



AMERICAN JOURNAL OF **SOCIETY AND LAW (AJSL)**

ISSN: 2835-3277 (ONLINE)

VOLUME 3 ISSUE 2 (2024)



PUBLISHED BY
E-PALLI PUBLISHERS, DELAWARE, USA

Reimagining the Legislative Framework: A Historical Analysis of Decolonization and Public Voice in India's Law-Making

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Article Information

Received: May 31, 2024

Accepted: July 29, 2024

Published: December 18, 2024

Keywords

Agenda of Legislation, Anti-Social Laws, Colonial Laws, Defunct Laws, Legislation, Post independent India, Social Welfare Laws

ABSTRACT

This scholarly inquiry delves into the historical trajectory of the legislative process in India, delving into its historical antecedents, the enduring influence of colonial governance, and the subsequent developments in the post-independence era. Employing a nuanced approach that integrates historical analysis and legislative case studies, the study illuminates the persistent impact of colonial rule on India's legal framework, characterized by laws that primarily served the interests of the imperial administration rather than addressing indigenous societal needs. Through a focused examination of the Sonthal Parganas Act of 1855, this research underscores the enduring reverberations of colonial legacies within contemporary legislation and the ongoing endeavors to rectify historical injustices. Furthermore, the study scrutinizes legislative activities spanning from 2010 to 2020, offering a comprehensive portrayal of the dynamic nature of law-making in response to evolving societal challenges and aspirations. By discerning the intricate interplay between historical legacies, socio-political dynamics, and democratic participation, this investigation provides valuable insights into the formulation, amendment, and repeal of laws to address contemporary issues while upholding democratic principles in India. Ultimately, this scholarly exploration contributes to a nuanced understanding of the complexities inherent in India's legislative landscape and underscores the persistent pursuit of equitable and just governance through legislative reforms.

INTRODUCTION

The legislative process represents a whole set of ideas, processes, techniques, and institutions on which the working of a country exists. Legislation consists of the word "Legis" which means law and "Latum" which means making. So, in simple words, the legislation is law-making. Austin articulated that the creation of law is the responsibility of a supreme or sovereign power, and it is obligatory for individuals from all levels of society to adhere to it. India had a history of law-making from the ancient period. The law defined and regulated every aspect of life and had a religious outlook. Emperors like Ashoka promulgated many laws for the social welfare of the people and to enforce Dhamma i.e., righteousness. Also, in the medieval period rulers like Alauddin Khilji, Sher Shah Suri, and Akbar formulated various laws to regulate the empire and the laws mostly were people-centric. But when the Britishers came they also enacted numerous laws, but they were foreign to the people of India and devoid of Indian social values. They were derived from the English Common law and Victorian values and more than that they were based on political exigency and to serve the need of imperialism. While advocating for their purported civilizing mission, British Colonialists held the belief that the implementation of law would organize marketplace interactions and establish a firm market economy. They believed that the law would instill concepts of individual rights and contractual freedom, which are the foundations of civilized societies. Furthermore, they asserted that the law would ensure the protection of personal and property security (Otter,

2012). For the Colonial state, the law served as a tool and mechanism that allowed it to assert its exclusive right to the legitimate use of force. It equipped the state with legal instruments to characterize delinquency, quell dissent, and suppress any threats to its dominance (Singha, 2000). So, the Britisher tried to keep away the Indian from the process of law-making, also because to strengthen the grip of imperialism did not allow Indian participation in administration. They were not allowed to join civil and provincial service which indirectly meant participation law implementation. The present study tried to highlight the evolution of the legislative process in India while looking into such dynamics. The British had to take India in the law-making process through acts of 1892, 1909. This is not to ensure Indian participation but rather to serve the needs of imperialism and to keep India intact with empire.

But the Legislative process in a democratic sense also denotes the participation of the people and reflection of people's aspiration, its commitment to bring social change. India got independence and drafted its constitution. But the several colonial laws continued and remained unchanged though they were irrelevant, defunct. For example, through The Sonthal Parganas Act, 1855 the British authorities classified the Santhal tribe of India as an "uncivilized race," resulting in their exemption from the legal jurisdiction of the region. The legal statute remains in effect even after it has no relevance today and jeopardizes the principle of equality (Biswas, 2014). However, the parliament has modernized law and repealed, and amended such laws to move away from

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the colonial legacy. Furthermore, the law is formulated by legislation according to changing needs, so there were numerous post-independent laws that were amended and repealed and new laws were framed between 2010-2020. It's also necessary to study factors that shape the law, and the legislative process in order to trace what significant changes occur since independence in law-making itself.

Significance of the Theme

This study traces the historical development of India's legislative process and law-making, seeking to investigate the major shifts that have transpired since the country gained independence. The influence of colonial law continues to be felt in India, impacting democratic processes. Many outdated, non-functional, and anti-social laws have persisted until today. However, starting in 2014, the Government of India has pinpointed numerous obsolete laws and successfully repealed 1428 of them. For instance, laws such as the Beedi Workers Welfare Fund Act of 1976 and the Motor Vehicles (Amendment) Act of 2001 have been repealed, as they no longer hold relevance in today's context ("Parliament passes Bill", 2019). Other acts, like The Registration of Foreigners' Act (1939) and the Sarais Act (1867), needed to be repeal. As argued by Law and Justice Minister Ravi Shankar Prasad in 2019, the persistence of such laws hampers the ease of doing business, living, and governance. These bills can indeed be scrapped" (Parliament passes Bill, 2019).

Indeed, delving into the motivations underlying the repeal and modification of laws by governmental bodies is essential. However, within a democratic framework, the legitimacy of law-making processes hinges on the premise of authentic democratic endorsement, ensuring that legislation mirrors the collective will of the populace (Jain, 2019). There have been various national security laws since colonial times, and new ones have been drafted and amended since independence. Such laws have created dilemmas and contradictions between the security of the state and individual rights. One such act is the sedition act of 1870, section 124 A of IPC, under which sedition is an offense. Initially, it was brought to suppress the voice of freedom fighters. The Act stipulates that individual who, through spoken or written language, gestures, visible representations, or any other means, incite hatred, contempt, or disaffection towards the legally established Government of India, shall face penalties. Such penalties may include life imprisonment, along with the possibility of fines, or imprisonment for a term up to three years, coupled with fines. The act has remained unchanged since independence, and questions continued to be raised on its validity. Law Commission in report 2018 that "In a democracy, singing from the same songbook is not a benchmark of patriotism. People should be at liberty to show their affection towards their country in their own way. For doing the same, one might indulge in constructive criticism or debates, pointing out the loopholes in the policy of the Government. Expressions used in such thoughts might be harsh and unpleasant to

some, but that does not render the actions to be branded seditious" (Karthikeyane, 2022).

The report further suggests looking into the intent of the offense is made. There are other laws pertaining to National Security had been made, like the Terrorist and Disruptive Activities (Prevention) Act (TADA) 1985, and the POTA (Prevention of Terrorism Act, 2002), which was repealed in 2004. But replaced by the UAPA Unlawful Activities (Prevention) Act, 1967, which has been amended many times till now. Thus, the present study tried to highlight the "change and need" for such laws by the government. Anti-social laws which had religious validity, like triple talaq, had been done away by the government through legislation to give justice to women, highlighting the change in Indian legislative policy towards women.

