

Law as an tool of Social Change in India

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Abstract

When we assume that society is in a natural state of balance. It takes its course more than a point in time. As people change, their way of thinking also changes and the society also completely changes as well. And the change also depends on many forms like population growth, technological development, changes in human settlement etc. If a society does not build up with the component it is composed of, and it is bound to face a lot in life. Such a society is poisonous, and it is frustrates individually; also in the closing stages the society itself dies. Law must present its argument in words that are reasonable as well as reliable with up-to-date values. Society is guided by law in every part; law from top to bottom surrounds us. Law is a social science and evolves incessantly by means of the expansion and development of the society. New restructuring creates new problems in the public eye and there is a requirement for legislation to deal with those problems. The meaning and scope of law must keep on evolving in command to maintain up in the midst of society.

Keyword: Law, society, development, values, changes, thinking

INTRODUCTION

Law can be defined basically as an organism of regulations as it is applied to regulate or control the society. Why does a society need control? because there is for ever and a day a need to keep up a sense of stability among the society as well as the people existing in it so that they can coexist inter dependently and in the twist will be valuable in bringing on the area under discussion of social change. Society is a mixed place where the citizens of each and every class, castes, creeds, colours, genders, backgrounds live. It is obligatory that no variation should be twisted among these persons even if there is analogousness in their individuality, which can be merely through the area under discussion of rule or regulation. Societal change is something that each society and its people provide the impression of being onward to, for the reason that change is for the excellent is for all time greet. Law plays a vital responsibility in bringing about social change. In an uncontrollable society there is a lack of constancy and peace for connecting the society and people.

As there are all kinds of people in a society, there is for instance the prospect of one group of persons in a place of authority and domination due to certain aspects such as prosperity, supremacy, and position, to the rule in excess of other assemblies that are comparatively weaker. This state of affairs is not an enormous agreement for every society that has practised this type of setup at times. Not merely this, the society has to face a lot of other problem too like; are poverty, prostitution, drug

abuse, hanging, corruption, acid attacks, rape, child marriage, child labour, unfairness in the appearance of race, caste system, colour, gender etc. Law performs as a powerful steering wheel for the society and gets hold of the entire type of obstruction by bringing about revolution in the present as well as future society [1].

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The society has been all the way through a lot of improvements in excess of the years and the law has to be in no doubt proved to be cooperative in bringing on the subject matter of a change but we

must besides not stop thinking about that the social problems did not fade away completely, other than on the opposite they are growing. Now the point in time has come for the society to generate important make utilize of the laws which are in the place so that the laws can be helpful to carry about social revolutionize in their based on fact intelligence. For those reasons, the circumstances of the problem of how law can be used as a tool for social transformation may lie down in the society as well as its people.

It also take in modify in the development of society and their intentions. A deeper study of the purpose of law in valuation to social modifies leads us to make dissimilarity among the direct and indirect feature of the function of law:

- Law takes elements in a vital circumlocutory part in relation to social revolution which has a thorough impact on the society. For example: a law establishing an obligatory education structure.
- On the other hand, law in a lot of cases interconnects indirectly with vital social establishment in such a form that a direct connection is formed between law as well as social change. For example: a law deliberate to prohibit polygamy.

ROLE OF LEGISLATION AND SUPREME COURT OF INDIA

Legislation

A major system of makeover is as well state employed into the legislative warhead. Foremost, it provides appearance to the point in the direction of which the state is affecting. And India is a classic example of grounding legislative measures to begin revolutionizing. And the first step in this direction was to announce the Indian Constitution. Institutional variation was an acknowledged tenet of the Indian caste system; and that equal justice is in a similar situation was unidentified under the traditional Indian system; in this mode equal opportunity was valueless in an arrangement where education as well as employment were depending on the caste.

It was very essential to bring change in independent India and therefore many types of social laws are also being introduced for its change. They cover up laws to smooth the progress of social and economic improvement of the tribunal population, for the abolition of untouchability, in the agriculture sector, for the welfare of the downtrodden [2]. All these laws are at a snail's pace but for sure taking their toll on the Indian society.

Supreme Court

Till the date, judgement of the court is not merely being experienced on the examination of social fair-haired dealing, but in a piece of information they are adding up being cited as the harbingers of social rights The court has energetically and enthusiastically taken the stepladder for social justice and has moved out to the extent of articulating novel social rights like right to food, right to health, right to education [3].

Thus, the protest of law is with no doubt in the hold up of the Supreme Court for the reason that it has played a full of zip function in the social transformation of the suffering masses. It has certainly acted as a catalyst in the procedure of social revolution of the people, including reducing caste inequalities, protecting processes for the fragile and weaker sections provided that for the venerable continuation of those living in unhygienic circumstances, etc. these are great illustrations in this regard.

