

LAW AS AN INSTRUMENT OF SOCIAL CHANGE

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ABSTRACT:

Law is framed as the standards and rules to be followed for the peaceful living of the people in the society , while social change is the alteration in the society which may have either good or bad impact in the society. The relationship between the law and social change is discussed at a wider aspect. There are various mechanisms being used by the legislation to implement the rules in the society. It focuses on the way that the law has been implemented and its responses or the effects in the society. Generally they put forth the question that whether every law that had been enacted has brought only the good effect and whether the protection of the country has been a great concern for the legislation. In the other words, law which is considered to be a tool of social change has led to the development of the society or not?.

KEYWORDS: Society, social change, law, justice, welfare.

LAW AS AN INSTRUMENT OF SOCIAL CHANGE

INTRODUCTION:

Social change happens because of a few calculates, for example, changes innovation, demography and philosophy, changes in political life and financial strategy and in legitimate standards or institutions.

American Judge Benjamin Cordozo said that the "Last reason for law is the welfare of society". Law ought not be definite but rather should be transformable as per the prerequisite and need of the general public. The law can't stay unchanging. The analyst is of the view that in a changing society law should walk tuned in to the changed thoughts and philosophies. Social life

has experienced changes in view of correspondence upheaval. Thus to keep in pace with the innovative improvement, Law must be able for identification of different violations and anticipation of the same moreover. New acts like Information Technology Act has been brought, principles of confirmation has been changed to perceive electronic exchange. Techniques for expert viding cures have experienced enormous change with the development of electronic business, digital wrongdoing and web.

Artificial insemination, unnaturally conceived children, surrogate parenthood and cloning, pre-birth location system and fetus removal have tested the estimations of family life. Aside from these, law assumes a critical part in ensuring the earth. The innovative development has made awesome weight on the corruption of environment. As an outcome of this the legitimate framework needed to change its lawful techniques and present new standards, regulations, systems and so on to secure nature, human home and the urban life. Innovation is a gift and revile, to which law and society need to react appropriately. Aside from society and condition change additionally occurs in the financial aspects sec-tor, culture religion profound quality social viewpoint and a lot of regions. Here again law weaves its way through monetary life making potential outcomes for financial advancement and setting imperatives on the type of improvement through a lot of statutes, Ex: Intellectual Property Rights. Thus, the main aim of the research paper is to study the nature of law and social change in wider aspect, and to analyse the extent of social change due to the implementation of laws.

MATERIALS AND METHODS:

The research paper uses the non-doctrinal method which is the simple random sampling method. The sample size of the research paper is limited to 300 respondents, due to the limited time period available to the researcher. The primary and secondary sources of information were used. The primary sources of information used are the statutes and legislations and the secondary sources of information used are journal articles, thesis, and working papers.

REVIEW OF LITERATURE:

Law as per the choice of a small group of ruling individuals, without winning the confidence of the masses, is bound to fail in its objective, (Friedman.W,1964). Gender equity should not stop at the law, nor should it be derailed by successes in law, (Mulela Margaret Munalula,1995). Law does not penetrate organisations automatically, without cost or distortion (Catherine Albistan,2001). Law also tended to ignore interdependent relationships (Daniel

Mandelkar,1970). The three wings of power are independent in (Trishala A , Lakshmi T and Rajeshkumar S, 2018)theory but their separation of powers is not rigid, (Abhinav Mishra, 2015). Law is the reflection of the will and wish of the society,(Swapna mukhopadhyay,1998). The implications of norms and customs make the social change,(Franklin Zimring,1971). Some social problems grow more interactable and complex,(Thelton Henderson,2003). Even though judges may be guided by common sense or logic, they are not ruled by it, (David,1975). Legal development is much a rational response or is a political, natural response to the existing circumstances, (Prasidda,2012). Many countries are implementing legal and(Dr.Lakshmi T and Rajeshkumar S , 2018) judicial reforms as part of their overall development programs,(Maria Bakolias,2000). Increasing numbers and fear of “bureaucratisation” of the Judiciary have created problems in recruitment,(Frank upham,2005). Supreme Court remarkably contributes for welfare of the society particularly the deprived people,(Puneet Pathak,1997).The judicial activism in relation to social change is really contradictory in nature,(Arpita Saha,2008). Legal advocacy groups became largely isolated from the rest of the movement,(Holly Mc cammon,2015).

