

CONCISE STUDY OF INDIAN LAWS

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Abstract

Law of India refers to the system of law in modern India. It is largely based on English common law because of the long period of British colonial influence during the period of the British Raj. Much of contemporary Indian law shows substantial European and American influence. Various legislation first introduced by the British is still in effect in modified forms today.

Keywords: Indian laws, Constitution, Article.

Introduction

The Constitution of India is the longest written constitution for a country, containing 444 articles, 12 schedules, 94 amendments and 117,369 words. There are 1221 laws as of May 2010. Indian family law is complex, with each religion adhering to its own specific laws. In most states, registering of marriages and divorces is not compulsory. Separate laws govern Hindus, Muslims, Christians, Sikhs, and followers of other religions. The exception to this rule is in the state of Goa, where a Portuguese uniform civil code is in place, in which all religions have a common law regarding marriages, divorces, and adoption.

Laws

Constitutional and Administrative Law

The constitution prescribes a federal structure of government. The Constitution of India, which came into effect from January 26, 1950, is the lengthiest written constitution in the world. Although its administrative provisions are to a large extent based on the Government of

India Act 1935, it also contains various other provisions that were drawn from other constitutions in the world at the time of its creation. It provides details of the administration of both the Union and the States, and codifies the relations between the Federal Government and the State Governments. Also incorporated into the text are a chapter on the fundamental rights of citizens, as well as a chapter on directive principles of state policy.

The constitution prescribes a federal structure of government, with a clearly defined separation of legislative and executive powers between the Federation and the States. Each State Government has the freedom to draft its own laws on subjects classified as state subjects. Laws passed by the Parliament of India and other pre-existing central laws on subjects classified as central subjects are binding on all citizens. However, the Constitution also has certain unitary features, such as vesting power of amendment solely in the Federal Government, the absence of dual citizenship, and the overriding authority assumed by the Federal Government in times of emergency.

Contract Law

The main contract law in India is codified in the Indian Contract Act, which came into effect on September 1, 1872 and extends to all India except the state of Jammu and Kashmir. Main article: Indian contract law. The main contract law in India is codified in the Indian Contract Act, which came into effect on September 1, 1872 and extends to all India except the state of Jammu and Kashmir. It governs entrance into contract, and effects of breach of contract. Indian Contract law is popularly known as mercantile law of India. Originally Indian Sales of Goods Act and Partnership Act were part of Indian Contract act, but due to needed amendment there acts were separated from Contract Act. Contract act is the main and most used act of legal agreements in India.

Labour Law

Indian labour laws are among the most restrictive (for the employer) and complex in the world according to the World Bank article: Indian labour laws Indian labour laws are among the most restrictive (for the employer) and complex in the world according to the World Bank.

Family Law

Main articles: Indian family law and Dowry law in India. Family laws in India are different for different religions and there is no uniform civil code. This system of distinct laws for each religion began during the British Raj when Warren Hastings in 1772 created provisions prescribing Hindu law for Hindus and Islamic law for Muslims, for litigation relating to personal matters. However, after independence, efforts have been made to modernize various aspects of personal law and bring about uniformity among various religions. Recent reform has affected custody and guardianship laws, adoption laws, succession law, and laws concerning domestic violence and child marriage. Family laws in India are different for different religions and there is no uniform civil code.

Hindu Law, Mohammedan law, Christian Law.

➤ **Hindu Law**

As far as Hindus are concerned Hindu Law is a specific branch of law. Though the attempt made by the first parliament after independence did not succeed in bringing forth a Hindu Code comprising the entire field of Hindu family law

➤ **Mohammedan Law**

Indian Muslims' personal laws are based on the Sharia, which is partially applied in India. The portion of the fiqh applicable to Indian Muslims as personal law is termed Mohammedan law.

Muslim law is divided into two categories:

1) Primary Source

2) Secondary Source

1)"Primary Source" As per Sunni Law:

Shia Law:

- Quran
- Tradition (only those that have come from the family of the Prophet)
- Ijma (only those confirmed by Imams)
- Reasons

2. "Secondary Source"

- Custom
- Judicial Decisions

➤ **Christian Law**

Christian law of Succession and Divorce in India have undergone changes in recent years.

The Indian Divorce (Amendment) Act of 2001 has brought in considerable changes in the grounds available for divorce.

I. Nationality Law

Nationality law or citizenship law is mainly codified in the constitution of India and the Citizenship Act of 1955. Although the Constitution of India bars multiple citizenship, the Parliament of India passed on January 7, 2004, a law creating a new form of very limited dual nationality called Overseas Citizenship of India.

II. Criminal law:

The Indian Penal Code formulated by the British during the British Raj in 1860, forms the backbone of criminal law in India. The Code of Criminal Procedure, 1973 governs the procedural aspects of the criminal law. Jury trials were abolished by the government in 1960 on the grounds they would be susceptible to media and public influence. This decision was based on an 8-1 acquittal of Kavas Nanavati in *K. M. Nanavati vs. State of Maharashtra*, which was overturned by higher courts. In February 2011, the Supreme Court of India ruled that criminal

defendants have a constitutional right to counsel. Capital punishment in India is legal but rarely used. The last execution was conducted in 2004, when Dhananjay Chatterjee was hanged for the rape and murder of a 14-year old girl.

III. Tort law

Development of constitutional tort began in India in the early 1980s. It influenced the direction tort law in India took during the 1990s. In recognizing state liability, constitutional tort deviates from established norms in tort law. This covers custodial deaths, police atrocities, encounter killings, illegal detention and disappearances.

IV. Property law

Property law is the area of law that governs the various forms of ownership and tenancy in real property (land as distinct from personal or movable possessions) and in personal property, within the common law legal system. In the civil law system, there is a division between movable and immovable property. Movable property roughly corresponds to personal property, while immovable property corresponds to real estate or real property, and the associated rights and obligations thereon.

V. Trust law

Trust law in India is mainly codified in the Indian Trusts Act of 1882, which came into force on March 1, 1882. It extends to the whole of India except for the state of Jammu and Kashmir and Andaman and Nicobar Island.

Conclusion:

I am concluding this paper by aphorism that Indian laws are formed by taking in to kindness custom, usages. People never accept any change in law against their religion. India is democratic country, therefore peoples opinion is important. All these thoughts are based on humanity and natural justice. This is reason of success behind second most powerful democratic country that is India.

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