4. M.C Mehta v. Kamal Nath, and was filed by our famous environmentalist and Social Worker Mr.M.C Mehta through P.L.L. In this case, the Hon'ble Supreme Court by observing the involvement of some Environmental issues which were highly detrimental to the Public interest compiled all the cases and decided this compilation of cases is known as M.C Mehta V Union Of India.

### 1. Sriram Food Fertilizer Industry v Delhi Administration Brief facts -

The petitioner in this writ petition under Article 32 of the Constitution of India sought a direction for the closure of the various units of Shriram Foods & Fertilizers Industries on the ground that they were hazardous to the community. During the pendency of the petition, there was the escape of oleo gas from one of the units of Shriram. The Delhi Legal Aid and Advice Board and the Delhi Bar

Association filed applications for the award of compensation to the persons who had suffered harm on account of the escape of oleum gas.

In this case, the contention raised by the Respondent was that,

• They are not to be considered as a State under Article 12 of the Constitution, therefore Violation of Article 21, Cannot be charged against them.

• And Secondly, Article 32, does not provide any power to the Court to grant Compensation.

However, the Hon'ble Supreme Court struck down both the contentions and considered the industry as a State under Article 12 of the Constitution and held that the Court could direct to pay compensation Under Article 32 of the Same for any harm caused.

The Hon'ble Supreme court also held that;

1. An enterprise which is engaged in a hazardous or inherently dangerous industry which poses a potential threat to the health and safety of the persons working in the factory and residing in the surrounding areas owes an absolute non-delegable duty to the community to ensure that if any harm results to anyone, the enterprise must be held to be under an obligation to provide that the hazardous or inherently dangerous activity must be conducted with the highest standards of safety and if any harm results on account of such activity the enterprise must be absolutely liable to compensate for such harm irrespective of the fact that the enterprise had taken all reasonable care and that the harm occurred without any negligence on its part.

2. If the enterprise is permitted to carry on an hazardous or inherently dangerous activity for its profit, the law must presume that such permission is conditional on the enterprise absorbing the cost of any accident arising on account of such activity as an appropriate item of its overheads. The enterprise alone has the resource to discover

and guard against hazards or dangers and to provide warning against potential hazards.

3. At the same time, with regard to payment of compensation to the people affected the Hon'ble Supreme Court opined that, the measure of compensation in such kind of cases must be co-related to the magnitude and capacity of the enterprise because such compensation must have a deterrent effect. The larger and more prosperous the enterprise, the greater must be the amount of compensation payable by it for the harm caused on account of an accident in carrying on of the hazardous or inherently dangerous activity by the enterprise.

With regard to the inclusion of Such kind of Industries, which are having sufficient potential to affect the human life at large, under the Article 12[8] the Hon'ble Supreme court discussed the "Jurisprudential aspect of expanding Horizons of Article 12" that ;

"This court has throughout the last few years expanded the horizon of Article 12 primarily to inject respect for human rights and social conscience in corporate structure. the purpose of expansion has not been to destroy the essence of creating corporation but to advance the human rights jurisprudence. The apprehension that including within the ambit of Article 12 and thus subjecting to discipline of Article 21 those private corporations whose activities have the potential of affecting the life and health of the people, would deal a death blow to the policy of encouraging and permitting private entrepreneurial activity is not well-founded. It is through creative interpretation and bold innovation that the Human rights jurisprudence has been developed in India to a remarkable extent and this forward march of human rights movement cannot be allowed to be halted by unfounded apprehension expressed by status quos ."



AAKRITI SHUKLA  
Assistant Professor  
Indore Institute of law

## NSA AND ITS PRACTICAL APPLICATION IN



### Introduction

The NSA(National Security Act of 1980) was brought in by the Parliament of India in the year 1980. The Act provides for preventive detention in certain cases and matters connected therewith. The Act focuses on maintaining law and order in the country and provides for detention of individuals who try to impede the law and order situation of a state or country. The Act contains 18 sections and confers power on states and central government to detain any person in the presence of the following grounds:

- Acting in any manner prejudicial to the defence of India, the relations of India with foreign powers, or the security of India.
- Regulating the continued presence of any foreigner in India or with a view to making arrangements for his expulsion from India.
- Preventing them from acting in any manner prejudicial to the:
- Security of the State;
- Maintenance of the public order; and
- Maintenance of supplies and services essential to

the community it is necessary to do so.