CONNECTION AMONGST LAW AND SOCIAL CHANGE:

The analyst is of the conclusion that law is the best instrument of social change however now and again social changes progresses toward becoming law. In India there are two principle foundations which rolls out improvement in law, to be specific the lawmaking body where new laws are sanctioned or alterations are done to the old demonstrations to suit the need of great importance. The second foundation is our legal, where understanding of the manage of land and law of land exist together. Law ought not be definite but rather should change as per the prerequisite and need of the general public emerging out of taking a break. It is this prescience at the top of the priority list father and fundamental designer of the Indian Constitution Dr.Bhima Rao Ambedkar embedded Art 368 to the constitution which gives that "Any piece of the constitution might be revised by embracing suitable strategy with the exception of obliterating the essential structure of the constitution". It reflects the acknowledgment of the need of changing the law even the rule that everyone must follow when circumstance warrants.

NEED OF CHANGING LAW:

Indian legal has for the most part been observed to be alive to the requirements of social reasoning. The courts have brought and their new ramifications and added new measurements to the law.As properly cited by Justice P N Bhagwati "the judge mixes life blood into the dry

skeleton gave by the legislature and makes a living being fitting and satisfactory to address the issues of the general public". To demonstrate the instrumentality of law on social change, it is important to consider some uncommon changes that have occurred in India, since nothing is permanent except for change is lasting.

DISALLOWANCE OF CHILD MARRIAGE:

This routine with regards to tyke marriage was passionately found in Indian culture crosswise over different religious groups. Extreme endeavors were made by numerous reformers it turned worthless until the point that a law was ordered. The Hindu Child Marriage Restraint Act was substituted by the restriction of Child Marriage Act 2006. It introduction duced youngster marriage restriction officer and expanded the energy of family court to choose the issue under the Act. The demonstration likewise improved the discipline upto two years thorough detainment or with fine up to Rs 2 lakhs or with both.

RIGHT TO FREE AND COMPULSORY EDUCATION:

In 1992 the good Supreme Court proclaimed the privilege to free and mandatory instruction as a key right in the ambit of 'Ideal to Life' under Art 21 of the constitution. In 2002 the constitution was changed by embeddings Article 21A to execute the privilege to free and mandatory instruction of each kid matured between 6–14 years and embedded principal obligations of parent and gatekeeper³. In 2010 The Right of Children to Free and Compulsory Education Act 2009 was placed in drive with impact from first April to give free and mandatory instruction from 1 to eighth standard to each tyke. Along these lines it can be seen that law genius texts the life of the youngsters.

PUBLIC INTEREST LITIGATION:

The Honorable Supreme Court has received the more extensive approach of the manage of locus standi to use the activity and arrangement people in general vivacious people to move the courts to represent the general or gathering interest despite the fact that they may not be specifically harmed in their rights. The most imperative truth in regards to PIL is that of unwinding the locus standi idea, any open vivacious per-child can approach the established courts and could convey to the courts notice of obtrusive infringement of Fundamental Rights of individuals who are not fit for being moving toward the courts themselves⁴. PIL is an idea went for expanding the accessibility to equity and structures a piece of sacred law in India.

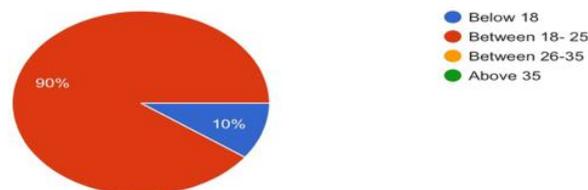
3. Constitution of India, by P.M.Bakshi
4. Report of India, 2002.

