

Q. Discuss the various steps that can be taken by the administrative machinery to ensure that people are not booked under unconstitutional laws.

Under Article 13 of the Indian Constitution, the courts are compelled to exercise judicial review to protect the rights of the people. If any law made by the state or union abridges the essential rights of people, it shall be considered void. Therefore, courts act as a custodian of fundamental rights and declare contravening laws to be unconstitutional.

Laws - in violation of the constitution :

- 1) Section 66(A) of the Information ~~Act~~ Technology Act, 2000 was held to be unconstitutional in 2015 in (SHREYA SINGHAL V. UNION OF INDIA) case.
- 2) Part of section 377 of the IPC criminalising "unnatural offences" is unconstitutional - (NAVJOT SINGH TOHAR V. UNION OF INDIA)
- 3) Section 497 of IPC dealing with adultery is unconstitutional (JOSEPH JAYNE V. UNION OF INDIA)

Steps to be taken by administrative machinery

- 1) Police officers must be educated about such laws in basic training institutes.
- 2) Negligence of the officers must be nipped in the bud by making them liable both in court and their departments.
- 3) Unconstitutional sections of IPC can be disabled in the Crime and Criminal Traffic Network and Systems (CCTNS).
- 4) As suggested by Attorney General of India, K.K. Venugopal, actions can be taken to mention in brackets near the section that it has been rendered unconstitutional.

Way Forward:

The negligent actions of police officers must be regulated by keeping in place a viable system of corrective measures.