



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

SUBJECT CODE: LLM-221

NAME OF FACULTY: DR. SHIV KUMAR TRIPATHI

Lecture-3



The Introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.

The law is often used as an instrument of social reform. The Untouchability (Offences) Act, the Hindu Code Bill. The sarda Act, the Prohibition Act are examples in this context. VidyaBushman and D.R. Sachdeva observed 15 that “Thus Law does not always lay behind the times. One great merit of law is that it adapts itself to the changing needs of society and maintains stability when the rapid alterations disturb the relations in society. Law helps the society assimilate the changes by adjusting group advantages and injuries resulting from them. Finally the law may become an advanced instrument of social change on a national as well as international level by affecting the social frame work in which relations take place. However, law is greatly in advance of or greatly behind the

trends of change in the society. It remains unenforceable,if it is in harmony with the processes of change. It accelerates and institutionalizes changes.”

The various “pressure groups” exercise considerable influence on law- making organs. Practically all legislations are passé to satisfy the demands of certain groups presented to the legislature directly or indirectly, which demands will be recognized in Law depends to a large degree upon the power of the groups which make the demands. Political parties themselves are a combination of pressure groups. The legal groups today are the product of the pressures of the most powerful groups in the society. By powerful groups is meant effective power in terms of the number of votes at the disposal of the group, the amount of money it can command, the effectiveness of the organization, the skill of its lobbyists, and the support it is able to secure from public opinion. Despite the directive from the Supreme Court, the Rao Government did not think it politically wise to enact a uniform Civil Code.

Questions for Self learning

What is social transformation?

How does Law play role in transformation of the society?

Do you agree that Law is the product of traditions and culture?

Critically evaluate the introductions of common Law system during colonization?

“Change is the law of nature what is to-day shall be different from what it would be tomorrow. The social structure is subject to incessant change... Society is an ever changing phenomenon, growing, decaying, renewing and accommodating itself to changing conditions and suffering vast modifications in the course of time. The word “Change” denotes a difference in anything observed over some period of time.