Further legislative process itself has transformed in numerous dimensions since independence. Numerous new parliamentary committees had been formed and their jurisdiction had changed too. The use of ICT in the legislature also brought revolutionary change in the legislative process, making it more workable and accountable to the public. The legislative institutions, both at the central and state levels, have shown significant progress over the last seventy years in terms of their ability to carry out legislative activities, including the formulation of policies, decision-making processes, and distribution of financial resources.

Objectives of the Research

Following are some objectives of the study on this research highlights the interplay between historical context, evolving democratic ideals, and public involvement." These are to-

1. Investigate the historical evolution of legislative processes during colonial India.
2. Trace the evolution of legislative processes in post-independent India.
3. Discuss the India's transition away from the legacy of colonial laws.
4. Examine the recent legal developments reflecting evolving Indian values in justice.
5. Analyse the legislative shifts in India between 2010 and 2020.
6. Explore the intersection of social welfare laws with fundamental and human rights.
7. Assess the factors influencing the formulation of new legislation and legislative agendas.
8. Evaluate the transformative impact of legislation in India across various aspects.

MATERIALS AND METHODS

The research is based on primary and secondary source of this study, and pertinent data have been gathered for this research from a variety of sources. In order to be acknowledged in related topics, the researcher uses this method to search through various articles, texts, booklets, handouts, seminar presentations, notes, newspapers,

national & international research papers, web sites, in conducting this research, I adopted the doctrinal approach and as such, the research completely relied on consultations of academic materials written on the subject area. The research method approach used historical and analytical of the ongoing process of reshaping the legal framework and the role of public voice based on field work which is through the use of questionnaires or interviews. By so doing, I concerned myself with identifying the existing gaps and ensuring that I tailor the research towards filling the identified gaps.

RESULTS AND DISCUSSION

The themes that emerged after elaboration and refinement of categories have been analysed in detail below.

The Evolution of Legislative Processes in Colonial India

Until the Charter Act of 1833, there was no distinct separation between the executive and legislative roles of the Governor General's Council. The Charter Act of 1853 marked the first time these functions were separated, aligning with the objectives of imperialism. This led to the formation of the Indian Legislative Council, which served as a small-scale parliament. It included four representatives from Bengal, Madras, Bombay, and the North-Western Provinces, all under absolute imperial control.

The decentralization of power began following the 1857 revolt. The Acts of 1861, 1891, and 1909 played significant roles in shaping the legislature in Colonial India. The Act of 1861 introduced further devolution of power, albeit in a nominal sense. For legislative matters, the council was to be strengthened by a minimum of six and a maximum of twelve individuals, nominated by the Governor General for a two-year term. At least half of these individuals were required not to hold any government office (Keith, 1969). The only seats that were offered to "natives of high rank" were non-official ones. The legislation had no control over administration or financial matters and could not criticize the actions or behavior of the authorities or administration. The Act also restored legislative power to Madras and Bombay with amending powers (Keith, 1922). Charles Wood drew a comparison between the roles of the proposed Legislative Councils and the *darbar* (court) of an Indian ruler. In this analogy, the nobles in the *darbar* were free to express their opinions, much like the members of the Legislative Councils. However, just as the ruler was not obligated to follow the advice of the nobles, the authorities were not bound by the opinions expressed in the Councils. This highlights the limited influence these Councils had on decision-making processes (Maheta & Grover, 2018).

The surge of Indian nationalism between 1860 and 1890 significantly influenced the development of Indian legislation, leading to an increase in the representation

of Indians (Bandhopadhyay, 2004). The act stipulated that the Central legislation should have no less than sixteen additional members. The Governor-General, with the approval of the Secretary of State in Council, was responsible for establishing the regulations for the nomination of these additional members. In a similar vein, provincial legislation was also granted the power to question the executive. A significant aspect of the act was the introduction of an element of election in Central legislation. The Central legislation was required to include elected non-official members. These members, five in total, were to be individually selected by the non-official members of the Provincial Legislatures of Madras, Bombay, Bengal, and the North-Western Provinces. In addition, the Calcutta Chamber of Commerce was to elect one non-official member. This act played a crucial role in the evolution of legislation. However, the act faced criticism. The so-called right of election to the Legislatures, enjoyed by local bodies and other electorates, was essentially a nomination process controlled by these bodies. The government had the final say in accepting or rejecting these nominations. This aspect of the act was seen as a limitation to the democratic process" (Maheta & Grover, 2018).

The Act of 1892 fell short of meeting the expectations of the Indian populace. As a result, the British introduced a series of significant changes in legislation through the Act of 1909, also referred to as the Minto-Morley reform. The most notable feature of this reform was the augmentation of the representative component in the legislative councils and the expansion of their powers. This marked a pivotal moment in the evolution of the legislative process in India (Keith, 1969). The number of members in the central legislation was increased from 16 to 60. The legislation now comprised of 37 official and 32 non-official members. Out of the 32 non-official members, 27 were elected. However, the representation was not based on territories, but rather on class and interest. The 13 members were chosen by the legislative councils, 6 by landholders, 5 by the Muhammadans of the larger provinces, 1 by Muhammadan landholders, and 2 by chambers of commerce. This change in representation marked a significant shift in the legislative process (Keith, 1969). Similarly, the provincial legislative council was enlarged like Bombay by 47. The Act did establish a majority of non-official members in the provincial legislatures. However, a significant number of these non-official members were appointed by the Governor, which effectively kept the council under government control. The Act did grant members of the legislature the right to discuss the Budget, and they were also allowed to ask supplementary questions. This marked a step towards greater legislative participation, although the overall control still remained with the government. This highlights the limited influence these Councils had on decision-making processes.

Table 1: The Legislative Council consisted of the officials, the elected, and the nominated non-officials

Name of the Council	Elected	Nominated non-official	Officials.	Total
India	27	5	36	68
Madras	21	5	20	46
Bombay	21	7	18	46
Bengal	28	4	20	52
United Provinces	21	6	20	47
Eastern Bengal & Assam	18	5	17	40
Punjab	8	6	10	24
Burma	I	8	6	15
Bihar & Orissa	21	4	18	43
Assam	11	4	9	24

Data Source: G. N. Singh, (1959). *Landmarks in Indian Constitutional and National Development*. Data from 1912

The power of the members was limited in that they could move resolutions on financial matters, but they did not have the authority to vote. They were also barred from discussing the Indian government's foreign relations, its interactions with Indian princes, the jurisdiction of a court of law, state railway expenditures, debt interest, and other similar matters. The act also introduced a separate electorate for Muslims, which later became a source of communal politics. Further changes were introduced by the Act of 1919, also known as the Montagu-Chelmsford reform. This act gave a concrete shape to the legislature by introducing bicameral legislation at the centre, replacing the single-house Imperial Council. The two houses formed were the Council of State (upper house) and the Central Legislative Assembly. The Council of State consisted of 60 members, with the principle of an elected majority introduced. Out of the 60 members, 34 were to be elected and the rest were nominated by the Governor-General. Members were allowed to hold their seats for five years, but it had to be renewed partially every year. The Governor-General had the power to address the legislative body, prorogue or dissolve the assembly, and deliver an address to the assembly. The qualifications were restricted only to the upper classes. The Legislative Assembly, which represented the lower house, now consisted of 145 members. Out of these, 104 were to be elected and 41 were to be nominated. The electorate was expanded to 5.5 million for the provinces and 1.5 million for the imperial legislature. This marked a significant expansion in the democratic process, despite the limitations that remained (Bandhopadhyay, 2004). The central legislation was empowered to create laws for the entirety of British India. It had the authority to amend or repeal any existing laws. The members of the legislative councils were granted several rights. They could ask questions, propose resolutions, make motions of adjournment, express no-confidence in the ministers, and introduce bills, all subject to the Standing Rules of the Council.