LAW ALONG WITH SOCIAL CHANGE

Social change also contains the transformation of the society; its economic formation, principles along with values, and its economic, political as well as social dimensions are as well customized. On the other hand, social change did not have any effect on the entire phase of the society equally. Other than a lot of social revolutions are grounds by substantial changes for instance expertise, new-fangled patterns of production etc., as well as the other circumstances are moreover required.

For example, as we talk about in the past that the legal prohibition of untouchability in independent India is not succeeded for the reason that of lack of insufficient social support because if more people came than may be it could be easily wiped out. However, when law can not bring change to society without social support, then it can also generate certain circumstances for social change. Moreover, after independence, the constitution of India has provided the guiding principle for change regarding far reaching [4]. And its Directive Principles recommended a blueprint intended for a new nation. Recognition of caste system, equality before the law and equal opportunities for all in economic, political and social spheres were a few of far above the viewpoints of the Indian Constitution.

Quite a lot of the area where legislation has to a great extent prejudiced social change is as follows:

- Part of agricultural improvement policy and law;
- The area of implementation of the law for the abolition of untouchability;
- The trouble of real impact of change in the family law marriage, women's equal right to succession and dowry;
- Allied area of abolition of bonded labour;
- Standard aspects of employment and educational reservation for scheduled tribes and scheduled castes under the Indian Constitution [5].

Law is a powerful channel or organization, which is valuable in bringing on the subject of social change in the country or in any part in particular. For that reason, we renovate our belief that law has always been and continues to be active in bringing about change in social arrangement and relationships. Its economic arrangement, materiality and conviction as well as its economic, political and social proportions have been better. All the similar, social change does not make an impact on every dimension of the society homogeneously. As long as the middle-of-the-road of social change is brought about by physical transformation such as processing, recent models of production, etc., other prerequisites are as well required. For example, as we discussed in advance, the legal prohibition of untouchability in independent India was ineffective due to inadequate social endorsement.

Social consequence of crime, e.g. Where it relates to crime against women, dacoity, kidnapping as well as other offences relating ethical turpitude or moral turpitude, which has enormous impact on the social order and public interest and can not be mistreated and have need of illustrative treatment.

State of MP v. G Singh [6], In this case the court observed that in order to be valid and legal, the law also has to perform the command of the Constitution of India. The Constitution of India was not intended with the purpose of becoming a field of legal battle for men with long purses. It is made for the general citizens. It should usually be explained in such a way that they can simply understand and appreciate it. The more they are aware of it, the more they will love it and the more they will reward it. There are actually lakes of poor, hungry and mindless people here who are in huge need of the protection of the courts to enjoy human rights.

Justice Dwivedi in Kesavananda Bharati v. State of Kerala [7], (1973) Constitutional precedents not authorized to be turned into weapons to overcome the hopes and aspiration of the millions of our team, the half-hearted, half-starved, half-educated can be given. These hopes, indicative of the will of the people, can only be made clear by the voices of their elected legislative body. If they fail the people, the nation may suffer death and obliteration.

LAW AS AN INSTRUMENT OF SOCIAL CHANGE IN INDIA

Change is the law of nature, and we all know society and morals never remain constant. As in case of law, it depends upon the society and their values. Every culture have different custom and ethics. Ethical act in one custom can be considered as unethical in other. India is an example of diverse nation where people from different back grounds and believes live together. It is obvious that where

some many traditions and customs exist, there will be a conflict, and to resolve those conflicts we need law.

Now the question arises "How law can help?" So by inserting a fear, fear of punishment, in people's mind law helps in keeping the society under control. The objective of law is two fold, firstly to keep stability in the society and secondly to adapt social changes by changing itself as per the needs of the society. Law keeps updating itself thought amendments and judgment. The big example in front of us is decriminalization of Section 377 of IPC. Like who thought India law will accept LGBTs but it happens with the change of society. Various judgments have been pass by Indian Courts relating to social issues or social crisis and which have been through by the people of awareness of the existing laws to put off themselves from accomplishment affected by social matters.

Quite a few of the social changes which have been brought in relation to law as a tool of the similar are given below:

