

Good Laws Need Better Implementation

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In simple words; law is a set of rules that plays an important part in the creation and maintenance of social order. The sovereign enforces this law upon its members and also gives its members certain rights and duties that it regulates on the threshold of sanctions. Rights however may be self-evident and constitutionally secured; but, they do not automatically implement themselves. A joint effort of the three bodies exercising power namely; the Legislation, the Executive and the Judiciary is required to collectively formulate new laws, enforce them and protect our rights, but at the same time we forget that the people's acceptance and mentality towards the regulations is also equally important for eg: After years of making rules and increasing penalties, people on the roads are still reluctant to wearing helmets or abiding by the said commands.

India having the largest written constitution is also the country to have one of the highest crime rates. More than 32,500 cases of rape were registered with the police in 2017, about 90 a day, according to the most recent government data. Indian courts disposed of only about 18,300 cases related to rape that year, leaving more than 127,800 cases pending at the end of 2017.¹ Our country is also regarded to be one of the worst places to be a female in. So the very cause of concern that emerges from the above data is that; despite far-reaching legislation, rapes, thefts, murders and sexual assaults are still common. This raises a question regarding what can be done? We have strict laws and provisions for the welfare and wellbeing of all but we still watch it being violated. This puts a clear question on the efficiency of the implementation of these laws. Even after the Nirbhaya rape case, whilst the Nirbhaya act was enforced giving the police the power to arrest a man if a girl claimed that she was raped even without the medical report present, it was seen to be drastically misused due to poor implementation leading to soaring false rape cases and acquittal rates hitting as high as 78%. We can see that even though there has been a legal expansion of women's rights in India, the societal trends that maintain a violent order against women have remained intact. There are also a few cases where "pathetic" would be the most subtle word to describe the standards of implementation of law and justice, for eg: Recently a 20-year-old Santhal tribal woman was raped by 12 men in the state of West Bengal on the orders of a kangaroo court. Her crime was that she married a man who belonged to another community (which is basically a perfectly legal thing to do). For this, the poor woman was tied to a pole and was asked to pay twenty five thousand rupees, inability to pay the same led to a decree stating that the tribal woman could be "enjoyed" by several men and that they could "have fun" with her. If the people responsible for the protection of our rights and

¹ <https://www.reuters.com/article/us-india-rape-factbox/statistics-on-rape-in-india-and-some-well-known-cases-idUSKBN1YA0UV>

implementation of laws are itself such imbecilic pieces of meat, then what option do we have? Where do we go to seek justice and uphold our rights? We might have the most precise and detailed law in the world promising welfare and wellbeing of all, but having over 400 articles, hundreds of acts and several other rights without appropriate standards and quality of implementation is like having the most luxurious house in the world and not having the key to enter it. Societally sanctioned rape and sexual assault is not new in India. It has been repeatedly established that Indian men assert a claim over the bodies of women, if a woman crosses a line where her behaviour is seen as outrageous and unacceptable, then many people even now have a deplorable belief that she is opening herself up to sexual assault. Such detestable views if injected into the executive can lead to mass injustice and terrible implementation of laws, and this is exactly what is happening in our country. The most recent such pronouncement came from Ms Asha Mirje, a member of the Maharashtra State Commission for Women who stated: "Rapes take place also because of a woman's clothes, her behaviour and her presence at inappropriate places."

If our leaders, the members of national commissions and the court itself play such blunders and give vacuous judgments then I don't think that we can rely on anyone for appropriate implementation and protection of our rights. It is important to realize that even though there's special inference of Indian governance mentioned in this article, it must be brought into light that this issue of poor implementation of laws and inadequate standards of governance is omnipresent. It is seen all over the world and billions of people suffer on a daily basis due to this.

Law making by the Parliament is only the first step into addressing gaps in our legal system or our constitution, but what they usually forget is, it is only half a battle won. It is the implementation of those laws that tests its effectiveness in addressing problems in the real world. Poor implementation of these laws will make even the greatest laws ineffective.

Parliament has 24 subject-specific committees which scrutinise laws. These committees also oversee the work of different ministries and departments. The rules of the Parliament should be updated so that instead of two committees, these 24 committees are empowered to review rules made by the ministries and authorized departments. Focus of 24 committees combined into overseeing specific, technical and sectoral matters related to various departments and ministries will bring the much-needed rigour to the scrutiny of rules by the Parliament.

The government must recognise that getting a law approved by Parliament is only not enough. The law merely provides the framework for a solution. To effectively implement it, the government will have to draft detailed rules and the executive will have to make sure that these rules are followed.