This marked a significant expansion of their legislative powers, despite the limitations that remained. This was a crucial step in the evolution of the legislative process

in India (Singh, 1959). The act introduced a system of dyarchy, meaning that certain functions of the provincial government were transferred to ministries that were accountable to the legislature. However, some subjects were designated as "reserved" and remained under bureaucratic control. Despite these changes, no responsibility was introduced at the Centre. The Governor-General in Council continued to be accountable solely to the British Parliament through the Secretary of State for India. This maintained a degree of control and oversight from the British Parliament over the legislative process in India. This system of dyarchy marked a significant shift in the governance structure during that period (Basu, 2018). Further, there were many restrictions on the working of Central legislation or Lower House. Indeed, the functioning of the Central legislation or Lower House was subject to several restrictions. For certain matters, such as issues related to foreign relations and relations with the Indian States, the prior approval of the Governor-General was required. Additionally, the Governor-General had the power to exercise a veto and promulgate ordinances. These measures were put in place to protect the fundamental British interests in India. Despite the introduction of more democratic elements into the legislative process, these restrictions ensured that ultimate control remained with the British authorities. This highlights the complex dynamics of power and governance during this period in Indian history (Bridge, 1986).

The next important act introduced by the colonial state was the Government Act of 1935, from which a major portion of our constitution had been derived. The Act ended the dyarchy and proposed an All-India Federation with provinces and princely states as units. The federal legislature thus formed had two chambers, i.e., the Council of States and the Federal Assembly. The Council of States consists of 156 elected members of British India and not more than 104 representatives from Indian States. The Council of States made a permanent body, but its one-third member retiring every third year. Legislative Assembly or Federal Assembly was to consist of not more than 125 representatives of the Indian States which were nominated by the rulers of the States, and

250 representatives from British India elected by the provincial Assemblies. The duration of the legislative assembly was 5 years unless it was resolved. With respect to Federal legislature, the election in the upper house was direct, while in the lower house, it was indirect. The act divided the powers between centre and provincial unit through three lists -Federal, Provincial, and Concurrent list. the Federal Legislature was to have the power to make laws for the whole or any part of British India or for any federate State while a Provincial Legislature was to make laws for the province or any part thereof or given in provincial list. Dyarchy was introduced in the centre and bicameralism in many provinces like Bombay and Madras. Legislation taken a concrete shaped through the act of 1935 and it tried to establish a responsible government with safeguards. In reality, the Act of 1935 did not result in the appointment of any 'Counsellors' or a Council of Ministers that would be responsible to the Legislature. The Executive Council, which was established by the Act of 1919, remained in place and continued to advise the Governor-General until the Indian Independence Act was passed in 1947 (Basu, 2018). Moreover, the authority of the Governor General over the Legislature was so dominant that the Legislature barely had any power it could call its own. As a result, the Legislature envisioned under the Constitution Act of 1935 was more of a nominal Legislature rather than one with substantial powers (Singh, 2006).

Following the August Revolution and the end of World War II, the struggle for independence entered its final phase. The Indian Independence Act was enacted in 1947, dividing India into two dominions, India and Pakistan. After August 1947, the British government handed over all authority and control to these dominions. The constitution, which was drafted in 1946, laid the foundation for the Constitution of India, which became the supreme law of the country.

Legislative Process and its Component in Post Independent India

The Parliament of India is the nation's legislative institution, tasked with the creation of laws. It plays a pivotal role in the democratic political structure of India. According to Austin, the creators of this system intended to promote national unity by setting up a government of the people. This was accomplished by unifying Indians into a single electorate with universal adult voting rights, and guaranteeing that these voters were directly represented in genuinely representative assemblies (Austin, 1999).

Hence, the legislative process genuinely embodies the people's desires. Since gaining independence, India's legislation has enacted laws aimed at fostering the nation's development and transforming it into a welfare state (India Const. art.108). The Indian legislative system, or Parliament, is composed of the President of India and two Houses: The Rajya Sabha (Council of States) and the Lok Sabha (House of the People), as outlined

in Article 79. The Rajya Sabha, or Upper House, has a set membership of 250 members, with 238 representing States and Union Territories, and 12 nominated by the President (India Const. art. 80). The Rajya Sabha is a permanent body and not to be dissolved, and 1/3 of its members retire every year. Conversely, the Lok Sabha's membership is capped at 552. The composition includes 530 representatives from the States, 20 from the Union Territories, and an extra two members from the Anglo-Indian community, who are appointed by the President. This arrangement guarantees a wide representation of India's various regions and communities in the law-making process (India Const. art. 81(1)(a) (b)).

The Indian Constitution lays out an extensive set of rules and procedures for law-making in Central legislation. This framework is intended to guarantee a democratic operation of the legislative process, mirroring the aspirations of the Indian people. Within the Parliament, a bill is initially a proposal for a new law, which only becomes an act or law after official enactment. Regular bills can be introduced in either house and are required to pass through three readings prior to approval (Constitution of India, art. 107(1)). In first reading, the Bill are only introduced in the house, and no discussion took place. But in the second reading, the bill was discussed and referred to several committees for scrutiny. The members of the house can suggest amendment in the feel, if it accepted it becomes part of the Bill. If the Bill passes in the house, then it will send to the second house. The second house can suggest an amendment in the bill and return for the review. If it passed the Bill, it became a law or an act. There many other mechanisms devised by framer constitution to make the government responsible to the house. The members have right to raise question, ask questions and move resolution. For example, members can ask questions in Question Hour, Zero Hour. Further matters on public interest discussed through several motions. There are various motions such as Calling Attention Motion, Adjournment Motion, Confidence and Non-Confidence Motions, and Dilatory Motion, among others (Basu, 2018).

Tracing the Change in the Legislative Process in Post-Independent India

The standard procedure of legislation and the process of the Indian Parliament remained the same but there are many changes occurred in the legislative process. The public became more aware, so the transparency in the proceeding was further refined by GOI. There are many several committees that have been amended and there are many that have been formed new since independence. The introduction of the committee system was to make the legislative process more just and to increase the implication of law. In 1989 numerous subject committees was formed like agriculture, science and technology, and environment and forest (Kashyap, 1990).

Another important feature added in the Indian law making is pre-legislative process. The govt before

introducing the bill in parliament put the bill in public domain for discussion and feedback, make the legislative process more democratic. However, during Planning Commission, the govt had not taken sufficient attention to the pre-legislative process.

