



FACULTY OF JURIDICAL SCIENCES

COURSE: LLM TWO YEARS Constitutional & Administrative Group /Criminal group/ corporate & business group

Semester-II

SUBJECT: Law and social transformation in India

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Lecture-23



Alternative approaches to law

Introduction:

The law has been instrument of social change. Time and again it was proved by history. India is a culminating point of many cultures and had seen many rulers. Thus the law also kept on changing. Sometimes it was harsh and sometimes people friendly. But the law was and is always a necessary instrument to maintain law and order in the society. The courts are the byproducts of law. It is always thought that a wise man should not approach the courts. It is not true that there is not proper justice done in the court, but it is true that legal proceedings take too much of time as well as money spent is also high. Therefore there was always a medium way to sort the problems through institute alternate to the legal system. Because law must not be what it is it must be what it ought to be. The ultimate goal of law is justice and if it is delayed. That truly means justice delayed is justice denied.

Gandhiji was exponent of Sarvodaya movement and his follower Vinoba Bhave and Jayaprakash Narayan lead it further. The difficult problems like those of land less labours, the dacoits they found a solution. But after them the present leaders are unable to look into the problem of Naxalites.

However justice to the grassroots can be now achieved through the gram nyayalayas which is new concept. And it is gaining popularity, which is the sign of a mature society.

The jurisprudence of Sarvodaya- Gandhi, Vinoba Bhave; Jayaprakash Narayan- Surrender of dacoits; concept of grama nyayalayas.

The jurisprudence of Sarvodaya.

Sarvodaya aims to establish a new social order on the basis of truth, love and non-violence. It is highly critical of the state and its government, because both are based on force and coercion. Human society must be free from coercive institutions. As such, Sarvodaya aims towards the creation of a social order free from every form of authority. Its ultimate aim is to establish a Stateless society where "the ruler and the ruled will be merged in the individual". The main features of Sarvodaya social order, as expounded by Vinoba Bhave, are as under:

No power should be dominant in society; there should only be a discipline of good thought;

All faculties of the individual to be dedicated to society which must provide the individual with growth and development; and

The moral, social and economic values of all the callings performed honestly should be the same.

Sarvodaya aims towards the welfare and rise of all individuals. Man will be the center of such a society, but self-interest will not be the basis of social organization. In an ideal social order

no one should be downtrodden. An ideal social order is one where “love is to reign and cooperation to prevail”. It is that order where ‘there will be freedom for all and utmost equality; there will be no class and castes; no exploitation nor injustice; and equal opportunity for each for fullest development shall prevail’.

Mahatma Gandhi’s concept of Sarvodaya:

Gandhism and Sarvodaya are inter-related to each other, the former is the essence of the latter. Gandhism is associated with the teachings and writings of Mahatma Gandhi. Gandhi’s mission in life was to regenerate faith and trust in mankind, to reinstate the freedom of man, and to renovate the dignity of human beings. Gandhian way of life is closely related to the doctrine of Sarvodaya. Gandhi visualizes an integral development in society which is realised through Sarvodaya. Sarvodaya is the name Gandhi gave to his mission embracing betterment of humankind. Sarvodaya builds a new society on the foundations of moral values. The society so established shall head towards integral welfare of all human beings.

After the Independence of India, Gandhi’s devoted disciple Acharya Vinoba Bhave established a Sarvodaya Society. Later on, Jaya Prakash Narayan joined the Sarvodaya movement. The Sarvodaya movement aims to reconstruct social and political order on the ideals and teachings of Mahatma Gandhi. It means to give the Gandhian way of life a realistic profile.

