

Lesson at a Glance

- All persons in independent India are **equal** before the law. It means that the **law cannot discriminate** between persons on the basis of their **religion, caste or gender**. Laws apply equally to all citizens of the country and no one, not even the President of the country is above the law.
- Any crime or violation of law has a specific punishment.
- But in ancient India laws did not apply equally to all. Even the punishment that two persons received for the same crime varied depending on their caste backgrounds, with lower castes being more ruthlessly penalised.
- Even the colonial government failed to establish the rule of law in India. The colonial law was arbitrary. **The Sedition Act of 1870** presents the best example of the arbitrariness of British law. Under this Act, any person protesting or criticising the British government could be arrested without due trial.
- Indian nationalists raised voice against 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.
- By the end of the 19th century, the Indian legal profession also began emerging and demanded respect in colonial courts.
- Indian judges began to play a greater role in making decisions. Their efforts did not go in vain. The rule of law emerged during the colonial period.
- When the Indian Constitution came into existence, laws for the country began to be made by our representatives.
- The Indian Parliament makes laws for the entire country.
- Whenever, people think that a new law is necessary, they propose for it. The Parliament then comes forward and does what is required.
- The issue of **domestic violence** was raised by the people. It was brought to the attention of the Parliament which in due course

passed a law 'The Protection of Women from Domestic Violence Act' to uproot this issue.

- The role of citizens is crucial in helping Parliament frame different concerns that people might have into laws.
- Sometimes it so happens that laws passed by the Parliament turn out to be unpopular. Sometimes a law can be constitutionally valid and hence legal, but it can continue to be unacceptable to people because they feel that the intention behind it is unfair and harmful. In such a situation, people might civilize this law by holding meetings, etc.
- When a large number of people begin to raise voice against a wrong law, then the Parliament has to change it.
- We can make it clear through an example. Various municipal laws on the use of space within municipal limits often make hawking and street vending illegal. No one will dispute the necessity for some rules to keep the public space open for people's convenience. At the same time one cannot deny that hawkers and vendors provide essential services. This is their means of livelihood. Hence, if the law favours one group and disregards the other it will be controversial and lead to conflict. In such a situation people can go to the court which has the power to modify or cancel laws if it finds that they do not adhere to the constitution.
- In a democratic country like India people have full right to protest unjust laws.

■ IN-TEXT QUESTIONS SOLVED ■

1. State one reason why you think the Sedition Act of 1870 was arbitrary? In what ways does the Sedition Act of 1870 contradict the rule of law?

[NCERT Textbook, page 45]

Ans. The Sedition Act of 1870 was arbitrary because under this Act the British could arrest and detain any person they wanted.

2. What do you understand by "domestic violence"? List the two rights that the new law helped achieve for women who are survivors of violence.

[NCERT Textbook, page 48]

Ans. Domestic violence refers to the injury or harm or threat of injury or harm caused by an adult male, usually the husband, against his wife. Injury may be caused by

physically beating up the woman or by emotionally abusing her. Emotional abuse of the woman includes verbal, sexual and economic abuse.

The two rights the new law helped achieve for women who are survivors of violence:

- (i) The new law recognises the right of women to live in a shared household. Women can get a protection order against any further violence.
 - (ii) Women can get monetary relief to meet their expenses including medical costs.
3. Can you list one process that was used to make more people aware of the need for this law?

[NCERT Textbook, page 48]

Ans. Public discussion.

4. From the story board given on textbook pp 46, 47 and 48, can you list two different ways in which people lobbied Parliament? [NCERT Textbook, page 48]

Ans. Two ways in which people lobbied Parliament:

- (i) Debating
 - (ii) Submission of demand
5. Observe the following poster carefully. What do you understand by the phrase 'Equal Relationships are Violence Free'? [NCERT Textbook, page 48]



Ans. Equal relationship means both husband and wife enjoy equal rights in the family. Neither of them should suppress the other. Such relationships are always violence free because both husband and wife care for one another.

6. List the three forms of protest that you see in the photos given below:



[NCERT Textbook, page 50]

- Ans.**
- (i) Hunger strike
 - (ii) Dharna
 - (iii) Rally.

TEXTBOOK QUESTIONS SOLVED

Let's Recall

9. 1. Write in your own words what you understand by the term the 'rule of law'. In your response include a fictitious or real example of a violation of the rule of law.

Ans. The term the 'rule of law' means that all laws apply equally to all citizens and no one is above the law, not even the President of India. The law cannot discriminate between person on the basis of their religion, caste or gender. Any crime or violation of law has a specific punishment as well as a process through which the guilt of the person has to be established.

Example of violation of the rule of law

- Diving a two-wheeler in a helmet is a law. But we find people often violating this law.
- Bribing an official is a crime. But it has become a practice nowadays. It is a complete violation of law.

9. 2. State two reasons why historians refute the claim that the British introduced the rule of law in India.

Ans. Historians refute the claim that the British introduced the rule of law in India on several grounds, two of which are given below:

- (i) The colonial rule was arbitrary. The British passed the Sedition Act in 1870. Under this Act any person protesting or criticising the British government could be arrested without trial.
 - (ii) The Indian nationalists played a prominent role in development of the legal sphere in British India.
9. 3. Re-read the storyboard on how a new law on domestic violence got passed. Describe in your own words the different ways in which women's groups worked to make this happen.

- Ans.**
- When complaints by the victims of domestic violence increased, the need for a new law began to be felt.
 - Different forums raised the issue of domestic violence.
 - Lawyer Collective, a group of lawyers, law students and activists, after nation-wide consultations, took the lead in drafting the Domestic Violence (Prevention and Protection) Bill. This draft was widely circulated.
 - The Bill was introduced in the Parliament in 2002.
 - The Bill was opposed by the women's group.
 - A press conference was held in which a decision to start on-line petition was taken.
 - Several women's organisations, National Commission for Women made submissions to the Parliamentary Standing Committee.
 - In Dec 2002 the Parliamentary Standing Committee submitted its recommendations to the Rajya Sabha and these were also tabled in the Lok Sabha.
 - The Committee's report accepted most of the demands of the women's group.
 - Finally a new bill was introduced in the Parliament.
 - After being passed in both the Houses of the Parliament, it was sent to the President for his consent.
 - The Protection of Women from Domestic Violence Act came into effect in 2006.

Q. 4. Write in your own words what you understand by the following sentences on page 44-45: They also 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.

Ans. The Indian nationalists were fed up with the arbitrary use of authority by the British. They wanted to uproot it in order to bring equality. They made efforts to establish the rule of law by eliminating the colonial laws which were in no way justified.

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