

## **Political Science Chapter – 04**

### **Understanding Laws**

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#### **What are Laws?**

The system of rules which a particular country or community recognises as regulating the actions of its members and which it may enforce by the imposition of penalties

#### **Do Laws Apply to All:**

(i) As there should be no arbitrary exercise of power in independent India therefore the members of Constituent Assembly instituted several provisions in the Constitution that would establish the rule of law.

(ii) All persons in independent India are equal before the law.

(iii) All laws apply equally to all citizens of the country and no one can be above the law. That means, the law cannot discriminate between persons on the basis of their religion, caste or gender.

(iv) Any crime or violation of law has a specific punishment.

(v) In ancient India, there were innumerable and overlapping local laws which did not apply equally to all. The punishment for the same crime varied depending upon their caste background with lower castes being more harshly penalised or punished.

(vi) Members of the Constituent Assembly were agreed there should be no arbitrary exercise of power in Independent India. To establish a law, they instituted several provisions in the Constitution.

(vii) The British colonialists introduced the rule of law in India. Historians have disputed this claim as:

- The colonial law was arbitrary
- The Indian nationalists played a prominent role in the development of the legal

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sphere.

(viii) The British law of the **Sedition Act of 1870** set a perfect example of the arbitrariness. Under this Act, a person protesting or criticising the British government could be arrested without due trial.

(ix) Indian nationalists began protesting and criticising the arbitrary use of authority by the British. They began fighting for greater equality and wanted to change the idea of law from a set of rules that they were forced to obey, to law as including ideas of justice.

(x) By the end of the 19th century, the Indian legal profession began emerging and demanded respect in colonial courts by using laws to defend the legal rights of Indians.

(xi) Indian judges began to play a greater role in decisions-making.

(xii) With the adoption of the Constitution, laws for the country began to be made by the representatives.

(xiii) Every year, representatives pass new laws as well as revise the existing ones.

**Hindu Succession Amendment Act 2005:** According to this law, sons, daughters & their mothers can get an equal share of family property.

### **How Do New Laws Come About:**

(i) The Parliament has an important role in making laws.

(ii) An important role of Parliament is to be sensitive to the problems faced by people.

(iii) The issue of domestic violence was brought to the attention of the Parliament and the process adopted for this issue to become law.

(iv) The Protection of Women from **Domestic Violence Act 2005** was implemented to protect women from being abused and injured by male.

**Domestic Violence : The injury or harm caused by an adult male(husband) to his wife.**

(v) The role of citizens is crucial in helping Parliament frame different concerns that people might have into laws.

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(vi) From establishing the need for a new law to its being passed, at every stage of the process the voice of the citizen is a crucial element which makes the work of Parliament more accessible and transparent.

### **Unpopular and Controversial Laws:**

(i) Sometimes the Parliament passes laws that turn out to be very popular.

(ii) Sometimes a law can be constitutionally valid and legal, but it can continue to be unpopular and unacceptable to people because they feel that the intention behind it is unfair and harmful.

(iii) People might criticise this law, hold public meetings, write about it in newspaper, report to TV news channels etc.

(iv) In a democracy, citizens can express their unwillingness to accept repressive laws framed by the Parliament.

(v) When a large member of people begin to feel that a wrong law has been passed, then there is pressure on the Parliament to change it.

(vi) If the law favours one group and disregards the other, it will be controversial and lead to conflict.

(vii) People who think that the law is not fair can approach the court to decide.

(viii) The court has the power to modify or cancel laws if it finds that they don't adhere to the Constitution.

(viii) In India, role of citizens does not end with electing representatives, they also analyse the work done by MP's and criticise their actions, if needed. Therefore, it is stated that people in a democratic country have the right to protest against the unjust laws.

### **Conclusion:**

It is the extent, involvement and enthusiasm of the people that helps Parliament perform its representative functions properly.