

A CONCEPTUAL FRAMEWORK OF LAW AND 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.

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

1. INTRODUCTION: Thealteration in presentoutline of social life is called as " Social Change". Society as well as social conditions not everpersist static. Normally, social change is to be understood as change in social structure. According to Ginsberg, social change is change in social structure e.g. the size of a society, the composition or balance or its part or the type of its organisation. According to Jones, "social change devotes variation in, or modification of, any aspect of social process,social patterns, social interaction or social organisation." Davis observed that social change is large number of persons are engaging in activities that differ from those which their immediate fore-fathers engaged in some time before. As per Anderson and Parker, social change involved alteration and structure or functioning of forms or processes themselves.Social change means there is must change in social structure. Social structure which can be understood as nature, social behaviour, social relations, social organizations, community of people. Social change is change in the social order.

2. LAW IS AN INSTRUMENT OF SOCIAL CHANGE:

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.

3. CORELATIONSHIP OF 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.

5. NECESSITY 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.

6. PROHIBITION OF CHILD MARRIAGE:

This routine with regards to tyke marriage was passionately found in Indian culture crosswise over different religious groups. Extreme endeavours 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.

7. RIGHT TO EDUCATION IS FUNDAMENTAL RIGHT:

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.

8. PUBLIC INTEREST LITIGATION:

The Honourable 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 themselves. PIL is an idea went for expanding the accessibility to equity and structures a piece of sacred law in India.

9. 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.

REFERENCES:

1. Friedman, law in changing society, penguin books, England, 1964.
2. Mulela Margaret munalula, the constitution and sexual discrimination in Zambia, International journal of discrimination and law, vol.1, issue.2, 1995.
3. Albiston, Catherine R., and Gwendolyn M. Leachman. "Law as an Instrument of Social Change." International Encyclopedia of the Social & Behavioral Sciences (2015): 542-49. Print.
4. Dr.S. Durgalakshmi, social change and empowerment of the masses, Indian journal of Applied research, vol.5, issue.12, 2015.
5. Abhinav Mishra, law and liberty: A tug of war, Indian journal of law and liberty, vol.1, issue.1, 2015.
6. Mandelker, Daniel R. "The Role of Law in the Planning Process." Law and Contemporary Problems 30.1 (1965): 26.
7. Swapnamukhopadhyay, The feminist dilemma, Manohar publishers and distributors, 1998.
8. Divya, law as an instrument of social change, IOSR Journal, vol.3, issue.9, 1999.
9. Zimring, Franklin, and Gordon Hawkins. "The Legal Threat as an Instrument of Social Change." Journal of Social Issues 27.2 (1971): 33-48.
10. Thelton Henderson, social change: judicial activism and the public interest lawyer, journal of law and policy, vol.12, 2003.
11. Pandey, Prasiddha. "Judicial Review in Supreme Court and Social Change -- Implicating Changes Through Judiciary." SSRN Electronic Journal (2012).
12. David, judicial reasoning and social change, Indiana law journal, Vol.50, issue.2, 1975.

13. Maria bakolias, legal and judicial development, Fordham International law journal, vol.24, issue.6, 2000.
14. Upham, Frank K. "Political Lackeys or Faithful Public Servants? Two Views of the Japanese Judiciary." Law and Social Inquiry 30.2 (2005): 421-56.
15. Hakeem yusuf, the judiciary and political change in Africa, Oxford journals, vol.7, issue.4, 1997.
16. Puneet Pathak, Acceptability of judicial activism in India perspective, International journal of laws and jurisprudence studies, vol.3, issue.3, 1998.
17. T.C. Anant, An Economic analysis of judicial activism, Economic and political weekly, vol.37, issue.43, 2002.
18. David weisen, judicial politicisation, ideology and activism at the High courts, sage Journal, vol.64, issue.2, 2010.
19. Mccammon, Holly J., and Allison R. Mcgrath. "Litigating Change? Social Movements and the Court System." Sociology Compass 9.2 (2015): 128-39.
20. Saha, Arpita. "Judicial Activism in India: A Necessary Evil." SSRN Electronic Journal (2008).
21. Dr. Lakshmi T and Rajeshkumar S, "In Vitro Evaluation of Anticariogenic Activity of Acacia Catechu against Selected Microbes", International Research Journal of Multidisciplinary Science & Technology, Volume No. 3, Issue No. 3, P.No 20-25, March 2018.
22. Trishala A, Lakshmi T and Rajeshkumar S, "Physicochemical profile of Acacia catechu bark extract –An In vitro study", International Research Journal of Multidisciplinary Science & Technology, Volume No. 3, Issue No. 4, P.No 26-30, April 2018.