

British Era Governance Structures Impeding India's Peaceful Rise to Prosperity: A Case for Indigenous Overhaul

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Introduction

"You must unlearn what you have learned"

The above quote is from one of my favourite movie series, said by an aging teacher to his impetuous student. There are multiple interpretations of this quote, but the one that I agree with the most is the message of flexibility. It seems to me that the teacher is urging his student to not staunchly stick to age old conventions, but to be open to new techniques and wisdom in order to succeed. The common message of the quote applies to the state of India as well.

If we were to take a look at the political and economic structure of India and contrast it with its British counterparts, we would not find much difference. British built infrastructure, such as roads, railways and even architectural styles were integrated and built upon by the government. British legislation, created to exploit the state and benefit its master, such as the Indian Penal Code (IPC) and Indian Police Act, 1861, instead of being re-imagined, were integrated in the Indian political system and remain in this state today, with a few amendments. The Indian political system was modelled on the British political system. Indian economic policies have remained similar to the British Raj's economic policies.

This similarity, arguably, is what is holding India back in other sectors, such as the economy. It could even be described as the, 'development of the underdevelopment', as argued by the historian A. Gunder Frank. In this paper, I argue that the root cause of India's problems lies in the actions of India's former colonial overlords and explore this through India's economy and political system.

Enchanted by the "Golden Bird"

When the British East India Company first arrived on Indian shores in the 1608, they found a nation wealthier than anything they could previously have imagined. The first known interchange between the reigning Indian monarchs, the Mughals, and the British, was the arrival of William Hawkins,

a company employee, at Emperor Jahangir's court. Hawkins came home with glorious tales of the Indian subcontinent, and the cogs of colonization began to turn.

The Mughal economy at that period in time was known for its brilliant handicraft and textile industries, and exported a number of goods to Europe and South-East Asia. These exports primarily included textiles, indigo, saltpetre, sugar and ginger. Indian spices were also world renowned. A succinct description of the Indian economy can be found in the works of an American Unitarian, Jabez Thomas Sunderland¹:

"Nearly every kind of manufacture or product known to the civilized world—nearly every kind of creation of man's brain and hand, existing anywhere, and prized either for its utility or beauty—had long been produced in India. India was a far greater industrial and manufacturing nation than any in Europe or any other in Asia. Her textile goods—the fine products of her looms, in cotton, wool, linen and silk—were famous over the civilized world; so were her exquisite jewellery and her precious stones cut in every lovely form; so were her pottery, porcelains, ceramics of every kind, quality, colour and beautiful shape; so were her fine works in metal—iron, steel, silver and gold. She had great architecture—equal in beauty to any in the world. She had great engineering works. She had great merchants, great businessmen, great bankers and financiers. Not only was she the greatest shipbuilding nation, but she had great commerce and trade by land and sea which extended to all known civilized countries. Such was the India which the British found when they came. "

Until the end of the sixteenth century, the Indian economy was the largest in the world, as argued by the historian Angus Maddison². It was an open economy which possessed sophisticated industries producing items of high quality. An example of high quality Indian goods is Indian textiles, which was an extremely popular product in Europe. A certain Dr J. F. Watson even said, regarding a textile form called 'jamdani' in 1866:

“With all our machinery and wondrous appliances we hitherto have been unable to produce a fabric which for fineness and utility can equal the 'woven air of Decca'.”

The Indian economy before the arrival of the British was robust and sophisticated, and had well established trade links with neighbours and other countries. It is this economic prosperity which attracted the British to India. Hawkins' reports regarding the subcontinent enticed the British East India Company, bolstering their aspiration to establish a, 'large, well grounded, sure English dominion in India for all time to come'.

De-industrialization: A Case Study of Textile Industry

The British systematically captured princely states and upon acquiring their territory, set about de-industrializing it of its prized industries to fund their own ventures and ambitions. A famous example of this transformation from exporter to importer is the destruction of the Bengali textile industry.