- i. **Fundamental Rights under the Indian Constitution [8]:** Fundamental rights have certainly proved to be an indication of law as a means of preventing social change. Fundamental rights have been put into service under Article 21 of Constitution of India, 1950 which comprise the right to live freely, the right to free and compulsory education, also the right to equality under Article 14 of Constitution of India, 1950 the right to freedom under Article 19 and many other rights. Which are present in the society and from these we came to recognize how imperative it is to bring change within the society? Fundamental rights are enforceable inside the court of law which says that if somebody infringes the fundamental rights or if his fundamental rights have been violated then that the person can come up to the court to get justice. The right to free and compulsory education are defined under the Article 21A and it was a latest addition under the Right to Life in the year 2002. The society considers that the need of education is compulsory to students because if children are educated then they are aware about social changes. So that's why because of the law to create education as an essential requirement for all the children who are up to the age of 14.
- ii. **Public Interest Litigation (PIL):** There is a mechanism in PIL which is like a gift to the citizens by the Supreme Court. Public interest litigation acts as a medium by which a person who is representing a collection of people can move towards the court and give explanation that they are affected by something to keep away from additional anguish in future and it's extremely required. The Supreme Court is able to dilute the extent of jurisdiction by presenting a PIL before the citizens, whereby any PIL litigant can move towards the court with no any hesitation. It was indeed one of the most social changes ever brought by the Indian judiciary, which once another time proved that law can also be used as a tool to get about the social change when compulsory by the society. Public interest litigation has been able to create a glorious influence on society within several manners. **MC Mehta v. Union of India**, in this PIL, the Supreme Court was urged to make available for people to live in a at no cost and healthy atmosphere in terms of water, air and surroundings and held that these needs fall contained by the purview of Article 21 of the Indian Constitution.
- iii. **Child Marriage:** India is the being home of like chalk and cheese kinds of religion, having a lot of traditions and customs; and these customs became the law for many years, even if the customs or traditions were not truthful and fair-haired, they were still followed with full reverence. Child marriage is the one of such unfair practice which was prevalent till the coming of the Prevention of Child Marriage Act, 1929. This act was amended in 2006 and came to be acknowledged as the Prohibition of Child Marriage Act, 2006. In child marriage, the girl child was being exploited unilaterally. In an era when children should get education, parents used to marry them out of fear of the society and to remove their responsibilities. All these have a very bad effect on the children. In addition to that time legal force was required to take away this social matter from the society as the society needed it. Hence the law was brought to follow the society to bring about social change.

- iv. **Rape:** Rape is not just a social issue, it is happening in our country because of the frame of mind of the people. To a certain extent that than categorizing who does it, why and who is the victim, and instead of perpetuating majority symposium, rape can be defined as the sexual abuse of one person for the satisfaction of another. It is the only way that a change can be brought in the mindset of the individuals in the society so that such heinous offences can be stopped. Because it's our duty to teach our son not a daughter because only when we step together will we be able to get rid of it.
- v. **Section 377:** Section 377 define under the Indian Penal Code, 1860 it is used for criminalize unnatural offences that means if sexual intercourse take place in between the two men or else between two women, than it will be declared as an offence under this provision, but after the **Navtej Singh Johar v. Union of India case [9]**, the Supreme Court held that the legally recognized of all forms of consensual sex between adults, including homosexual sex. These judgments of the apex court bring a revolutionary change in the Indian society, traditions and beliefs. This was a salutation judgement for the majority and it is especially for the gay community.

DRAWBACKS IN LAW TO BRING ABOUT SOCIAL CHANGE

We have earlier measured the piece of information that how law can be used as a tool for social change and how law has been important in creating impact in the society. Other than it is at the present of the real meaning to highlight the inadequacy of law as an instrument for social change so as to take care of such shortcoming to make possible law as a well-organized tool in bringing about social dissimilarity. We have discussed a number of social issues, which have been handled by law enforcement other than have not yet been standing apart.

Social matters take a point in time to go away, so we should make the law stronger to speed up that change. As rape laws stay behind in the place but rape cases are not decreasing in present time. Every other day, one or the other rape incident keeps coming up in the newspaper. This obviously gives you an idea that the laws which already survive are not that well-built sufficient to bring about social change. The world is facing racial discrimination and caste discrimination in till date. Protests, public meetings, the whole thing is deteriorating for the reason that the laws that exist are not well-built adequate to bring about social impact. Homosexuality has been brought into the middle-of-the-road but a lot of people are not capable to admit it or may not wish for to for the basis that it is not in favour of the social norms. Therefore, it is required to speak to these social issues with well-built law enforcement so that citizens start off captivating the laws seriously and carefully, thereby instilling fear in the minds of people about the law and reducing the number of criminals. And that everyone can get complete justice.

The decision taken by the Supreme Court completely transformed the social standard of our country and in this Judiciary plays an extraordinary component in building the society protected for the citizens and ensuring social order. First we have to focus on social change then secondly we focus on social justice and at last one focus on social order.

Accordingly social modification will not be a daydream if we put into practice the law without discrimination and treat everyone one and the same.

CONCLUSION

Law has already been an existing tool to bring about a social modification in addition to be precise it has bring a lot of social modification, but there is still a lengthy method to go to bring about social modification.

Before and after independence, many laws were made in India with a view to bring about social change. And many of these laws were successful but some others not because in this generation,

people are not afraid of anything even not by the law. They think if they commit any heinous crime they can be easily released, because in India the crime can be committed in a second but the victim spends his whole life in getting justice for the crime. So it is extremely vital to generate a fear inside the minds of persons on the subject of the law and procedure.

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