



LEGISLATION TO BE ROOTED TO THE SOIL

Legislation,
Laws enacted by the Legislature,
Under a set mechanism—
Enabling provisions,
Conditions
And limitations as laid down
In the Constitution
Or by Constitutional Conventions,
Is the source
Of the law of the land,
Readily ascertainable, authentic and main.

Legislation
Is enacted to meet
Situations and tasks before the state,
And to the extent,
In public interest,
So expedient,
Policies whereof, it seeks to give effect.

Legislation,
To be readily acceptable
And fully effective,
To be able to fulfil the people's
Aspirations and hopes,
The legitimate expectations,
Must essentially be rooted to the soil—
Land
And the people,
Their traditions and culture,
As also, their attitude to life,
Liberty,
And property,
Morality
And human dignity;
Must also, take note of the people's
Economic, educational and social standards;
And must as well be made,
Atleast freely and regularly made available,
In the local script and language,
And not merely to be a borrowed page—



Borrowed from the statute book of any other state,
Enacted under different conditions,
For a people,
With different traditions and culture,
Acquisitions and attitudes,
Economic, educational and social standards;
After all, legislation any people shape
To meet needs and situations, their own,
In most cases, endemic and exclusive,
And not at all for export—engrafting elsewhere!

Still worse, if it is a page, a piece of legislation,
Imposed, by or under, a colonial regime,
With an evil design—unholy aim and purpose—
To impose their own laws and language,
Traditions and culture,
And to damage and destroy the native's,
As also, to exploit the local resources,
Trade, industry and commerce,
Just to boost—encourage and enrich their own;
In short, to subjugate the people
And perpetuate their colonial rule.
To-day,
Can a state,
In this modern age
Of extraordinary advances in science and technology,
Afford to be rigid or retrograde,
Shut or shun
New rays from any opening or window anywhere,
Draw a line,
Muchless a Maginot or a Siegfried line?
Nay, a modern state—
To thrive,
Even to survive,
Cannot but keep pace and integrate,
Cannot stand apart and afar from the rest,
And not initiate legislation,
Progressive and appropriate—
'In tune with the times', and not let
Any custom, convention, tradition or legislation,
However ancient and old,
And whatever the source, hold back and restrain;
But must, of its own, boldly legislate—
To repeal, or repeal and replace
A custom, convention, tradition or legislation,



Obstructive
Or inadequate,
Obsolete
And out-of-date,
Not in line
With the modern humanist ideals and values;
More so, in the context of—
A modern state being a welfare state,
And the modern era being the era of the common man.

Legislation,
A state may borrow, when so befits, but in bits,
And to the extent,
It is able to adjust and digest,
Make its own,
And further keep the door wide open—
For progressive, yet prudent,
Not rash integration,
With 'the common law of the mankind,'
Eventually to fit into the emerging new world order;
Nay, to be more precise and exact—one world order.

*A. P. Pandey**

*Advocate, 56-C, Pocket-4, Mayur Vihar, Delhi-110091.