The importance and fame of Bengali textiles, and its true value is revealed through quantification. In the 1750s, Bengal's textile exports were valued around 16 million rupees, and were exported to South East Asia. These products were also all the rage among the bourgeoisie's societies of Europe, and 5 to 6 million rupees out of the total export value is attributed to European purchases³. The British were swift in crushing this vibrant and booming industry. Crude measures such as the destruction of textile mills and handlooms, breaking of the textile workers' thumbs, etc. by Company soldiers were employed in the early 1800. The British further imposed tariffs between 70% and 80%. Loss of long standing trade links that Bengal had with other nations which resulted, made the rapidly diminishing industry even less important.

With the economic war in Bengal won, the British began exporting their own product. Using Bengali raw material, they manufactured cheap textile in steam mills and flooded the Bengali market with them. The price of these textiles was lower than what the poorest Bengali artisan would sell his products for. British exports to Bengal soared; 60 million yards of cotton were exported in 1830, and the billion-yard mark was crossed in 1870. As the historian Will Durant quotes in his works⁴:

“We have done everything possible to impoverish still further the miserable beings subject to the cruel selfishness of English commerce. Under the pretense of free trade, England has compelled the Hindus to receive the products of the steam-looms of Lancashire, Yorkshire, Glasgow, etc. , at merely nominal duties; while the hand wrought manufactures of Bengal and Behar, beautiful in fabric and durable in wear, have heavy and almost prohibitive duties imposed on their importation into England.”

Millions of unemployed artisans, unable to ply their craft, became wholly dependent on the land. This was the case in most Indian industries; they were first de-industrialized, then

made subservient to their British counterparts. The resulting unemployed workers resorted to agriculture, transforming the Indian economy and society into an agrarian and backward one. A once exporter of fine and finished goods began exporting primary sector goods, such as jute and oilseeds. India began importing British goods; as the historian Shashi Tharoor puts it, the nation became, 'Britain's cash cow'. By 1939, 68. 5% of India's exports consisted of primary sector goods, while 64. 4% of its imports consisted of manufactured British goods⁵. In addition, Indian imports far outweighed exports. In summation, what had once been a powerful economy that dominated foreign markets, had become a shadow of its former self, agrarian in nature, and largely dependent on British imports of products that it used to manufacture.

The British resorted to a land tenure system for administrative convenience. English gentlemen were given Indian villages to handle as landlords, a form of indirect rule. The landlords adopted the *zamindari* system of revenue collection, and in some parts of the country, implemented the *ryotwari* system, where land revenues were imposed directly onto cultivators⁶.

Areas which were 'agrarianized' have not exactly recovered and restarted their ancient industries. The state of West Bengal stands testament to the statement; agriculture is the top employing industry in the state⁷. Some even argue that the textile industry in the state is nearing extinction⁸. The same can be said for the sheep wool weavers of Gaya district in the state of Bihar; they were the masters of their trade before the British, and till today are floundering because of deindustrialization, unable to compete in the market. They too have not received any remarkable help or assistance from the state government of Bihar, and are on the verge of collapse.

While the British land tenure system in India was abolished, it still continues to have effects on the Indian economy today. The British landlords exploited the Indian peasantry. A consequence of this was higher inequality in lands with an increased landlord presence compared to lands free from the landlords. Today, areas where cultivators managed the land have higher agricultural productivity and investment than areas where landlords managed the land⁹. Furthermore, the actions of the landlords led to the extreme fragmentation of Indian agrarian land. Indian farmer holdings today are characterized by small holdings.

Indian export and import attitudes, while massively changed, still retain key British changes. India continues to import more than it exports; in 2015, it exported \$264,381,003,634 worth of goods, and imported \$390,744,731,406 worth of goods, running a negative trade balance. Indian exports primarily consist of raw material, such as iron ore, precious metals and cotton. 10% of India's export income comes from primary sector items, such as rice and jute. Imports, however are dominated by finished products, such as electrical and

industrial machinery. India also imports a considerable volume of iron and steel, formerly a flourishing industry which was put to the sword by the British¹⁰.

British Agrarianization Is Still Preventing Re-industrialization

As of 2014, 49% of the Indian workforce was involved in the agricultural sector; most of who continue to suffer. There have been few attempts to revive the industries from where these agricultural workers came. Post-independence, India depended on food aid and imports to feed its population. This changed in the 1960s with the Green Revolution, where the agricultural sector rapidly grew. However, with the liberalization of the Indian economy in 1991, the agricultural sector suffered. Growth slowed down to 0.4% between 2004 and 2005¹¹, and thousands of destitute farmers, unable to support themselves or their families, have committed suicide.