LAWS FOR RAPE VICTIMS:

The administration passed the statute on April 21 following across the board dissents after endeavors by a few pioneers and supporters of the decision Bharatiya Janata Party (BJP) to safeguard Hindu culprits of the kidnapping, abuse, assault, and murder of a 8-year-old Muslim tyke in Jammu and Kashmir state. In Uttar Pradesh state, experts not just neglected to capture a BJP administrator blamed for assaulting a 17-year-old young lady, yet in addition supposedly beat her dad to death in police guardianship. The Criminal Law (Amendment) Act, 2013, included new classes of offenses with respect to savagery against ladies and young ladies and made discipline more stringent, including capital punishment for rehash guilty parties.

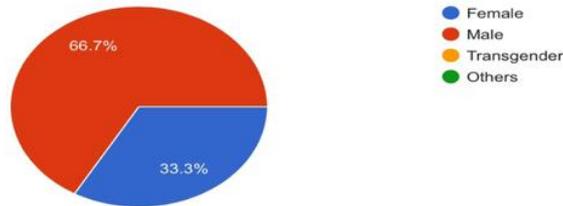
PUBLIC OPINION ON RECENT LEGISLATIONS:

Age



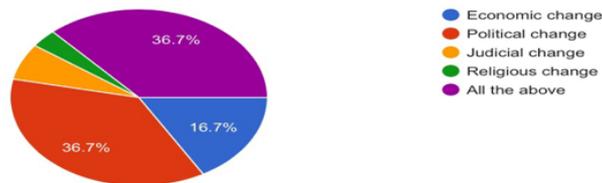
Among 300 respondents, 90% were between the age of 18-25, and 10% were below 18 years. As most of the respondents were youngsters, their approach towards the social change is notable.

Gender



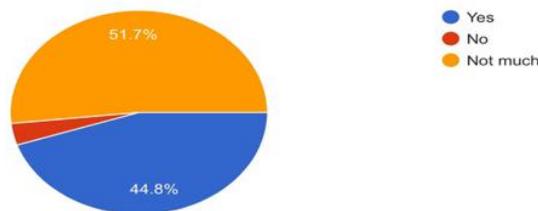
Out of 300 respondents, 66.7% were male and the rest were female.

What kind of social change you observe in the recent times?



Out of 300 respondents, 36.7% feel that there is political change in recent times, 16.7% state that there is economic change in recent times, 0.5% state that there is Judicial change in recent times, 0.4% state that there is religious change in recent times and 36.7% state that there is economic, political, Judicial, religious changes in recent times.

Are you aware of the legal provisions for the social changes



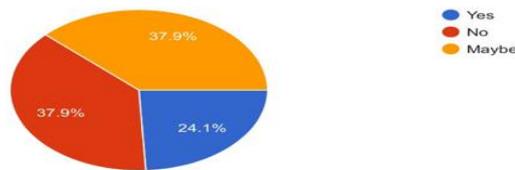
Out of 300 respondents, 44.8% of the respondents were aware of the legal provisions for the social change, 4.5% were not aware of the legal provisions for the social change and 51.7% are not much aware of the legal provisions for the social change.

What do you think is the burning social issue of our country would be at present?



Out of 300 respondents, 39.3% state that the agricultural issues are the burning issues of our country, 25% state that basic necessities are the major issues of our country, 32.1% state that child abuse is the burning issue of our country and the rest feel that sterlite is the major issue of our country.

Do you think social changes are made only due to the implementation of laws



Out of 300 respondents, 37.9% state that the social changes are not only due to the implementation of laws, 24.1% state that social changes are only due to the implementation of laws and 37.9% state that the social changes may be due to the implementation of laws.

