

Even Laws Can Die; Outdated Laws In India

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Abstract: The constitution of India has a lot of laws. After India has obtained independence from the British, the Indian constitutional leaders had framed laws which are preceded by the laws framed by the British. For more than 100 years Indians had followed the rules and laws created by the English men. By the practice even after independence, the constitutional makers framed the laws similar to the laws in Britain. Now even after 72 years of independence, there are some laws which are a part of the Indian constitution that is not useful anymore. On the other side, some laws which had been used widely in the past and its usage and utilisation is no more in the want those laws are called as outdated laws. The requirement of these is no more needed in the Indian constitution.

I. INTRODUCTION

The laws that have been outdated were important for the administration and ruling during the time of introduction but as the world makes changes every day, these laws have no relevance today. Generally, laws are meant to satisfy and contemplate the necessity of society. Certain laws had already been out rooted and some of those are yet to be done because the laws were the solution for various problems faced by the people in the society when they had been introduced. Now, being educated and after modernising, some of those rules are not in need. For example, homosexuality was not permitted and a section was framed for punishing the people who allow themselves into homosexuality. But now, section 377 was scraped out of the Indian constitution.

II. REGISTRATION OF FOREIGNERS ACT 1939

This law was previously framed by the law makers to avoid the illegal immigrant into British India and to monitor the movements of Indian revolutionaries. This Act makes the people who enter into British India to register to the said officer or registrar within 180 days of arrival. The registration has to be made whenever a foreigner enters, being present in and departs from British India. The foreigner under this Act prescribes the people who are not the citizens of India.

Certain particulars like their identity proof, the date of their arrival, the purpose of their stay, when they have planned

to depart the country, the place they have arranged to stay and every detail about the person who enters the country. The foreigners who fail to register and contravene the Act, and then the person will be punished with imprisonment, fine or both.

This Act, as inferred, has been enacted dating back to World War 2. The British wanted to observe the motion of the people in the country. This is no longer needed in the constitution of India.

III. EXCHANGE OF PRISONERS ACT, 1948

This Act was enacted in order to exchange a certain set of prisoners to another set from India to Pakistan or Pakistan to India. This Act was set up between the Indian and Pakistani government. As a matter of fact, this Act will be very useful to exchange a set of prisoners for others. A warrant will be provided for both the prisoners who are going to be exchanged, the delivery of the prisoners, actions to be taken upon escape, etc. will be discussed in this Act.

This Act is no more on use because this is for the prisoners who have been arrested before 1 August 1948. Thus, this is an unwanted law in the Indian constitution.

IV. WEALTH TAX ACT, 1957

This Act is about levying the tax on every individual of a Hindu undivided family or company. The tax will be calculated according to the earnings of the individual up to the date of 31st March of each year. This Act is applicable for an individual's income over 3, 00,000. This was applicable for every citizen of India including Jammu and Kashmir.

This Act was discontinued since 1st April 2016. Instead, it was replaced with an additional surcharge of 2 percent extra for the super rich whose annual income is over 1 crore.

V. THE SARAI ACT, 1867

This Act was enacted for the regulation of every public Sarai. The Sarai is basically any of the shelter or accommodation places. This Act enforces all the Sarais to register with the respected Act. The details consist of the keeper, location and situation of the Sarai, the prices they have determined, and the overall regulations framed for the said. Also, this Act insists to report or inform any activities that are seeking the legal eye. The keeper or the manager of the Sarai must report to the Magistrate or the respective person who has been authorised. The authorised person or the Magistrate will frequently examine the cleanliness, facilities, and security. If the Magistrate finds any of the faults in the specified requirement, then the authorities will insist on the Sarai to meet the requirements.

This law has no usefulness in today's world. Many cases have been reported to the authorities specifying that using this law many customers to the Sarais or hotels are harassing the hotel owners. The Act gives immense freedom to the customers to the hotels which the customers take it to their benefit.

VI. INDIAN TREASURE TROVE ACT, 1878

This Act enforces that any treasure that has been found in the soil or affixed should be informed to the government. The treasure can be of any value but not less than 10rs. The finder of the treasure should inform the senior officer in this department with the place and the time when the treasure has been found. The government will publish about the treasure and if someone claims that the treasure belongs to them then inquiry will be conducted and it will be handed over. If there are no claimants then it will be possessed by the government

itself. If the finder of the treasure fails to inform the government, knowingly or unknowingly, punishment will be given to the respective person.

This law is no more in use or not required because this was imposed by the British government. The "government" above mentioned is the queen of England. As the British left India by 1947, this Act is no more in use.

VII. INDIAN POST OFFICE ACT, 1898

According to this Act, the Indian Post Offices only have the rights to deliver letters to the people from one destination to another. The Indian Post Offices are the only government body and no other private courier service company has the right to deliver the letters. If so, there are some private companies who conduct these services, they will be considered illegal.

This Act is not needed because there are lots of private courier companies. They are not considered illegal because they use the word "document" instead of "letter" to bypass the law.

VIII. INDIAN AIRCRAFT ACT, 1934

This Act tells that the manufacture, sale including exports and imports, even use, and possession of aircraft will be controlled by the government. The aircraft include balloons, kites, airships, etc. This Act was originally framed to monitor the airships and other airplanes that are dangerous. But at the other aspects, this is considered absurd. This law holds that any Indian citizen who flies kites, balloons is offenders. During festivals and auspicious days, some people have the habit of flying kites. This Act is not considered anymore.

IX. CONCLUSION

There are even more laws in the Indian Constitution that have no use or requirement today. From the report and study made on the laws in the Indian constitution, it is seen that the government should scrap 25 colonial and independence related laws, 19 laws that hamper the effective performance of the government. The above-detailed Acts are some of them which have already outdated. It's high time now for the Indian government that it has to renew the laws, Acts, and amendments in the Indian constitution.