49% of the nation involved in this sector produce only 13.7% of India's total output¹²; this contribution to output is in steady decline. Furthermore, as per simple economics, agricultural productivity makes labour costly and constricts local industry, preventing it from flourishing. If we were to apply this principle to India, the simple conclusion that one might draw is that less agriculturally productive regions would be more industrialised, and vice versa. This holds true as per a study by economists Andrew Foster and Mark Rosenzweig¹³:

“Our results are striking and, to our minds, unequivocal. Growth in income from the nonfarm sector in rural India over the last 30 years has been substantial, and the primary source of this growth, the expansion of rural industry, is not predicated on expansion of local agricultural productivity. Indeed, as would be anticipated by a model in which rural industry producing tradable goods seeks out low-wage areas, factory growth was largest in those areas that did not benefit from enhancement of local agricultural productivity growth over the study period.”

Agriculturally productive regions are preventing industrialization and hampering the economy. India's National Policy for Farmers, drawn up in 2007, prohibits the usage of agricultural land for non-agricultural purpose. As argued by the Nobel Laureate, Amartya Sen, it is quite damaging to prohibit the use of agricultural land for industrial purposes¹⁴, as industrial production can generate many times more than the value of the agricultural product in concern. Agriculture, thus, cannot form the backbone of the Indian economy.

Balance could be restored by assisting farmers in transitioning over to other industries in order to ensure industrial development. These farmers could be involved in industries where they have roots in, the textile industry for one. The government could also provide incentives to farmers to work in industries predicted to grow rapidly, such as the food processing industry. Farmers would receive employment and would be able to earn a steady income rather than depend on

the fluctuating price of their crops. Agricultural productivity, in turn, would lower. This would lower the currently expensive labour costs, and would allow rural industries to grow and flourish. Agricultural productivity, which is highly varied across the nation due to the impacts of the British land tenure system, would approach a more common value, and would thus reduce inequality and disparity within the agrarian society. By implementing such measures, the Indian economy would take steps towards sustainability.

Those who oppose this argument will undoubtedly question the existence of these fantastic pre-colonial Indian industries of old. After all, it has been over a century since the British decided to de-industrialize the textile industry in Bengal. As well as that, the industrialization of said industries would produce ten times more revenue than the labour intensive version of that industry.

Despite the fact that the industrialized counterparts of these industries would produce higher revenue, their labour-intensive versions would still occupy a comfortable position by focusing on the niche market. Their revenues would be no soupcon, as the quality of handmade garments and items, in most cases, far outweighs the quality of machine made goods. As per the Indian Ministry of Textiles in a report made in 2015¹⁵:

“The level of artistry and intricacy achieved in the handloom fabrics is unparalleled and certain weaves/designs are still beyond the scope of modern machines.”

Even today, handmade textile products constitute 10% of India's textile exports, a considerable amount. The export value of these products has been increasing every year; from Rs 1252 crore in 2009-2010 to Rs 2246 crore in 2014-2015. The textile industry and other such industries in India are growing every year, but, as explained, are constricted by expensive labour due to agricultural productivity.

An argument that may be made in opposition would be the question of food security. Hunger is a big problem in India, and transitioning farmers to other, local occupations would reduce Indian food production, possibly creating an even bigger conundrum than the one we have on our hands currently. However, this argument does not hold true, as it is not food production in India that is the problem. In fact, India has a surplus of certain grains, and a shortage of some others. Holistically speaking, India is the seventh largest exporter of agricultural products. The real problem hampering Indian food security is food distribution, which is poorly organised and inefficient. The massive size of the agriculture sector is also a huge roadblock in the process of modernizing it with irrigation systems.

Railways Can be Engine of Growth and Employment

Agriculture is not the only sector to have a strong colonial influence; the railways too suffer from the same ailment. The British East India Company opened the first railway in India

in 1853, which ran from the city of Mumbai to Thane. It was overseen by a Railway Board, which consisted of British gentlemen. By 1947, the British Indian Railways had built 55,000 km of track in the country.