In 2014, the central government implemented a pre-legislative consultation policy, requiring ministries to follow a specific process before submitting a legislative proposal for the union cabinet's approval. According to the policy, a draft of the proposed legislation must be publicly accessible for 30 days for public feedback. Another significant change is the use of ICT in the legislative process. Post-2014, the GOI emphasized digitization in all areas. Since 2018, the GOI has been planning to launch E-Sansad to make parliamentary work paperless and accessible. E-Sansad aims to "revolutionize" Parliament through stakeholder integration, seamless information navigation, ease of dissemination, AI-backed search, cloud development, and process automation" (Bhardwaj, 2021). This also further ensures public vigilance on the parliamentary work.

The opposition has disrupted parliament on multiple occasions, but recently, due to competing political objectives, the disruption has escalated, cutting into parliament's productivity. According to PRS, the 16th Lok Sabha (2014–2019) had a decrease in disruptions to 16% of scheduled time, which is an improvement from the 15th Lok Sabha's 37% loss. Despite coping with political upheaval, the government was steadfast in its approach to enacting legislation. As was the case in previous instances, the speaker also shortened the question hour, commonly known as zero hour, in order to keep the house in proper decorum.

Liberating from the Colonial Law Claws: India Moving from Colonial Legacy

The colonial state designed laws aligned with imperialist aims, often suppressing voices of freedom. Even after independence, many colonial laws remained in force and were used by authorities to suppress public dissent, symbolizing the colonial legacy. These laws contradicted traditional Indian values of a moral and just society, the spirit of the Indian freedom struggle enshrined in the constitution, and the fundamental rights granted by it. Since the 1990s, three government-appointed bodies—the PC Jain Committee, the Law Commission of India, and the Ramanujam Committee—identified many such laws. Based on their recommendations, Parliament enacted six Acts between 2015 and 2019 to repeal a large number of outdated laws (Mahmood, 2021). Many of the laws were repealed because they were anti-social, outdated, or no longer needed. They added unnecessary hassle for the public and impeded efficient administration. The Repealing and Amending (Second) Act of 2017 abolished numerous similar statutes. As previously mentioned, the Government of India has nearly 1500 such laws. This year, the GOI also proposed to eliminate many of these laws, replacing colonial legislation. Thus, the focus of new legislation is to free India from outdated colonial laws.

Anti -Social Laws and the Laws against Indian Value

The Government of India has annulled the Caste Disabilities Removal Act of 1850. This act had previously overridden any conflicting elements within all forms of religious, personal, and customary laws that stripped individuals of their familial and inheritance rights upon converting to a different religion from the one they were born into. Additionally, it rendered obsolete the conventional rules of Hindu law, which dictated that being ostracized from one's caste or sub-caste would lead to equivalent consequences (Mahmood, 2021). The legislation was rescinded due to concerns that religious extremism could disrupt the peace among various communities. In a related case, "The Converts' Marriage Dissolution Act of 1866" was also recognized as prejudiced. This law addressed how converting to Christianity impacted an individual's existing marriage, allowing for the marriage to be annulled under specific circumstances. However, it was limited in scope, applying only when the married individuals were not Muslim, Parsi, or Jewish. It also only pertained to those who left Hinduism and sought solace in Christianity. The law's partiality was evident, highlighting the need for its replacement with a fair and uniform legal framework (Advocate Khoj, n.d). Section 375 of the IPC traditionally exempts non-consensual sexual intercourse within marriage from being classified as rape, suggesting that marriage implies a continuous and unalterable consent to sexual relations. This concept contradicts the respect for women's dignity and the ethical principles of Indian society, which are encapsulated in Indian thought "Yatra naryastu pujiyante ramante tatra Devata" (Where women are respected, there the gods rejoice).

Colonial Laws against Fundamental Rights and Human Rights

Numerous laws from the colonial era infringed upon fundamental rights and deprived individuals of basic human rights. Among these was Section 377 of the IPC, which criminalized "voluntary carnal intercourse against the order of nature" with any person or animal, carrying penalties and fines. This law was a product of the British colonial regime, rooted in a Victorian and Christian puritanical perspective on sexuality (Wong, 2021). "The former Prime Minister of the United Kingdom, Theresa May, acknowledged with regret the imposition of anti-sodomy laws during the British colonial era. She recognized that these laws have left a lasting legacy of discrimination, violence, and fatalities that continue to affect people to this day (Rao, 2020). The Dramatic Performance Act of 1876 and the Assam Criminal Law Amendment (Supplementary) Act, 1934 are two further statutes of this kind. As a means of stifling patriotism in the performing arts, the Dramatic Performance Act was passed in 1876. The government has the authority to ban performances that are either (a) scandalous or defamatory in nature or (b) likely to incite disapproval of the government's recognized mode of expression.

In 1911, lawmakers sought to update and streamline legislation on the prohibition of public gatherings that would incite sedition or disrupt public peace and quiet. The result was the Prevention of Seditious Meetings Act. Consolidating and revising the laws prohibiting gatherings of the public that are liable to incite sedition or disturb the peace is a matter of great practicality (Common LII, n.d.). The repealed act and colonial attitudes toward sex exhibit gender discrimination. For instance, Section 497 of the Indian Penal Code penalized men for adultery but exempted women (who could only be punished as abettors, not as primary offenders). Similarly, Section 498 punished enticing a married woman, placing the burden of guilt squarely on men.

Archaic, Defunct and Irrelevant Laws

There were many colonial laws that were obsolete, defunct and had not any use today. Such act only became hurdle into the smooth working of the administration. Example of the Criminal Law Amendment Act of 1938 can be given. In 2023, Prime Minister Narendra Modi stated that many of India's laws originated during the British era and have since become outdated. He emphasized that the government is actively working to review and update these laws (Govt repealed 2000, 2023). The law like the Criminal Law Amendment Act of 1938 was established to punish actions that hindered the recruitment of individuals to serve in the Armed Forces of the Union. This act specifically targeted individuals who made public speeches to discourage others from enlisting in the Défense Forces and from participating in any wars involving the British Empire (Advocate Khoj, n.d.). Another such defunct law is the Bangalore Marriages Validating Act of 1936, which legalized Christian marriages solemnized by McDonald Redwood, who lacked the authority to do so. Other obsolete laws include the Sheriff of Calcutta (Powers of Custody) Act of 1931, the Fort William Act of 1881, the Bikrama Singh's Estates Act of 1883, and the Police Act of 1888. The Government of India also plans to amend the outdated Post Office Act of 1898 through the Post Office Bill (2023). Originally established to regulate postal services, this act has become outdated as the functions of the Post Office have diversified. The new act aims to make postal services more citizen-centric. For national security purposes, the bill empowers the government to authorize any officer to intercept, open, or detain items in transit through the Post Office in the interest of state security, friendly relations with foreign states, public order, emergencies, or public safety (Sinha, 2023). The Aircraft Act of 1934 still applies to hot-air balloons, despite their regulation now falling under the Civil Aviation Authority of India. The act defines an aircraft as "any machine which can derive support in the atmosphere from reactions of the air," which includes balloons, airships, kites, gliders, and flying machines. According to this law, flying kites without government approval is technically illegal. The Ganges Tolls Act of

1867 authorized the levy of tolls on certain steamers and boats on the Ganges River for navigation improvements between Allahabad and Dinapore. However, the Government of India enacted the National Waterway (Allahabad-Haldia stretch of Ganga-Bhagirathi-Hooghly River) Act of 1982, allowing the government to regulate, develop, and levy fees for shipping and navigation on this stretch of the river. This new act covered the provisions of the Ganges Tolls Act, preventing double taxation and inconvenience. To address film piracy, the government amended the Cinematograph Act of 1952 by introducing the Cinematograph (Amendment) Bill of 2023. This act enforces stringent penalties for those involved in the unauthorized recording and distribution of copyrighted audio-visual content, thereby protecting the intellectual property rights of filmmakers and content creators.

