



# RAMA UNIVERSITY

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## FACULTY OF JURIDICAL SCIENCES

**Course : B.A LL.B/BB.A LL.B**

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**SUBJECT: Jurisprudence**

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**LECTURE: 3**

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# Lecture-19



## Lecture – 19 : Sociological Jurisprudence with Indian Perspective

### **Sociological Jurisprudence with Indian Perspective:**

Sociological jurisprudence in India can be seen in many laws and enactments in India. In India, Sociological Jurisprudence has been adopted in the Indian Constitution. Part III of The Constitution of India solely deals with the Fundamental Rights of the citizen and people of this country wherein the citizens and the people are provided with certain rights. These rights are provided by recognizing the public and private interest of the individual. Further, there are several cases wherein the concept of Sociological Jurisprudence has been mentioned and has been taken into consideration while delivering the judgment.

In the **State of Madras vs Champakam Dorairajan** , the Court held that Article 46, being a directive principle cannot override the fundamental rights.

In the case of **Union of India & Anr v Reghubir Singh** , the court observed that the aspect of the social conduct and experiences of the ages has to be considered while determining and framing the new laws and norms.

In **Ashok Kr Gupta & others vs State of Uttar Pradesh** , it was held that this court is not bound to accept an interpretation which retards the progress or impedes social integration.

In **N. Adithayan vs Travancore Devaswon Board and Ors** , the observed that distinction based on cast could not be allowed to permeate in the social fabric of the society. Thus, the Court reaffirmed its stand that discrimination of any sort, amounting to untouchability would not be tolerated.

The Court in **Bandhua Mukti Morcha vs Union of India** , held that the Court should abandon the Laissez-faire approach in the judicial process particularly where it involves a question of enforcement of fundamental rights and forge new tools, devise a new method and adopt new strategies for the purpose of making fundamental rights meaningful for the large masses of people.

## **Conclusion**

Sociological School of Jurisprudence studies the relationship between and society. It explains the interdependence of law and society. One can't formulate better and effective law without looking and studying the need and structure of society. For the betterment and harmonious society, we need better and effective laws.

For Example, After the 2012 Delhi gang Rape happened (Nirbhaya Gang Rape). Rape laws are amended in India.

Every problem in Indian has two aspects, one is legal and other is Sociological aspect. like, the legal aspect of Female Infanticide is in 1795, infanticide was declared to be murder by Bengal Regulation XXI. The British government took steps against the evil of female infanticide and propaganda the same. And its sociological aspect is that nature designed both sexes for the perpetuation of the human races. Gender equality and the empowerment of women were considered one of the eight Millennium Development Goals by the United Nations Population Fund in 2001. Jurists of Sociological School of Jurisprudence are August Comte, Eugen Ehrlich, Roscoe Pound, and Duguit. August Comte was of the view that Society is an organism and it could progress when it is guided by Scientific Principles. While the Eugen Ehrlich argued that the "Society is the main source of law" and Roscoe Pound compared the lawyers with Engineers. and argued that the objective of the law is to solve the conflict between the Individual Interest and State Interest.