It is worth noting that in the latter half of the Raj's existence, the British Indian Railways was rapidly turning into a decrepit organization. During the Great War and the Second World War, less and less economic support was given to the organization as more funds were transferred to the British armed forces in different theatres of the wars. Railroad accidents were quite common.

Post-independence, 40% of the railroads built by the British was inherited by India. The Indian Railways was no different, it operated just the same, with the difference of a Ministry of Railways. The Railway Board some say had even greater power than the Minister of Railways. The five-member Railway Board until 2016 decided the railway budget, which was then presented by the Minister of Railways.

The organisation of the Indian Railways has led to inefficiency. A prior Minister of Railways, Suresh Prabhu has admitted to this charge, revealing that one of the members of the Board was under suspension¹⁶. The Central Vigilance Commission reported this year that there has been a 67% jump in corruption complaints against the Railways, even stating in a 2011 report that the Railways was the most corrupt government organisation in the Government of India¹⁷.

The Railways' performance has been restrained. It is a highly centralised organization with a hierarchical structure, and thus decisions are made slowly. The operating efficiency of the organization has been low. The creation of new routes or stations is based on non-economic reasons. The Indian Railways, due to its low operating efficiency, is lagging behind with 451 projects worth Rs 4,83,511 unfinished.

It is important to understand that while a centralised structure might work for the Railways in the UK, a geographically small island nation, it will not work for India. To have a centralised structure, especially for an organization such as the Railways which permeates the length and breadth of the nation can be compared to driving a pickaxe in one's foot. The Railways must hence be reformed; such reforms could include the creation of a more decentralised structure with a system of executives for each district, city and state. The Railway Board should either be dissolved or given limited power; the responsibility for handling the Indian Railways should be given to the Ministry of Railways. Those who oppose this argument would claim such a task is impossible, considering the sheer size of India. On the contrary, it is very possible. The system of panchayati raj or village government was once and still is widespread in India. While the comparison may be unfair, it just proves that decentralization of organizations in India is possible, perhaps even necessary.

Centralization of Political Governance Structure

*"Take up the White Man's burden--
No iron rule of kins,
But toil serf and sweeper--
The tale of common things.
The ports ye shall not enter,
The roads ye shall not tread,
Go, make them with your living
And mark them with your dead."*

Rudyard Kipling, the famed 'prophet of the Empire', attempted to purify¹⁸ the concept of imperialism in his poem, 'The White Man's Burden'. In the quote above, he tries to portray imperialism almost as a 'big brother' attitude to poor, underdeveloped nations. He makes an effort to justify imperialism as doing the right thing; defining it as the act of empowering nations overseas for the greater good.

History tells a rather different tale, at least in the British case, a tale of suffering, pain and exploitation. The fact that the British profited from their depredations overseas has been established time and again by various individuals. Administering massive swathes of land with diverse cultures and people was no easy task. At least in the case of India, the British created a political system that worked towards their benefit, and, at the same time, made use of their vague understanding of the country.

In 1858, after the Queen's Proclamation and the subsequent Government of India Act, rule of India was transferred from the British East India Company to the Crown of England. The British Crown had taken it upon itself to rule and administer India, and the Queen's Proclamation listed the idealistic aims and wishes of the Crown. Of course, with hindsight, it can undoubtedly be said that the Raj was nothing like the Proclamation declared it to be. Its offices were dominated by British civil servants. The admission of an Indian was highly improbable, considering the high discrimination by the British against the Indians.

When India became a part of the Empire, it was changed in matters of administration in order to make it easier for the 'Indian' Empire to handle the nation. India initially consisted of a number of princely states as the power of the Mughal empire waned, most of whom were absolute monarchies. These princely states gradually came under the British East India Company's paramountcy, and finally became part of the Raj in 1858.

A princely state under British paramountcy had limited sovereignty; it could not make trade deals with other nations or declare war on another. It was subject to British suzerainty; the British could interfere at will. On many occasions the British deposed rebellious rulers in these states, and installed new, loyal rulers who would not cause them trouble. These states were essentially protectorates of the British government.