Recent Development and Establishing Indian Value in Law and Justice

The liberation from colonial laws is not merely abolishing colonial law but also enforcing the Indian value in law and justice. The colonial law was made against the Indian values and may of laws was alien to Indian Culture. To liberate the India from the shackles of colonial laws GOI had introduced three laws in legislation that replace the centuries old colonial law. These are (Parliament of India and Rajya Sabha, 2023);

- The Bharatiya Nyaya Sanhita Bill, 2023 will supersede the Indian Penal Code of 1860.
- The Bhartiya Nagarik Suraksha Sanhita Bill of 2023 replace the CrPC of 1898.
- The Bharatiya Sakshya Bill, 2023 will supersede the Evidence Act of 1872.

The primary objective of the Bharatiya Nyaya Sanhita is to revoke the stringent sedition provision of IPC 124(A), historically employed against notable figures such as Tilak and Gandhi and presently utilized to stifle dissenting voices. This legislation retains solely a tempered version of clause 150, which pertains to actions endangering the sovereignty, unity, and integrity of India. It is imperative to note that the Bharatiya Nyaya Sanhita does not compromise state security. It emphasizes that actions compromising Indian sovereignty, including providing financial support and engaging in subversive activities or advocating separatist sentiments, constitute criminal offense.

The Evidence Act of 1872 was an outdated colonial law that did not 'address the technological advancement undergone in the country during the last few decades. The GOI replaced the Evidence Act of 1872 with the Bharatiya Sakshya Bill, of 2023. Thus, it also includes "electronic and digital records" admitted as primary evidence under Section 59. It, further holds that a break from the colonial legacy should strengthen the presumption of innocence and the right to a fair trial for the accused while protecting victims' participatory rights (Rajya Sabha, 2023).

A View on Post-Independent Laws

After gaining independence, India assumed a legal structure comprising a mix of colonial laws and recently passed statutes. While some of these laws were crucial for laying the foundation of a functional democratic nation, others were hastily crafted or struggled to adapt to the swiftly evolving social dynamics. However, the lawmaking process has to take into account the public will and aspiration. So, the lawmakers of the country have to take into account of numerous factors like economic development, social backwardness, and health infrastructure. Consequently, GOI passed the Planning Commission was set up Resolution of the Government of India in March 1950 to promote a rapid rise in the standard of living of the people by efficient exploitation of the resources of the country and to create employment opportunities. Besides this, GOI passed numerous laws according to the multidimensional growth of the country. A few of such laws are given below;

The Representation of People Act, 1951

The act was enacted to deal with the election system at central and state levels. The act defined the rule regarding the allocation of the seats in Lok Sabha and Rajya Sabha, Qualification and disqualification of voters, and so on. It primarily aimed to make the working of Indian democracy smooth and transparent

Special Marriage Act, 1954

To promote secularism and egalitarianism GOI brought this act, which was made to validate and register interreligious and inter-caste marriages in India.

Companies Act, 1956

The Act contains provisions about Companies, directors of the companies, memorandum and articles of associations, etc. This act states and discusses every single provision that requires or may need to govern a company. This act gives the Central Government the authority to examine a company's books of accounts, to order a special audit, to order an investigation into a company's operations, and to bring legal action for violations of the Companies Act of 1956(Net Lawman, n.d.).

Changing Waves in the Legislation: A Look at the Amended and Repealed Laws from 2010-2020

As mentioned above the law is an everchanging process that has to be updated according to the time. India had gone through enormous changes in the 21st century, and to make pace with the change numerous colonial and post-independent laws were repealed and amended. It is important to look into the factors that drive such changes in the law and to understand the significance of those acts and laws and how they reflect the change in society.

Laws Pertaining to National Security

The security of the state top-most priority of the government. The internal as well as external threat have

to keep on check to maintain sovereignty and integrity of the nation. The Mumbai attacks in 2008, the 2016 Pathankot attack, and the 2019 Pulwama attack had raised the concern of GOI which further modified national security laws to tackle such threat. A new form of threat in form of cyber-attacks has become more frequent. Similarly, separatist elements also undermine the integrity of the nation.

Foreign Contribution (Regulation) Act or FCRA

The FCRA was enacted by the GOI in 1976 to regulate foreign funding and contributions to individuals, associations, and NGOs. It was framed on the pretext that foreign powers interfered with India's internal matters. Such donation and foreign contribution will be in a manner consistent with the values of a sovereign democratic republic" The act was amended in 2010 which includes Act has also includes electronic media companies and "organizations of a political nature". According to the Amendment Act of 2010, election candidates, editors or publishers of a newspaper, judges, government servants, members of any legislature, and political parties were prohibited to accept foreign donation. According to MHA data, since 2011, the registration of 20,664 associations was cancelled for violations such as the misutilisation of foreign contributions (Singh, 2020). GOI in 2020 further amended the act to control the NGOs which politically aligned and received foreign funding. It makes foreign funding more accountable and transparent in accordance with sovereignty.

Unlawful Activities (Prevention) Act 1967

The act was enacted in 1967 to curb separatist tendencies and unlawful activities against the state. It confer powers upon the State authorities to deal with activities directed against the integrity and sovereignty of India. It stated that action taken by individual or association "intended, or supports any claim, to bring about, on any ground whatsoever", the cession of a part of the territory of India or cession of a part of territory of India from the Union or which disclaims, disrupts or is intended to disrupt the sovereignty and territorial integrity of India or which causes or is intended to cause disaffection against India". Government had power to take action against such activities. The parliament's attack on 2001 results in strengthening the act by Unlawful Activities (Prevention) Amendment Act, of 2004. The GOI repealed the Prevention of Terrorist Activities Act [POTA] and included its provision in UAPA (2004). Subsequently, to curb terrorist activities the act was further amended after Mumbai Attack in 2008 i.e., The Unlawful Activities (Prevention) Amendment Act, 2008, The Unlawful Activities (Prevention) Amendment Act, 2012. These acts extend the definition of terrorism to tackle the multifaceted threat to India's sovereignty. In recent years the separatist tendency against state had increased due to political agendas. Till 2004, "unlawful" activities referred to actions related to secession and cession of territory,

and only organizations were designated as ‘terrorist organizations. But the Unlawful Activities (Prevention) Amendment Bill, 2019 as designates individuals as terrorists on certain grounds provided in the Act (Venkataramanank, 2021). The National Investigative Agency (NIA) can seize the property attached to the terrorist activities. PM Narendra Modi stated that central laws such as the Unlawful Activities (Prevention) Act (UAPA) had given an impetus to the system in a decisive fight against terrorism (Singh, 2022).

