



THE ACTS, JUDGMENTS AND REFORMS- PROGRESSIVE OR REGRESSIVE

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Abstract :

India, has a series of long historical events and facts. Starting from the Harappan Civilization till the Indian Independence, the country underwent a great revolution in terms of the living, culture, rules, laws and the working of the people. Laws, or the rules governing the people of the country had developed a significant change since times. The Kings in the medieval India, made autocratic laws and imposed them on the people. Many rules like the over imposition of taxes, or the administration of justice they followed were oppressive for the people. At the same time, some kings helped the poor and had the noble idea of equality. Modern India, incurred a similar fate. Britishers, ruined the country and used its resources to flourish their nation, Britain. Regulating Act, 1773, Charter 1813, Charter 1833, imposition of English language on the people, their policy of divide and rule, and many other charters totally disturbed the internal peace of the nation and changed the mentality of the people within 300 years. Despite, the fact that the English brought with themselves technologies and their advancements, they even ruined and looted the country, once known as the golden bird. India is now a democratically and politically active country. Many acts are passed by the Parliament, Ordinances and policies issued by the

Government and Judgments given by the courts. This act of decision making has both regressive and progressive effect on the socio-political and cultural scenario of our country. Some helped the nation to prosper, while the other proved to be a detrimental decision for the nation. These decisions proved the saying that " there are two sides of the same coin ".

Essay :

" Every action has an equal and opposite reaction." The Acts passed by the Parliament,

Judgements given by the courts have both their black and white faces. They are not pure, i.e., they are not fully accepted or rejected, but its the grey tone which goes on. An act is a legislation or law passed by the parliament of a country (in case of India), and its non - adherence invites an action in the court of law. In the Parliament of India, every bill passes through various stages before it becomes an Act. The first stage is the first reading. This is an introduction stage where any member introduces the bill in either house of parliament. The second is the discussion stage, where the provisions of the bill are studied. The third is the voting stage, where the members either votes for or rejects the bill. After the bill is passed by the house, it is sent to other house.. After the bill, (other than money bill), reaches Rajya Sabha it undergoes the same procedure of arguments. But if, any amendments are suggested the bill again goes to Lok Sabha. After the bill is passed by both the houses of the Parliament, it is sent to President for his approval (the final stage) , where he can return the bill except money bill. If the President gives his



assent, the bill is published in the Gazette of India and becomes an act.

Since, Independence many acts have been passed. National Commission for Backward Classes Act, Consumer Protection Act, Right to Information Act, Central Goods and Services Tax Act, 2017 are a few examples of prominent acts passed. They had different implications on the people. Some, were very much useful for the people, some proved to be a blunder on the part of government. For instance, the **Armed Forces (Special Powers) Acts (AFSPA)**, proved out to be a curse for the people as even the innocents were killed by the Armed Forces on the pretext of "destroying harmful activities". These are the Acts of the Parliament of India that grant special powers to the Indian Armed Forces in what each act terms "disturbed areas". The Armed Forces used unlimited power and attacked even the innocent gathering of 4-5 people. The act gave the right to the forces to search properties without warrant, attack, raid or kill any person who is being suspected to be insurgents. Irom Sharmila, also known as the "Iron Lady" fasted for about 16 years against the act in the state of Manipur. The act though, was passed with a broad objective it turned out to be oppressive and detrimental for the people, as the act gave absolute powers to forces which they improperly handled and people suffered a lot. The implications of the acts should be predicted beforehand, so that the effects are not in negative. The concern for the people who are the foundation of the nation should be kept in mind. **The Land Acquisition Act**, is an act of Parliament which approves the Central or state government to acquire private lands for

the purpose of better infrastructure and development on the land for the betterment of the people as a whole. The government in turn will give the affected people suitable monetary compensation. The amendment in 2015 stated that the Bill creates five special categories of land use: 1. defence, 2. rural infrastructure, 3. affordable housing, 4. industrial corridors, and 5. infrastructure projects including Public Private Partnership (PPP) projects where the central government owns the land and can use it without permission from the owners.¹ It changed the earlier provision of 80% consent in case of private companies and 70% in case of PPP. The people lose their land and even get the compensation after a long time. The plea of the government is that the infrastructure projects are very much important for the nation. There is an essence of use of absolute power by the government, as the land is taken over without landowner's permission. This causes despair among the people, as they are attached to their land emotionally and financially. The act though having fallouts have good impact too. The fast development work in the country could be carried on without any stays, which could be imposed by court if a case is filed in the suit, thus delaying the nation building process. Another examples of act, where government tried to do best for the nation but their effects are still unknown are the **Central Goods and Services Tax Act, 2017** and **Specified Bank Notes (Cessation of Liabilities) Act, 2017**. The GST act aims at one nation one tax, and replaced several former taxes and levies which included: central excise duty, services tax, additional customs duty, surcharges, state-level value added tax and Octroi. The



act, though aimed at simplifying the tax structure brought problems for the people as the end amount they have to pay is much more high than earlier times. . Under GST, goods and services are taxed at the following rates, 0%, 5%, 12% ,18% and 28%. The serious implication of the act is increase in the price of goods and services and reduce in the purchasing capacity of the people.² Demonetisation, initially passed through an ordinance became an act later on. It caused the withdrawal of Rs. 500 and Rs. 1000 notes from the economy . The aim was to curb black money, terrorism and counterfeit currency. Even after one year, black money still exists in the country as the people have recovered their amount. Terrorism cannot be curbed by a mere action of demonetising the currency. Counterfeit money of Rs. 2000 were found just after 2 weeks of the decision. Demonetisation, caused only harm to the people as they were left cashless and had to stand in long queues waiting for their chance to get their currency changed. It also slowed down the flow of goods and services in the economy. Though, there is a check on anti-social activities, yet the results are more negative than being positive. Adverse situations faced by the people weighs more than the positive results of the action. Many acts passed by the parliament, have serious repercussions on the people but some are really helpful for the people and have changed their life to the best. One example of such act is **Real Estate Regulatory Authority (RERA) Act**. The act aims to protect the interest of home buyers from the builders and boost the development of the economy. The act states that developer has to put 70% of money collected from buyer via

