

Sociological Implications of Major Laws

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Abstract

Every society develops its own legal system to maintain order and justice. Law is a dynamic body of principles recognized and enforced by the state to regulate human conduct and ensure social harmony. It serves as an instrument of social control by prescribing acceptable standards of behaviour and imposing sanctions on those who deviate from them. Laws may encompass various domains such as political, administrative, economic, or social. Among these, social legislation plays a vital role in addressing and resolving the social and economic issues prevailing in a nation. It is formulated in response to contemporary social challenges and is shaped by the cultural, economic, and moral needs of the time. Thus, social legislation reflects the evolving aspirations of society and aims to promote social welfare, equality, and justice. Each country frames its own pattern of social legislation according to its specific social structure, historical context, and developmental priorities, making it an essential tool for social transformation and nation-building.

Key Words: Law, Social, Implication Legal

I. INTRODUCTION: -

Every society has its own legal system. Law is the body of principles recognized and applied by the state in the administration of justice. Law is a body of rules. It guides human conduct in society and is a means of social control. Law is imposed by authority. Those who deviate from the law are usually given punishment of various kinds such as fines, imprisonment, exile or even death.

Law may be administrative, political, economic or social. The laws which deal with the social problems are called 'social legislation.' Social legislation is that which serves the present social and economic objectives of the nation and deal with current social problems. Social legislation is made keeping in view of the circumstances, the requirements and social aims of the time. Each country will have a definite type of a social legislation depending upon the circumstances and requirements.

FUNCTIONS OF LAW:-

The function of law connotes purpose. Law is an instrument of society and its objects are achievement of justice, stability and peaceful change. The other functions of law are:-

- Law is to control natural tendencies and certain human extinct.
- Law ensures co-operation.
- Law acts as social rule.
- Law is to reduce the disharmony.

SOCIAL OBJECTS OF LAW:-

(1) SOCIAL SECURITY

One of the important objects of social legislation is to enshrine security of the society and to improve social and economic conditions. Equal rights and equal opportunities are to be provided to the people of society irrespective of their caste, creed, color, sex, age, etc.

(2) DIRECTION OF CHANGE

Social legislation brings about social change and reforms. It solves social problems and propounds ideal social rules and principles.

(3) ESTABLISHING NORMS

Social legislation stresses on the establishment of ideal norms that are not beyond reality. The aim of social legislation is to establish social norms based on social reality.

(4) BASIC VALUES

The aim of social legislation is to give desire direction to the changes and to maintain the basic values of Indian society.

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IMPACT OF SOCIAL LAWS ON INDIAN SOCIETY:-

Many acts were passed during British period and after getting independence to India. All these acts have an impact on the people to a considerable degree.

In the independent India, social legislation has been given significance as the government has to implement the directive principles of the constitution. Social legislations have been mainly passed relating to marriage, uplift of women, child welfare, etc. Thus, social legislation has made great impact mainly on Indian social institutions. The positive and negative implications of social laws.

POSITIVE IMPLICATIONS OF SOCIAL LAWS:-

❖ UPLIFTMENT OF WOMEN

Through various acts, the upliftment of women has been ensured. They have been given rights equal to those of men. They have been given various rights from that of divorce to the share in property.

The state enacted equal remuneration Act, 1976 to provide equal pay for equal work for both men and women. The state enacted the maternity benefit act, 1961 to provide payment of maternity benefit at the rate of average daily wages for a total period of 12 weeks and other facilities.

❖ REFORM IN MARRIAGE RELATION

Till now man used to keep several wives on account of which there used to be fueds and quarrels. This state of affairs caused to continue due to impact of social legislation

❖ CHILD WELFARE

Due to the abolition of child marriage many evils have checked. The state directs its policy towards securing that children are given opportunities and facilities to develop in a healthy manner and in condition of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment

ECONOMIC UPLIFT OF DOWNTRODDEN:-

The state implemented the policy towards securing that the ownership and control of the material resource of the community are so distributed as best to sub serve the common good. Land reforms are implemented for the wealth distribution programme for common good

❖ LIVING WAGES FOR WORKERS

The state endeavored to secure ,by suitable legislation or economic organization or in any other way , to all workers , agriculture , industrial or otherwise , work , a living wage , condition of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and in particular , the state shall Endeavour to promote cottage industries on an individual or cooperatives basis on rural areas.

❖ VALIDITY OF HUMAN RIGHTS

Many act passed under social legislation have given validity to the human rights, under constitution, all persons are equal and are free in their primitive matters. All men and women are treated equally. Castes and religions are now considered as the things next to humanity.

NEGATIVE IMPLICATION OF SOCIAL LAWS :-

1. DISINTEGRATION OF FAMILY:-

Because of the provision of divorce, many families are disintegrating. Previously when there was no such provision, mutual endeavors were made to maintain harmony but now dissatisfied party wishes to lie independently after taking divorce.

2. DECLINE OF JOINT FAMILY:-

Due to provision of equal rights in the property, the institution of joint family has received a great set back.

3. INSECURITY OF OLD PERSON:-

Due to lack of social security , the son often marry on their own after being educated and break their relation from home . As a result of this old person are very much worried due to feeling of security.

Thus, it can be seen that several revolutionary social changes have come in India society. Through the various acts of social legislation, women are no more the slaves of men. Social legislation provided security to the children. The miserable conditions of the widows were remedied by social legislation.

OBSTACLES IN THE IMPLEMENTATION OF SOCIAL LAW :-

In order to implement social legislation it is necessary to change the prevailing attitudes, values, customs and the social structure. But there are some individuals and social institutions which resist or oppose these changes.

They are:-

(1) IGNORANCE: - Generally, in the developing countries, people out of ignorance or illiteracy are content with the existing way of life. thus as long as they are ignorant it is not possible to implement laws to achieve social

change and social progress. Thus in India several acts have become a failure due to ignorance of people. For example, the dowry prohibition act, 1961 has been a failure because of the non-co-operation from the ignorant masses

(2) ORTHODOXY :- Or conservation – in traditional societies the influence of blind beliefs , customs and values is very high . people do not like to deviate from these establishment values . they will never accept the interference of state in their traditional customs and values . For examples, untouchability is still practiced due to the influence of dominant conservation groups in villages, through the law; prohibiting untouchability was passed long ago in 1955.

(3) SOCIAL HABITS :- People become slaves to certain social customs or habitual ways of behavior. They do not easily give up these habits. For example, one of reasons for the failure of prohibition legislature in India is due to the habit of alcoholism among people.

(4) FEAR AND SUSPICION :- Whenever new set of values are introduced, people suspect the motive behind these new values. They think that they would be put to loss by adopting these new values or rules. They naturally oppose the introduction of these new measures out of fear and suspicion. For example, people were afraid of patent rights legislation with the fear of rising prices of medicines.

(5) POVERTY AND EXPLOITATION :- Because of poverty and exploitation the poor are not in a position to derive benefits out of social legislation. Government has taken several measures for improving their status. It enacted to distribute surplus land to the poor. But due to poverty and exploitation, these lands are once again transferred back to the rich landlords. The responsibility of the state does not end with the enactment of laws. It must also implement these laws successfully. It must remove all the obstacles in the implementation of social laws. It must educate the people about the consequences of social evils and drive the people to follow the social laws.

II. CONCLUSION :-

Thus the function of law in a society is more or less universal. It acts as a deterrent to control the the evil and treacherous behaviour of humans to maintain discipline and imposes restrictions on some freedom.

So, the converse of the above also applies, i.e. change of can lead to change of the rules of the society. Hence, we can conclude that law and society is fully depend on each other.

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