Bharatiya Nyaya Sanhita (BNS)

The New Penal Code to tackle the problem of neo-separatism tendencies including offenses like fake news terrorism, and organized crime. The bill defines terrorism and offenses such as separatism, and armed rebellion against the government, challenging the sovereignty and integrity of the country, which were earlier mentioned under different laws. It further define a terrorist a person who “terrorist” refers to any person who— (i) develops, manufactures, possesses, acquires, transports, supplies or uses weapons, explosives, or releases nuclear, radiological or other dangerous substance, or cause fire, floods or explosions; (ii) commits, or attempts, or conspires to commit terrorist acts by any means, directly or indirectly; (iii) participates, as a principal or as an accomplice, in terrorist acts (Ministry of Law and Justice, 2023).

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Act

The government under the IT Act 2002, introduced the “The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) 2011” to make social media platforms more transparent and accountable. However, increasing cases of cybercrime and fake news dissemination leads to amendments in the guidelines. The draft 2018 Information Technology [Intermediaries Guidelines (Amendment) Rules 2018, Rule 3(9) is bound to force social media platforms like WhatsApp, Facebook, and Twitter to remain vigilant and keep users on their toes before posting or sharing anything that is deemed as “unlawful information or content”. Further The Information Technology (Intermediary Guidelines expected to ensure that there is no uploading of content that intentionally communicates any misinformation or information that is patently false or untrue hence entrusting an important responsibility on intermediaries” (Ministry of Home Affairs, 2024). Information Technology Amendment Rules, 2023 draft bill further direct intermediaries’ platforms like social media websites Facebook Twitter, and Instagram, and network service providers like JIO, and Airtel to make “reasonable efforts” to not host content related to the Central Government that is “identified as fake or misleading”

Social Welfare Laws and Laws Pertaining to Fundamental and Human Rights

The legislature had amended and repealed numerous

post-independent laws in order to address existing social problems in the country. The aim of such amendments is to establish equality (as mentioned in the fundamental right Article 14-18), and socio-economic upliftment of the masses.

Right to Education

In 2002, GOI by 86th Amendment Act inserted a new article as 21-A in fundamental rights which states that the State shall provide free and compulsory education to all children the age between 6 to 14. Article 45 and Article 39 (f) of the Directive principle also had a provision for the state-provided endeavour to provide early childhood care and education for all children until they complete the age of six years. But it was not enforceable. To achieve education for all GOI enacted “The Right of Children to Free and Compulsory Education Act, 2009”. The act enforces Article 21-A and provides equitable and satisfactory education for children between 6 to 14 years. The act also provides 25 percent reservation to SCs, STs, and Socially backward children. The GOI further brought “The Right of Children to Free and Compulsory Education (Amendment) Act, 2019” to enhance the quality of education. It removed the earlier policy of “no detain” which said that no student can be detained up to class VIII. It further provides regular examinations in classes V and VIII, and if students fail the examination, it gives them the opportunity to reappear in the examination within two months.

The Young Persons (Harmful Publications) Act, 1956

The law was enforced to “prevent the dissemination of certain publications the harmful publication means any book, magazine, Pamphlet, leaflet, newspaper and other such publication which incites (i) the commission of offenses; or (ii) acts of violence or cruelty; or (iii) incidents of a repulsive or horrible nature. Such publications tend to corrupt “young person” was prohibited. The act was full of ambiguities and led to harassment of young citizens, so the GOI repealed the act in 2018.

Immoral Traffic (Prevention) Act (ITPA) of 1956

The act was enacted for the prevention of trafficking for commercial sexual exploitation. The act is also known as the Suppression of Immoral Traffic in Women and Girls Act, 1956 (SITA). It also aims to curb the immoral practices of prostitution. The act had certain ambiguities i.e., the act, criminalizes prostitution, even though it is a consensual act between adults. The act was amended in 1988 and the government brought “The Immoral Traffic (Prevention) Amendment Bill, 2006” to tighten the grip on trafficking of children, girls, and women. The Bill deletes provisions that penalized prostitutes for soliciting clients. These acts did not deal with rehabilitation and relief. These acts also did not in accordance with international human rights laws. So, the government Social Justice Trafficking in Persons (Prevention, Care & Rehabilitation) Draft Bill 2021. The Bill provides for the establishment of investigation and rehabilitation

authorities at the district, state, and national levels. Anti-Trafficking Units will be established to rescue victims and investigate cases of trafficking (PRS Legislative Research, 2018).

Indian Companies Act 2013

The Companies Act 2013 replaced the Companies Act 1956 in order to develop the country economically. It increased the share-holder strength of a company from 50 to 200. It also makes provision for the one-person company. It also introduced the National Company Law Tribunal (NCLT), a quasi-judicial body to look at adjudicating issues pertaining to companies. To encourage entrepreneurship in the country the GOI amends the Companies Act with Companies (Amendment) Bill, 2019, amend the Companies Act, and decriminalize various compoundable offenses as well as promote ease of doing business in the country.

Repeal of old Labour Laws

The Indian Labour codes had its origin in the colonial era and they were too archaic and did not serve the needs of modern times. Secondly, there were many labour laws that intersect many provisions with other laws creating ambiguities and problems. They did not protect the rights of the workers. Even after 73 years of Independence, approximately 90% of workers work in the unorganized sector that does not have access to all the social securities (Ministry of Labour and Employment, 2020). So, the GOI introduced four labour laws i.e., 1. The Code on Wages, 2019; 2. The Industrial Relations Code, 2020. 3. The Code on Social Security, 2020; 4. The Occupational Safety, Health, and Working Conditions Code, 2020. The four laws replaced, repealed and subsumed the old laws.

The Code on Wages, 2019

To give the labourers fair wages consolidates the old laws like the Payment of Wages Act, 1936; Minimum Wages Act, 1948; Payment of Bonus Act, 1965; and Equal Remuneration Act, 1976.

The Occupational Safety, Health, and Working Conditions Code, 2020

For the safety of labour introduced new regulations to protect their rights and to ensure a suitable environment for work. The act have replaced the following old act - The Factories Act of 1948; The Mines Act of 1952; The Dock Workers (Safety, Health and Welfare) Act of 1986; The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act of 1996; The Plantations Labour Act of 1951; The Contract Labour (Regulation and Abolition) Act of 1970; The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act of 1979; The Working Journalist and other Newspaper Employees (Conditions of Service and Miscellaneous Provision) Act of 1955; The Working Journalist (Fixation of Rates of Wages) Act of 1958; The Motor Transport Workers Act

of 1961; The Sales Promotion Employees (Condition of Service) Act of 1976; The Beedi and Cigar Workers (Conditions of Employment) Act of 1966; The Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act of 1981.

