

1. Indian constitution and the laws critical to administration of country borrow heavily from the various British provisions and Acts introduced in 19th and 20th century by the British. Analyse. (250 words)

**Answer:**

**Background:-**

- Though 1200 archaic laws were scrapped in bulk, Indians are still following many obsolete laws that have been prevalent from the time of British colonial rule.

**Constitutional provisions borrowed :-**

- From Govt. of India Act 1935
- The majority of the today's constitution has been drawn from this.
- It delivers to the establishment of an All India Federation.
- The previous names transferred and reserved subjects are changed as federal and provincial lists and concurrent list is definitely an addendum.
- It Abolished diarchy and introduced provincial autonomy.
- Established the RBI, federal court, Provincial PSUs and Joint PSUs.
- The federal structure of government, provincial autonomy, a bicameral central legislature consisting of a federal assembly and a Council of States and the separation of legislative powers between the centre and states are some of the provisions of the Act which are present in the Constitution of India.
- Office of Governor
- Judiciary
- Emergency

**Pre independence laws still used in post Independent India are :-**

- **Indian Police Act, 1861:-**
- This act was framed by British after the revolt of 1857. The main aim of the British Government before passing this law was to establish a Police force which can tackle any revolt against the Government.
- Post independent police are encouraged to tackle law and order and work towards society. Community policing and police sensitivity are encouraged now.
- **Indian Evidence Act, 1872:**
- This Act was passed by the British Government in 1872. It is applicable on all the proceedings of the law including court marshal. Though it is not valid on arbitration. This Act elaborates upon the items that can be used as evidences and to be informed to the court of law in advance. Therefore, this Act is playing an important role in various legislations even after 144 years of its implementation though may be in amended forms.
- **Income Tax Act, 1961:**
- On the basis of this act, income taxis imposed in India. Though the Government had planned to remove this Act along with the Wealth Tax Act, 1957 by bringing in the Direct Tax Code, however after the removal of Wealth Tax it is not reverted back.
- **Indian Penal Code, 1860:**

- Indian Penal Code was prepared based on the recommendations of the first law commission of 1860. There have been many changes
- **Criminalisation of homosexuality:-**
- The criminalisation of homosexuality or what is popularly referred to as Section 377 of the Indian Penal Code (IPC) dates back to 1860 when the British introduced it as sexual activities against the “order of nature.
- The Supreme Court overturned the decision of lower court and homosexuality continues to be a criminal offence in India.
- **Blasphemy law:-**
- Controversial for curtailing freedom of speech, Section 295A of the IPC has been time and again imposed for banning publication of several books and other content.
- The British government introduced the Dramatic Performance Act in 1876, which prohibited dramatic performances of “scandalous” and “defamatory” nature. Performances that would excite feelings among people against the government in power or likely to corrupt persons at the performance were prohibited.
- Most recently, this so-called “blasphemy law” was used to target Wendy Doniger, the American professor whose book on Hinduism was in effect banned by a single complainant who said he disagreed with its content.
- Seventy years after independence, the law still exists and post-1947 many states introduced the law and amended it accordingly with the exception of Delhi and West Bengal.
- Another section, 295a, seeks to protect religious minorities from hate speech, but is often used to intimidate and silence artists, critics and scholars
- **Sedition law:-**
- Colonial-era law intended to suppress the voice of freedom continues in force in India, but Britain itself abolished sedition as a criminal offence in 2009.

**Conclusion:-**

- The spirit for adopting the laws even after post independence has been not for repression as was under the British rule but mainly to provide justice to the citizens of India. More changes are necessary in light of changing needs of the society so reforms with respect to judiciary, police, administrative aspects etc are necessary
- Despite adopting some of the laws many changes have been made suitable to the needs of changing Indian society like official secrets act 1923 is being amended to make a seamless transition from the secrecy period of the 20th century to a modern and democratic transparency regime

## **PRACTICE QUESTIONS**

### **Answer the following Questions**

1. Examine the role that All India Trade Union Congress played in labour movements in the country? (250 words)
2. Discuss how dust storms are formed? Examine the impact of climate change in formation of dust storms? (250 words)