What do you feel to be the solution for agricultural issues

28 responses

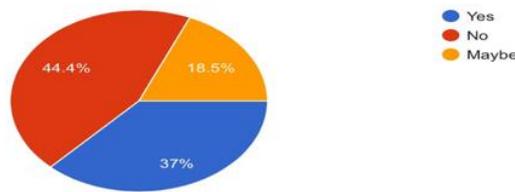


Out of 300 respondents, 25% state that change of law will be the solution for agricultural issues, 17.9% state that increase in subsidy for seeds is the solution, 53.6% state that increasing irrigation

facilities will be the solution and the rest state that sufficient agricultural lands will be ten solution for the agricultural issues.

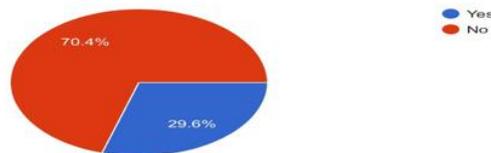
Out of 300 respondents, 60% state that there is negative social change, 26.7% state that there is positive social change and the rest state that they have no idea about the social change.

Do you accept the phrase " law is the instrument of social change"



Out of 300 respondents, 44.4% do not accept law to be an instrument of social change, 37% state that law is the instrument of social change and the rest state that law may be the instrument for Social change.

Are you satisfactory with all the provisions of law that leads to social change?



Out of 300 respondents, 70.4% state that the present provisions of law is not satisfactory and 29.6% state that the present provisions of law that leads to social change is satisfactory.

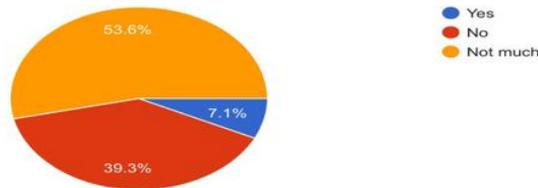
What do you feel could be the remedy for rape victims?



Out of 300 respondents, 82.1% state that punishments need to be made severe to the rape accused, 7.1% state that change of law will be the remedy for the rape victims and the rest state

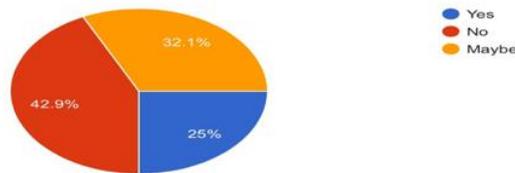
that change in women nature and other remedies will prevent rape.

Are you aware of all the governmental policies?



Out of 300 respondents, 53.6% were not much aware of all the governmental policies, 7.1% were aware of all the governmental policies and 39.3% were not aware of all the governmental policies.

Do you think that the change in society would affect the foreign relationship of the country



Out of 300 respondents, 42.9% state that the social change do not affect any foreign relationship of our country, 32.1% state that social change may affect the foreign relationship of our country and 25% state that the social change will affect the foreign relationship of our country.

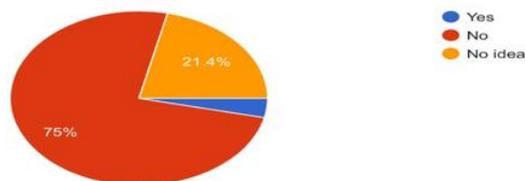
What could be the remedy for negative social change



Out of 300 respondents, 53.6% state that change in Government will be the remedy for negative social change, 14.3% state that change in law will be the remedy for negative social change and

32.1% state that change in mindset of the people will be the remedy for negative social change.

Did law fulfill its duty in the case of unemployment of graduates?



Out of 300 respondents, 75% state that law has not fulfilled its duty in case of unemployment of graduates, 21.4% state that they have no idea about the unemployment issue and the rest state that the law has fulfilled its duty in case of the unemployment of graduates.

CONCLUSION:

Thus, social issues are interconnected as opposed to separated and law is a mirror to know how people are identified with each other. Successful execution of law as an instrument or gadget of social change should work in tandem with social and social existence of individuals of India. Change of social framework as per the need of the circumstances and as per the modes and mores of the people involves need. A striking harmony between instru-attitude of law and folkways and mores of the general population would truly clear route for genuine equity in real life and in this manner prompts empowerment of the society.

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