The rulers of these states had limited powers. The real power was vested in the hands of the British. During the Company-era, princely states outside company land had a certain degree of autonomy and from time to time were subject to indirect rule from the Company. During the time of the Raj, however, things were to change.

During the time of the Raj, princely states, being nominally sovereign, were not considered a part of British India, but were subject to a subsidiary alliance. The rulers of small states had extremely limited rights, while the rulers of larger ones, such as the Nizam of Hyderabad had treaties with the British specifying what rights they had. Matters of defence, external affairs and to a certain extent communications were under British control. The British exercised great influence over the internal politics of these states. Hence it can be said that the Raj, while not containing princely states, dominated all of India.

Within its own territories and beyond, the Raj began to make drastic changes to administrative systems, down to local administration systems. On a local level, executive and judicial powers were originally dispensed by village communities, known as panchayati raj. A detailed description of the panchayati raj can be found in the works of the historian Henry James Sumner Maine¹⁹:

“Of these [fragments of ancient society], the most instructive, because the most open to sustained observation, are to be found in India. The country is an assemblage of such fragments rather than an ancient society complete in itself. The apparent uniformity and even monotony which to the new comer are its most impressive characteristics, prove, on larger experience, to have been merely the cloudy outline produced by mental distance; and the observation of each succeeding year discloses a greater variety in usages and ideas which at first seemed everywhere identical.”

The Raj systematically centralized executive and judicial powers. In the place of local governments, powerless legislative councils were created. These were manned by a tiny fraction of the educated elite and had no power. They were ‘legislative councils’ only in name. The land tenure system mentioned in the previous section also played a role in the unravelling of the pre-existing system.

To help in the administration of the country, the ‘Indian’ Civil Service was set up. The ICS was an elite cadre of civil servants who would carry out the Empire’s orders regarding administration in India. Officers were recruited through examinations held back in Britain, and it was mostly free of corruption. From its establishment in the 19th century till the end of the Raj in 1947, it always had a higher number of British employees compared to Indian employees, contrasting the Queen’s Proclamation²⁰:

“And it is our further will that, so far as may be, our subjects, of whatever race or creed, be freely and impartially admitted

to offices in our service, the duties of which they may be qualified, by their education, ability, and integrity, duly to discharge.”

The ICS was not established to progressively empower the Indian people, as advocated by Kipling, but to assist the British sacking of India. It was designed as a ruthless imperial instrument for exploitation, and not for the judicious administration of the country.

In charge of the ICS was the British Raj; the de facto political amalgamation for it was the ‘Indian Empire’. The British Raj was essentially the British government ruling India and Burma, based in Calcutta. It was headed by the Secretary of State of India. The order of governance, from highest to lowest began with the Imperial government in London, the Raj and then various provincial governments. What is important to note is that the Raj was a form of central government, a quasi-parliamentary democracy without voting and other democratic rights. It replaced the decentralised institutions that governed India before, and changed the political outlook of India completely. One might even argue that this form of central government was created in order to place all power in the hands of the British. This would make administering and exploiting the nation much more efficient.

The British created a police force as well. The Indian Imperial Police was formally christened in the aftermath of the First War of Independence in 1857 in 1861 under the Indian Police Act. Where the Raj was the overlord of subjugation, and the ICS its assistant, the police was the instrument which did the Raj’s dirty work. Some of this ‘dirty work’ included arresting Indian nationalists and enforcing the unjust, colonial law. As per the British historian David Arnold²¹, the Indian Imperial Police exercised an “unprecedented degree of authority within the colonial administration”.

The British further created a ‘comprehensive’ document covering criminal law known as the Indian Penal Code in 1860. It was initially drafted on the basis of recommendations of the Charter Act of 1833, chaired by a Lord Macaulay. The IPC was not just and was ruthlessly implemented against the Indian population in order to secure Crown rule. It was designed as a colonial code of laws, i. e. , a code of laws designed to oppress the colonised population and benefit the coloniser. Even Lord Macaulay²² agreed with this statement:

‘Be the father and the oppressor of the people, be just and unjust, moderate and rapacious.’

