Removing Deadwood from the Law Books

What is the issue?

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Voluminous statutory books and democratic progress call for simplifying the existing laws and repealing the outdated ones.

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What is the current status?

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- The government has identified around 1,800 laws that require to be removed from the statute books.
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- In the past three years, Parliament has repealed about 1,200 obsolete and unnecessary laws.
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- A remaining of about 600 irrelevant laws still occupies the statute books.
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What is the need?

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- With changing social, economic and legal conditions some pieces of legislation may have lost their relevance and utility.
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- Failing to tune with the progress of democracy since Independence, they may have now become archaic.
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- In the absence of a periodic review they continue to burden the statutory corpus.
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- Besides this, some obsolete concepts, notions, perceptions that underlie law-making also require an overhaul with development.
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- There is also a concern that these archaic laws could be invoked suddenly against unsuspecting and otherwise law-abiding citizens.
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- A rationalising process is thus necessary to decongest the statute books and promote ease of governance.
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What are the initiatives in this regard?

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- There are concerted efforts since 2014 for cleaning up the law books.
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- The PMO set up the **Ramanujam Committee** to identify central government statutes that are ready for repeal.
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- The Ramanujam Committee identified around 1,700 old statutes that were ready for repeal.
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- This means that around 63% of central legislation could be repealed without affecting governance adversely.
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- Also, there are four reports by the **Law Commission** on obsolete laws "warranting immediate repeal".
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- Besides, the **Repealing and Amending Bill** 2017 and the Second Repealing and Amending Bill 2017 are pending in Parliament.
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- In addition, a **100 Laws Repeal Project** by the Centre for Civil Society (CCS) was launched.
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What are the limitations?

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- **States** - The Ramanujam Committee brought out a database of around 2700 existing Union-level statutes.
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- Of these, a considerable number of laws were enacted between 1834 and 1949 i.e. before the Constitution came into being.
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- These may be identified as “Central” laws, but after the Constitution, the subject matter may have moved to the states under the Seventh Schedule.
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- State-level statutes are not part of the India Code listing (Central Acts of Parliament from 1836 onwards).
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- Notably, in such cases, amendment or repeal can only be done by the state legislatures.
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- Accordingly, the Ramanujam Committee and the Law Commission identified a total of around 150 old statutes that could only be repealed by states.
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- Sadly, only a few states have done something about eliminating such outdated laws.
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- **System** - A system of desuetude is where statutes, similar legislation or legal principles lapse and become unenforceable with lapse of time or non-enforcement.
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- However, India does not have such a system in place.
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- Notably, unless specifically identified and repealed, statutes are open-ended and remain on the books.
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What is the way ahead?

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- Unmaking existing laws is as equally an arduous task as law-making.
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- The role of State Assemblies is also significant and thus a permanent mechanism is needed in this regard.
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- It is better to have a permanent commission in place to review the existing body of law and identify those that require repeal.
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Source: Indian Express, The Hindu

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