The Industrial Relations Code, of 2020

subsumed the following laws- the Trade Unions Act, 1926; the Industrial Employment (Standing Orders) Act, 1946; and the Industrial Disputes Act, of 1947.

Code on Social Security, 2020

This act replaced the following laws on the social security of workers -Employees' Provident Funds and Miscellaneous Provisions Act, 1952; Employees' State Insurance Act, 1948; Employees' Compensation Act, 1923; Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959; Maternity Benefit Act, 1961; Payment of Gratuity Act, 1972; Cine-workers Welfare Fund Act, 1981; Building and Other Construction Worker's Welfare Cess Act, 1996; and Unorganised Workers Social Security Act, 2008.

Juvenile Justice (Care and Protection of Children Act) 2000

This Act aims to consolidate and amend the law pertaining to juveniles in conflict with the law and children in need of care and protection. It seeks to ensure the provision of appropriate care, protection, and treatment for these individuals, addressing their developmental needs comprehensively (Indian Kanoon, n.d.). The "Nirbhaya Rape Case" precipitated a legislative response from the government to amend the law governing crimes committed by juveniles. Consequently, the Juvenile Justice (Care and Protection of Children) Act of 2015 was introduced, replacing the Juvenile Justice (Care and Protection of Children) Act of 2000. Under the provisions of the 2015 Act, offences committed by juveniles are categorized into heinous offences, serious offences, and petty offences. Serious offences encompass those punishable by imprisonment ranging from three to seven years (PRS India, 2021). Additionally, the Act stipulates that juveniles charged with heinous crimes and falling within the age bracket of 16 to 18 years may be tried as adults and processed through the adult justice system. Seeking to further enhance the welfare and protection of children, both those in need of care and protection under the law, as well as those in conflict with the law, the Government of India introduced the Juvenile Justice Amendment Act of 2021. This amendment expands the scope of serious offences to include offences carrying a maximum punishment of imprisonment exceeding seven years.

Factories Act 2011

The purpose of the relevant legislation was to create a system for monitoring the assignment of receivables and to regulate factoring activities in the country. It dealt with

ancillary issues, such as the need to register, and outlined the rights and responsibilities of the parties involved in such transactions. Nevertheless, the Government of India (GOI) took the initiative to strengthen assistance for the MSME sector by introducing the Factoring Regulation Amendment Act of 2021 and other legal amendments. This amended law endeavors to modernize and harmonize the definitions of key terms such as “factoring business,” “assignment,” and “receivables” in line with international standards. Finance Minister Nirmala Sitharaman emphasized the challenges often faced by MSMEs due to delays in receivables, prompting them to seek third-party interventions. (Express News Service, 2023) .

Factors Affecting the Legislation: New Laws and Agenda in Legislation between 2010-2020

As mentioned earlier law-making in a country is a democratic process. The law is made by the parliament which itself represents the people of India. However, there were numerous other factors that influenced the legislature. The pressure groups, Social and Environmental activists, and religious groups exert influence on the legislation and also reflect the will of the people. The international obligation and bilateral agreement also shaped the agenda of legislation. Also, the legislative body is aware of the contemporary issues that can only be addressed through legislation. So, several new laws were framed by legislation.

The Civil Liability for Nuclear Damage Act, 2010

In order to establish a minimum national compensation amount for damage caused by nuclear catastrophes, the Convention on Supplementary Compensation (CSC) was established following the Chernobyl nuclear accident in 1987. The 2010 Civil Liability for Nuclear Damage Act was created in order for India to fulfil its obligations on a global scale.

POCSO Act of 2012

The Protection of Children from Sexual Offences Act (POCSO Act) was passed by the Government of India (GOI) in 2012 in response to the rising number of cases of sexual abuse of minors and the mounting pressure from human rights and social activists. Since the nation is a signatory to the United Nations Conventions on the Rights of the Child since 1992, this law was introduced with the goal of “protecting children from offences of sexual assault, sexual harassment, and pornography and providing for the establishment of Special Courts for trial of such offences and for matters connected therewith or incidental thereto (The Protection of Children from Sexual Offences Act, 2012). In an effort to enhance the prevention of sexual abuse against children, the Indian government updated the POCSO Act of 2012 by introducing the Protection of Children from Sexual Offences Rules in 2020. The new rules increase the minimum prison term for invasive sexual assault on children from seven years to ten years. Furthermore,

they stipulate that individuals convicted of penetrative sexual assault against minors under the age of sixteen will face imprisonment ranging from twenty years to life, in addition to a fine (PRS India, 2019).

The rising incidence of sexual harassment of women in the workplace is a major worry for women’s rights advocates and non-governmental organizations (NGOs). In 2013, the Government of India passed the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) (PoSH) Act in response to the national public outrage and demonstrations followed by the Nirbhaya Rape Case. As a result of this law, businesses must take measures to ensure their employees are safe from sexual harassment and to take appropriate action when it occurs. India has shown its dedication to protecting human rights by ratifying the UN Declaration of Human Rights. When it comes to lobbying for legislative improvements that are in line with their goals, human rights campaigners and labor unions have considerable power. Facebook and Twitter, among others, allow citizens to put pressure on government officials to solve social problems. The Rehabilitation of Manual Scavengers and the Prohibition of Their Employment Act of 2013 is an example of a piece of legislation that was prompted by such demands. This heinous practice continues even though the Employment of Manual Scavenging and Construction of Dry Latrines (Prohibition) Act has been in place since 1993 and forbids the activity. Dry and “insanitary” latrines are both targeted for elimination under the 2013 Act, which also seeks to outlaw the dangerous practice of human scavengers cleaning sewage systems and septic tanks. Also included are steps to help manual scavengers get back on their feet and a deadline for completing a thorough survey (The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2012)

Social-Political Activist Impacting the Legislation and Law Formation: The Citizen’s Ombudsman Bill, or Jan Lokpal Bill

This serves as a notable illustration of how social and political activists, galvanized by public support, can actively participate in the legislative process. The anti-corruption movement spearheaded by Anna Hazare sought to combat corruption through the introduction of the Lokpal Bill. The momentum generated by this movement compelled the government to enact the Lokpal and Lokayukta Act in 2013, aimed at curbing corruption. Similarly, in an endeavor to augment the income of farmers and establish direct market integration, the Government of India (GOI) introduced three farm laws: the Farmers’ Produce Trade and Commerce (Promotion and Facilitation) Act, 2020; the Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020; and the Essential Commodities (Amendment) Act, 2020. However, these laws faced vehement opposition from farmer associations and political activists, culminating in widespread protests. Eventually, in response to the protests, the GOI repealed these farm laws.

The International Obligation and Shaping of the Laws

Since attaining independence, India has carved out a distinctive position in the realm of international affairs. As a member of global organizations such as the World Trade Organization (WTO), the United Nations (UN), and various environmental treaties, India is bound by international obligations. The Wild Life (Protection) Act of 1972 serves as a foundational legal framework aimed at safeguarding diverse species of wild flora and fauna, ensuring the conservation of their habitats, and regulating the monitoring and restriction of trade involving wild animals, plants, and their derivatives. In alignment with its commitments under the Convention on International Trade in Endangered Species (CITES), the Government of India (GOI) enacted the Wild Life (Protection) Amendment Bill of 2022, thereby obliging itself to adhere to newly added species. Notably, this amendment increases the minimum penalty for offenses related to specially protected species from Rs. 10,000 to Rs. 25,000. Furthermore, it has been observed that the Government of India has previously enacted legislative measures to comply with the standards set forth by the United Nations Human Rights.