cheque in a separate account to meet the construction costs. It increased the developer's liability to repair structural defects to 5 years from 2 years.³ The buyer now will only pay for the carpet area and not the super built up area as the case earlier. The act encouraged transparency in the estate sector and a greater benefits to the buyers. The people now are confident while purchasing properties and can do so without fear. **The Maternity Benefit (Amendment) Act, 2017** is another achievement, which has helped the women a lot during their pregnancy and has encouraged their women employment. It has increased the duration of paid leave from 12 weeks to 26 weeks. Also the option of work from home has been started for women. Creche facilities have been made compulsory for establishment employing 50 or more employees. But, as said that there are two sides of a thing, employers are unwilling to employ women as they have to be now given increased facilities and leaves which causes hindrance in the work.

Where acts are passed by parliament, judgments are given by the courts which is an independent body. They effect the socio - cultural scenario of the country too. The leading judgment of the court in the instant **Triple Talaq case**, led to the abolishing of this system of divorce in Muslim Personal law, whereby divorce could happen just by saying three times the word Talaq. The verdict gave privileges to Muslim ladies and has helped in reducing polgamy by the Muslim men. Though, the Muslim law propounders initially were against this on the pretext of their religious sentiments, they had



to accept the court's verdict. **The Haji Ali case** and **Shani Shingnapur case**, dealt with the same problem of allowing the entry of women sanctum sanctorum. The verdict allowed the entry of women and lifted up the old traditional views of not allowing women due to their biological factors. It changed the religious scenario among the people and giving equality to women as propounded by Dr. B R Ambedkar initially. On 7 March 2011 the Supreme Court of India legalised **passive euthanasia** by means of the withdrawal of life support to patients in a permanent vegetative state. The decision was made as part of the verdict in a case involving Aruna Shanbaug, who had been in a Persistent Vegetative State (PVS) until her death in 2015.⁴ Another landmark judgement by the SC, is the ban on **Lal Batti culture**. Red beacons are similar to "Raj mentality" and are the "antithesis of the concept of a Republic", the Supreme Court declared in 2013. From 1 May, 2016 the red or blue lights were banned on cars of "VIP".⁵ This decision has restricted the VIP culture signifying that all Indians are equal. The political scenario hence has been changed by this, and has reduced their dominance over the people. One of the landmark judgements by the SC is the recognition of **transgenders as the third gender** and ordered the government to treat them as minorities. They are now to be given a reservation in job opportunities, education and other amenities. The apex court also said states and the Central government will devise social welfare schemes for the third gender community and run a public awareness campaign to erase social stigma.⁵ It gave recognition to these people and has helped changed the view of other people towards

them. With the landmark Supreme Court judgment which declared that privacy is a fundamental right of all Indians, court indicated that right to privacy is valid even in the context of Section 377. **Section 377** of IPC deals with homosexuality and there is a demand to decriminalize the same. The judgements of the courts have a bearing on the country's development and the socio-cultural scenario. They are progressive in nature and help the depressed section to lead their life in a better way. Though, for some of the people these decisions may be worthless, as far as the whole country is concerned it proved out to be a bliss.

Besides facts and judgments, many reforms and policies are undertaken by the government to bring a change in the country. The **LPG (Liberalization, Privatization, and Globalization)** policies, for instance, opened up the economy. It removed trade barriers and allowed free import and export of certain goods and services. MNCs were allowed to invest in India which made the country to be a part of the global village. LPG policies, helped set up large companies which gave a cut-throat competition to the small industries in India. Public industries were privatized. At the same time, there was technological advancements in the country, and also increased the flow of goods and services in the economy and hence gave a greater options to the consumers for their purchasing. Programs of the government like **Make in India**, will help to increase the infrastructure and GDP of the country as it will lead to import substitution. Another is the **Jan Dhan Yojna**, which aimed to open bank accounts for all people even with a



minimum bank balance. Its aim was to ensure access to financial services, namely Banking Savings & Deposit Accounts, Remittance, Credit, Insurance, Pension in an affordable manner⁶. Many other policies like National Health Policy, National Education Policy, National Cyber Security Policy, National Civil Aviation Policy⁷ are ongoing in India, which helps in progressive development of the nation.

India has a huge population with many religious beliefs, culture, background and economic status. Laws should be framed so that they satisfy all the sections of the society equally, without hurting anybody. Advancement of all the people should be with equal rate so as to ensure robust growth and development. So as the saying goes, "There is no rainbow without rain.", the same is true with respect to the legislative changes and reforms in our country. Few acts like demonetisation, AFSPA act proved to be a sort of disasterous for the country, but at the same time, Maternity benefit act, and RERA are some of the achievements of the government. So, the results are mixed. some decisions proved to be excellent for the country, but at the same time some were more troublesome, than being fruitful. Though, the idea before framing of such decisions are nobel, they sometimes fail owing to their bad implementation or lack of foresight regarding their effects. India needs unassailable decisions which will help the country to progress at a faster rate. The acts, judgements and reforms hence, proved out to be both regressive and progressive for our nation, giving varied results.

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