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## CONCEPT NOTE

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### BACKGROUND

The *Rule of Law* forms the very foundation of a modern democratic society, defining the functionality of its public administration as well as the behavior of the private agents that constitute it. The effective codification of such a rule of law, requires as its prerequisites, to be precise in enshrining the intrinsic attributes of the democracy it serves and ensuring that this is done in the simplest manner possible.

As one of the largest democracies in the world with an ever-rising population, India's enthusiasm for legislation has had, as a by- product, several statutes that with the advent of time have become obsolete, redundant or repetitive. In addition to this, there is the matter of inconsistent language and dissemination- making it difficult for an ordinary citizen to access and comprehend the plethora of legal information with ease.

This increased transaction cost coupled with glaring redundancy further breeds fertile grounds for corruption, discouraging engagement of individuals and firms with the society/economy at large. Distorting the competitive dynamics of the economy, it leaves only those producers in the market who have surplus capital to bear costs of compliance. This, in effect, weakens the social fabric by incentivizing behavior such as corruption and cheating.

Faced with such unsettling possibilities, it is imperative that a strong movement is reckoned with the sole objective of reforming the legal structure of the country through the framing of sound laws and construction of State capacity to enable accountable enforcement.

To accomplish such a feat would require a ground- up hygiene check of existing laws, and the subsequent repealing of outdated laws, wherever necessary. This cleansing would yield a substantial impact in the functioning of the country- both in terms of a well- oiled economy as well as a stronger societal presence.



## ABOUT REPEAL OF LAWS INITIATIVE

Centre of Civil Society (CCS) initiated the ‘Repeal of 100 Laws’ Project in 2014 with the aim to identify laws that could be repealed on account of three reasons—

- i) redundancy,
- ii) obsolescence in the face of new laws
- iii) hindrance to development, governance and freedom.

The success of ‘Repeal of 100 Laws’ Project, conducted in partnership with National Institute of Public Finance and Policy (NIPFP) and Vidhi Centre for Legal Policy, was reflected in the successful repeal of 23 Central laws (of a total 100 suggestions) through the Repealing and Amending Bill, 2014. Further, the project was acknowledged in a Report on ‘Obsolete Laws: Warranting Immediate Repeal’ released by the Law Commission of India in September 2014. For the next phase of the project, CCS reached out to the State Governments of Delhi and Maharashtra, with the Maharashtra Chief Minister agreeing to repeal 19 of 25 laws.

## NATIONAL REPEAL LAW DAY

Centre for Civil Society, in an effort to institutionalize the repealing of laws as a constitutional practice for the Republic of India, would like to bring together likeminded organizations, scholars, academicians and lawyers to acknowledge 26 November as the National Repeal Law Day. The objectives of the National Repeal Law Day are:

- i. To celebrate the diversity of our legal system and have a constructive dialogue around the process of repealing of laws
- ii. To launch the compendiums constituting the recommended laws for repeal in the aforementioned 5 States

The target is to bring together 50-70 dedicated individuals under one roof and to engage in constructive dialogue around the potential processes required for the institutionalization of repeal of laws. The idea is to deliberate over the existing structures and processes for repealing laws in India, and envisaging practices which can be adopted moving forward. The logistical details of the event are still to be confirmed.



## REPEAL OF LAWS INITIATIVE PHASE-III

For the latest phase of the Repeal of Laws Project, CCS reached out to 5 State Governments, to carry out extensive studies, in collaboration with esteemed law universities from each state.

- A. Maharashtra [Maharashtra National Law University \(MNLU\)](#), Mumbai
- B. Uttar Pradesh [Symbiosis Law School \(SLS\)](#), Noida
- C. Chhattisgarh [Hidayatullah National Law University \(HNLU\)](#), Raipur
- D. Karnataka [National Laws School of India University \(NLSIU\)](#), Bangalore
- E. Telangana [The National Academy of Legal Studies & Research \(NALSAR\)](#),  
Hyderabad

The objectives of this phase were twofold:

- a. To identify, research and build a comprehensive list of recommended laws for the 5 States.
- b. Advocate and ignite discussions around institutionalization of repealing of laws

The Repeal of Laws Project included the research team from respective universities (consisting of 4-6 students and 1-2 faculty members from each university) with the CCS team providing access to resources, research support as well as grading of the final compendium of recommended laws. The grading of these papers followed a leximetric methodology, developed by the CCS team, a rarity in the legal research field.

Our legal partner for this phase of the Repeal of Laws initiative was [Kadel Boriss Partners](#), who provided exceptional and timely aid by way of vetting reports that were prepared for the aforementioned governments, as well as through the provision of legal inputs which strengthened the recommendations that had been prepared.

## REPEAL OF LAWS INITIATIVE PHASE-IV, 2018

For the latest phase of the Repeal of Laws Project, CCS is expanding this project to 5 more states namely Punjab, Haryana, Jammu and Kashmir, Uttarakhand and Rajasthan. The compendiums prepared by teams from these states will be launched at National Repeal Law Day, 2018 in New Delhi on 26<sup>th</sup> November, 2018.