Justice in this case was not blind. Justice was wide eyed, racist and selective.

Current Governance Structure

Changes made by the British in India were drastic and prejudiced in order to simplify the daunting task of governing the nation. India’s political leaders, post-independence in 1947, had almost unanimously made their mind over what the

country's style of government would be. India would follow the Westminster system of parliamentary democracy. This system of government was originally modelled off the British government, named 'Westminster' after the seat of the British Parliament, the Palace of Westminster.

It is impossible to know what compelled us to select such a style of government. What we do know is that this style of government is unsuited to India. The small British population and geographical size permits a centralized administration to work effectively. This would not work effectively in India, larger both in terms of geographical size and population. For example, while a British Member of Parliament would represent a few thousand voters, his/her Indian counterpart would represent a much larger amount.

This style of parliamentary democracy requires the electing of a legislator to form an executive, however, this legislator has turned out to be unqualified many times. Governments have become much more focused on politics and winning re-election rather than long term policy. The high degree of centralization of the government has allowed corruption to flourish at local levels in state departments, and it appears that this indecisive system is not fit for India.

A prime example of this indecisiveness is the near-replicated successor of the ICS, the Indian Administrative Services (IAS). Known as the, 'steel frame' of India, it is an example of high centralization. Decisions made at the highest levels when passed down are slowly transformed into something else. As Professor Varun Sahni of Jawaharlal Nehru University puts it:

"By the time a state directive is transmitted from the commanding heights down the intermediate levels of the state to the trenches, it has either metamorphosed beyond recognition, or else has been transmogrified, with only the external shell remaining intact. "

While the IAS was meant to be a temporary solution to the trauma of the Partition, it has been allowed to expand and grow. This growth has led to the development of a massive bureaucracy which has entered areas normally reserved for private enterprise. Not only does this increase unnecessary interaction between the people and the state, it promotes high levels of corruption. The endless bureaucratic procedures have suppressed Indian economic progress, especially ease of doing business. Indian businesses find it hard to access credit, or to pay taxes efficiently; India, even with its recent improvement, is still ranked 100th on the World Bank's Ease of Doing Business Index²³.

The IAS has also acted as a hindrance to the system of *panchayati raj*, the right local governmental system for India. *Panchayati raj* was instituted in the 73rd and 74th amendments of the Indian Constitution, with elected individuals for each village and district. However, IAS officers, such as district collectors do not answer to these elected individuals, they

answer directly to the state government. This thus thwarts the attempts made by *panchayats* to improve their locality. Even more appalling is the lack of accountability in the IAS. The IAS lacks transparency, and in this confusion and darkness it is easy for bureaucrats and politicians to indulge in corruption. Where the British district collector had no issue carrying out the multitude of tasks he was tasked with, the Indian district collector is broken every day. Among other jobs he is required to arrange private security for officials, attend court session, handle local issues among the people and maintain law and order. Shoddy governing, at times, is not just likely, it is expected.

A democracy fundamentally requires a hierarchy of organizations under the government going down to the most local levels. Bureaucracy must be split into different services, each accountable to the government in service. Above all the goal must be to interact and work for the people. The IAS is in direct contradiction of this, as it directly institutes state control from a centralized position. It is in violation of the legal practice of *panchayati raj*, as per the Constitution of India. This is not surprising, considering the fact that it is almost a replica of the ICS, a service created solely to administer an enslaved, colonized people. The IAS may be one of the most prominent examples of over-centralization, a British legacy complicated by Indian indifference.

Indian Penal Code: Originally Designed to Manage a Conquered Race

India's criminal law code is a similar case. Lord Macaulay initially created the Indian Penal Code with the purpose of:

"Legislating for a conquered race, to whom the blessings of our constitution cannot as yet be safely extended. "

India's criminal law is defined by the IPC. Several infamous sections which are irrelevant in today's progressive, globalised world still exist, such as Section 377 banning carnal relations between Indian nationals of the same gender. It is worth noting that the UK, the nation that straddled India with this law based on its own law, has progressively taken steps to give greater freedom to its LGBT community. The same cannot be said about India, which continues to use this anachronism. The IPC was also created in order to give the British Raj the power to suppress public dissent and prevent any criticism of British policy in India by Indians. The IPC's Sections 121-130 speak on the topic of sedition, with Section 124A stating²⁴:

"Whoever, by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the Government established by law in India, shall be punished with imprisonment for life, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine. "

This section continues to exist in independent India and is one of the most baffling laws to ever exist in a democratic state. A typical right entailed by democracy is freedom of speech. The criticism of a government and government policy is what helps push the state forward, a perpetual cycle of feedback and response. Yet this law seemingly prohibits any criticism of the government whatsoever.