### Application in Criminal Litigation

The usage of the act has made it contentious when criminal law comes into the picture. Consequently, it criminal litigation cannot be impervious to it. When a person is arrested normally, he or she has certain basic rights. Such rights include the right to be informed of the reason for arrest and the right to bail. These rights are ensured by the various laws functioning in the country. Section 50 of the Criminal Procedure Code (Cr. PC) provides that an arrested person has the right to be informed of the grounds of such arrest, and the right to bail. Likewise, Section 56 and 76 of the Cr. PC also enumerates that an arrested person shall be produced before a court within 24 hours of arrest. Furthermore, Article 22(1) of the Constitution of India guarantees that an arrested person cannot be denied the right to consult and to be defended by a lawyer of his choice.

However, such basic rights are not available to a

person who has been detained under the provisions of NSA. A person has no right to know about the grounds of his detention for up to 5 days and in certain circumstances, not later than 10 days. While providing the reason for arrest, the government has the power to reserve information which it thinks would go against the public interest if disclosed. The arrested person has no right to seek the aid of any lawyer in any matter concerned with the proceedings before an Advisory Board, which has been constituted by the government to deal with the NSA cases. This is convenient for the government and police because it allows them to escape the strictures of the Criminal Procedure Code and the courts of the land. In this manner, the rights of citizens with respect to the pre-trial process are stripped which, will equally afflict lawyers.



CHETAN PRAKASH,  
Assistant Professor  
Indore Institute of Law

## CURRENT AFFAIRS, July 2022



• The Union Home and Cooperation Minister attended the celebrations organized on the occasion of 100th International Day of Cooperatives in New Delhi. The celebrations were organized by the Ministry of Cooperation and the National Cooperative Union of India (NCUI). The main theme of the event was "Building a Self-Reliant India and a Better World through Co-operatives".

• Supreme Court directed its registry to remove details of a couple from search engines and Internet. Right To Be Forgotten is the right to have publicly available personal information removed from the internet, search, databases, websites, or any other public platforms, once the personal information in question is no longer necessary.

• the Central Government notified the Foreign Contribution (Regulation) Amendment Rules, 2022

to reduce compliance burden on citizens. Amending the Foreign Contribution (Regulation) Rules, 2011, now individuals can send up to Rs. 10 lakh without informing the government.

• Recently, four States (Andhra Pradesh, Tamil Nadu, Uttar Pradesh and Assam) revised their tenancy laws to be in linewith the Model Tenancy Act (MTA).Ministry of Housing and Urban Affairs (MoHUA) has approved MTA, 2021 to streamline the process of renting property in all State and Union Territory (UTs) and aid rent economy in estate sector.

• Recently, Ministry of Personnel, Public Grievances & Pensions has launched the National standards for civil service training institutions (NSCSTI).

• Recently, the Government decided to introduce a bill aimed at revising the Press and registration of book act 1867. The objective is to bring digital media under the scanner of the Ministry of Information and Broadcasting and overcoming the colonial overhang of the previous law.

• PM recently addressed inaugural session of First All India District Legal Services Authorities (DLSAs) Meet. DLS As are established under Legal Services Authorities Act (LSA), 1987.

DLSAs also contribute towards reducing burden oncourts by regulating Lok Adalats conducted by National Legal Services Authority (NALSA).

• SC has refused a petition by a sect of Jain community filed under Article 32 of Constitution to enforce Places of Worship (Special Provisions) Act 1991 against alleged conversion of its religious places by another sect.

• The Family Courts (Amendment) Act, 2022 to grant statutory cover to already established family courts in Himachal Pradesh and Nagaland has come to force.The Act amends the Family Courts Act, 1984 which provided an establishment of family courts by States to deal with disputes related to family and marriage.

• Central Consumer Protection Authority (CCPA) completed two years of establishment. The CCPA was constituted to promote, protect and enforce the rights of consumers under the Consumer Protection Act(CPA), 2019.