Aspect of Transformation Through Legislation (2010-2020)

Legislation not only deals with the problem of the people. It tried to bring reform in the country through various laws so that the benefits could be reached to every person in the country. The Legislation in India tries to make India what our freedom fighters and founders of the Constitution imagined India to be.

Social Empowerment and Inclusion

The Indian government introduced “The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014” in order to promote Mahatma Gandhi’s mission of empowering the most marginalized individuals in the country. The Act includes measures that aim to protect the rights of street sellers to make a living, ensure their social security, and regulate street vending operations across India. The legislation aims to create a favourable and secure environment for individuals to engage in their economic endeavors. The legislation aims to forbid unjustified intimidation, eviction, or extortion carried out by law enforcement and local government officials. Simultaneously, its objective is to supervise street vending with the purpose of effectively managing public spaces and traffic.

In a same vein, the Government of India grants authority and enables those with impairments. The legislation is called “The Rights of Persons with Disabilities Act, 2016”. The legislation aims to bolster the autonomy of individuals with disabilities by guaranteeing their entitlement to equitable treatment and a life characterized by respect and worth, as articulated in the Fundamental Rights. The legislation enforces penalties for offenses committed against individuals with disabilities. The

legislation increases the quota for individuals with impairments from 3% to 4% in government employment and from 3% to 5% in higher education institutions. The number of ailments has increased from 7 to 21.

Mental Healthcare Act (MHA), 2017

The Mental Healthcare Act of 2017 was created to replace the Mental Healthcare Act of 1987. Its purpose is to make it easier for individuals with mental illness to access mental healthcare and services. The main objective is to guarantee their right to a dignified life free from discrimination or harassment. In contrast to the previous version in 1987, which focused mostly on placing individuals with mental illness in institutions without providing them with any significant rights, the Mental Healthcare Act of 2017 takes a significantly different approach. It discourages the extended confinement of patients in institutions and instead supports the rights of individuals to live independently and become part of their communities.

The Muslim Women (Protection of Rights on Marriage) Act of 2019

The Government of India (GOI) enacted the Muslim Women (Protection of Rights on Marriage) Act in order to empower women and address the exploitation faced by Muslim women due to the practice of triple talaq or talaq-e-biddat, which involves immediate and irreversible divorce. This legislation classifies triple talaq as a cognizable offense, which means that violators can be arrested without a warrant. They may face imprisonment for a maximum of three years, in addition to a fine.

National Education Policy 2020

In pursuit of rendering education more equitable and inclusive, and effectuating a transformative overhaul of the Indian education system. Indian Government introduced the National Education Policy (NEP) in 2020. This comprehensive policy initiative endeavors to tackle and enhance the suboptimal literacy and numeracy outcomes associated with primary education, mitigate dropout rates prevalent in middle and secondary schooling, and institute a multidisciplinary ethos within the realm of higher education. A significant facet of the NEP is the extension of the Right to Education (RTE) to include children to the age of 18, thereby augmenting its inclusivity and reach.

Economic Integration and Empowerment

The Goods and Services Tax (GST) was introduced by the Government of India (GOI) by the 101st Amendment Act of 2016. This measure aims to simplify company operations, promote sustainable economic growth, and enhance the economic integration of the country. The implementation of the “One Nation One Tax” policy aimed to establish a unified market in India. The introduction of this act was designed to simplify the current indirect tax structure in India. The implementation of the Goods and

Services Tax (GST) consolidates various taxes, such as excise duties, customs duties, service tax, and state VAT, into a single rate. The Goods and Services Tax (GST) intends to enhance the competitiveness of Indian trade and industry, both domestically and internationally, by reducing inflation and production costs in the economy. Another expected advantage of GST is its capacity to facilitate the establishment of a unified and efficient Indian market, which would significantly contribute to promoting economic growth. In 2017, the Government of India (GOI) implemented three GST laws to improve the Goods and Services Tax (GST) system. The Central GST Act, the Integrated GST Act, and the Union Territory GST Act.

In an expanding economy like India, the steady flow of credit and mobilization of capital are crucial. Corporate insolvency leading to loan defaults is common. To prevent the accumulation of non-performing assets (NPAs), it is essential for financial institutions to recover promptly from defaulting entities. This approach not only ensures the availability of new credit but also mitigates asset depreciation. Consequently, the GOI introduced the Insolvency and Bankruptcy Code in the year 2016. This legislative framework provides a structured, time-bound process for resolving insolvency issues for both companies and individuals. The primary aim of the IBC is to consolidate existing insolvency and bankruptcy laws, addressing the persistent NPA problem that has negatively impacted the Indian economy over an extended period. In response to growing concerns about economic offenders evading justice, the government enacted the Fugitive Economic Offenders Act in 2018. This legislation aims to confiscate the assets of individuals who either refuse to return for judicial proceedings or flee the country to avoid prosecution. Notably, the Act empowers any civil court or tribunal to prevent a recognized fugitive economic offender from filing or defending a civil lawsuit.

CONCLUSION

India, the world's largest democracy, celebrated its 75th year of independence. The Indian Parliament, serving as the apex legislative body, diligently represents the will and aspirations of its citizens. However, India's legislative landscape bears the imprint of its colonial past, undergoing a transformation over time. While the Charter Act of 1833 centralized power, the struggle for Indian self-governance and legislation reflective of indigenous needs has a longstanding history. The 1857 revolt compelled colonial authorities to devolve powers, leading to subsequent acts in 1861 and 1892 that allowed Indian participation in legislation through nomination. The waves of Indian nationalism and escalating political extremism further expanded Indian involvement in governance through acts in 1909 and 1935.

Post-independence, India's constitution ensured universal suffrage, yet colonial legacies persisted in the legal framework. Laws such as IPC 124-A, emblematic of colonial-era repression, continue to be utilized by

successive governments to curb dissent, infringing upon fundamental rights. Moreover, outdated and obsolete laws, often used to wield state machinery like the police against citizens, prompted legislative efforts to repeal and amend them. Notably, IPC 377, criminalizing homosexuality, was repealed by authorities, signalling independence from colonial-era legal constraints. Additionally, efforts are made to monitor shifts in the legislative process, including the emergence of new committees and advancements in information and communication technology. Examination of post-laws amended or repealed between 2010 and 2020, and the underlying factors driving such changes, such as pressure groups and farm associations, are undertaken. Emphasis is placed on the agendas of newly enacted laws during this period, such as the National Education Policy (NEP) and The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act of 2014. This underscores the transformative power of legislation in shaping the trajectory of the nation.

Acknowledgement

This research article required a lot of direction and help from many people and I am very fortunate to have got this all along the completion of my article. I thank to all the staff members of the IT library and library of JNU, DU, CUPB and Chanakya University, Bangaluru who supported my research process by helping me access various online libraries and e-resources.

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