The amendment of this law has long been pending and must be executed immediately. Not only does it go against the very spirit of democracy, it is loosely worded, allowing a state to exercise greater and immoral flexibility over its implementation. There will be opposition who state that this law must be retained in order to combat the anti-state insurgency inside of India, including the Naxalites and the Maoists. However, it must be understood that while it has limits, freedom of speech does include criticism of government. This principle forms the foundation upon which democracies are built. It is the participation and feedback of the people that helps push a country forward. To outlaw freedom of speech, whether in part or in whole, leads to the imbalanced distribution of power, eventually leading to corruption. It is thus imperative that the government amend its sedition laws to expunge colonial writings and intentions, and update India's criminal law to the age of democracy.

Another argument that the opposition would make is that the IPC has already been updated and modernised. As a senior Indian Police Services Officer explained to me:

“Consequently it becomes a little simplistic to dismiss a law as arcane simply because it was passed several decades ago. Laws are organic instruments and they continue to evolve as society does. The 2013 Criminal Law amendment is a good case in point.”

While several amendments have been made to the IPC, it still lacks change in the most crucial of sections, such as sedition law and LGBT rights. It is also important to look at the context of the amendment mentioned, the 2013 Criminal Law Amendment. This amendment was instituted to ensure progress in the prosecution of sexual offences. Several recommendations of the Verma Committee report, its foundation, were ignored. These recommendations include martial rape and the reduction of age of consent. The evolution of Indian law seems to be stagnating, with limited progress on areas of significance and flaws in the attempts at amelioration made.

Indian Police

Drawing most of its powers from the British-drafted Police Act of 1861, the Indian Police has seen much change, but is still hindered by its colonial past. The Police Act continues to govern the power and purpose of the Indian Police. The Police Act gives the police a high amount of power. According to the Human Rights Watch (HRW), the Indian Police often bypasses arrest procedures and torture suspects in custody. At least 591 suspects have died in the custody of the Indian

Police between 2010 and 2015²⁵. This is attributed to the power given to the police by the Act. The Police Act also allows for higher than normal state involvement in the functions of policing. However, this has led to the wide politicisation of the police. As expressed by the Khosla Commission of 1968²⁶:

“Independent India must choose whether we will have a people's police or a ruler appointed police, or in other words whether the people should rule or whether the parties should rule. The Constitution has laid down that the people should rule, so the police must also be the people's police.”

Greater state control over the police has led to its misuse by state governments. As per the Police Act, state governments can establish their own police force. However, the power over the police is vested in the highest ranking political executive in the state, the Chief Minister. The Chief Minister has the power to dismiss the ranking head of the police in the state without any specific reason. The Chief Minister can thus misuse the police and suppress dissent against his or her own party, contrary to the idea of democratic policing. As expressed by the Bureau of Police Research & Development in a 2003 report²⁸:

“Today we have a police, which is politicised and politically polarised. For it has become a pawn in the hands of its masters. In return, the policemen get political patronage, which has become essential for their survival.”

Conclusion

India has economically changed remarkably in its years of independence; the Indian economy will grow with leaps and bounds in times to come as the youth of the country take over from the previous generation. India possesses some of the best services in the world, especially in the IT sector. However, some fundamental principles, such as import and export and agriculture, require immediate attention. Both have been impacted by India's former colonial overlords, and the modifications made to them still continue to restrain the country.

Many Indians take great pride in living in the world's largest democracy. However, the democracy we have adopted is far from our own and unsuited to the needs and demands of our country. Hence, a guiding factor behind this unsuited style of government can be said to be the deep implications of the colonial era on our government and governmental institutions.

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