



Mains Practice Question

Q. India does not have a deficit of laws and rules, in fact we have too much of them. Critically examine. (250 words)

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Approach

- Explain the problems with large number of legislations in India.
- Explain with examples, the significance of removing the obsolete laws.
- Mention the steps taken by the government in this direction.
- Conclude by balancing the challenges of having a large number of laws with their relevance in India.

Introduction

The existence of obsolete and inconvenient laws is a major hindrance in the exercise of smooth administration in India. Such laws are often not required, either discriminate, or are simply nonsensical in the present times.

Body

There remain a large number of legislations that may have been relevant to the social, economic and legal conditions of the time of their introduction, but have lost consonance with society now. Laws related to **sedition (section 124A of IPC)** and **defamation (sections 499 and 500)** are some of the examples.

- Similarly, the **Official Secrets Act** can legally withhold any information from public disclosure under the often dubious garb of national security.
- **Factories Act** and **Industrial Disputes Act, 1947** are seen as major impediments to labour reforms in India, with stringent penal provisions for defaulters, and constraints on hiring and firing.
- Multiple regulatory bodies like SEBI, RBI deriving powers from different laws on the same matter has increased inter departmental conflicts on question of their jurisdiction benefiting offenders.
- **Environment laws** related to water, forest governance, environmental protection, air, biodiversity laws are indicative of poor environmental governance.

The government has taken several measures to repeal or amend such obsolete laws

- **P.C. Jain Commission (1998)** recommended the withdrawal of a large body of legislation, and also noted that as many as 253 Acts which were identified earlier for withdrawal still remained in the practice.
- The 20th **Law Commission of India** in its **248th Report** recommended for a repeal of 72 obsolete laws.
- The Government has scrapped off around 1200 obsolete and archaic laws and has identified around 1800 more for the repeal.
- Not only removal of obsolete laws is required, but consolidation of multiple laws is needed.

Codification of multiple labour laws into four codes: wages, social security, industrial safety & welfare, and industrial relations is a step in the right direction.

- Similarly, implementation of **Goods and Services Tax (GST)** has reduced the number of indirect taxes in an attempt to unify the Indian market.

Conclusion

- Simplification and removal of obsolete laws is not only beneficial for ease of doing business, improving transparency and efficiency but also for faster resolution of pending cases.
- Although the archaic legislations need rationalisation, the availability of large number of laws atleast provide wider area for resolution of various conflicts. For example, even though marital rape is not defined under the Indian Penal Code, the Protection of Women from Domestic Violence Act 2005 addresses the concerns of the victims of marital rape.
- Nevertheless the laws must be in conformity with the needs of the present. With the change in pace of time, law should also change. Famous Jurist Georg Friedrich Puchta had once said “Law grows with the growth and strengthens with the strength of people.”

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