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LEGAL LANDSCAPE FROM POLITICAL SCIENCE, SOCIAL AND WOMEN STUDIES INSIGHTS AND ITS IMPLICATIONS

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Abstract

Law has a multifaceted and intricate relationship with the distinct yet connected political, social and women disciplines which are overlapping and influencing each other to uphold the democratic principles of India. The critical analysis of political ideologies in political studies influences the law-making process which in turn effects the sources of law which are legislatures, policies and others made for the harmonious existence of the society. The customs, societal norms explored in social studies and legal frameworks in a country go together by shaping each other for their respective development and women studies being a part of it. This paper explores the co-dependence between law and political, social, women disciplines and how they influence each other to establish a law-abiding society. Firstly, it is examined how political ideologies like capitalism or any other effect the law-making process through the example of farm laws. The effect of strongly established social norms and social movements in change of laws is examined through the above stated example in the second section. The change of legislatures to incorporate the concept of women rights help to establish a progressive environment for the empowerment and development of women in the society which is explored in the last and third section of the paper through the major issue of in marital rape in India. Through these examples the paper aims to establish an inter-connected nature of the relationship between law and the three fields of studies and also states that political ideologies effect the legislatures made for the society and when these laws go against the deeply rooted societal norms, they are challenged by the law-binding citizens of the society which leads to the change of these legislatures for maintaining the democratic nature and development of India.

Keywords – Political Ideologies, Social Norms, Women Rights, Legal Principles, Democratic Nature.

I. Introduction

“Law is the collection of standards perceived and connected by the State in the organization of equity” by Salmond perfectly reflects the political and social aspects the making of the legal principles. Law has multiple meanings with no proper definition. In the general sense, law can be defined as rules, regulations and standards enforced and made by the institutions of the State to provide and at the same time restrict the rights of citizens of a country. Law primarily operates to enforce Law

and order in the State, amicably resolve and settle disputes in the state, protect the rights of the citizens in the state and to regulate the activities of the government of a state. The institutions of the State make and execute laws or legal principles in the country and at the same time the rules and restrictions are defined and governed by the laws establishing the relationship between political studies and law. The kind of the political party forming the government is decided by the policies, norms and customs followed in the society which

establishes the relationship between political, social studies and legal principles. For instance, when people of the country hold free-market values and principles of privatization, they tend to elect a political party whose values are inclined towards theirs. It is imperative to know law and its relationship with these disciplines so that people elect a political party that is capable of maintaining rights, wishes of the citizens and to uphold the ideology held by the majority in the society.

II. Political Sphere

Political science can be defined as study and scientific analysis of the various systems of government, political actions, government institutions, political ideologies and political behaviour with a primary focus on the theory and practices of politics, the functionality of the government at the Local, State, National and International levels.¹ They are mutually dependent on each other as political behaviour and ideas frame the laws and these laws also govern institutions of the state that make the laws for the maintaining law and order in the society which the result of both these activities of making and executing law by these government institutions. The questions like whether these laws are politically motivated or providing justice for everyone and how well these laws serving for the benefit of the society depends on the separation and balance of powers between three organs of the state which is also comes in the sphere of political studies. It explores the process of law-making through the lens of political behavior and ideologies. The demand of the farmer's organizations to repeal the Farm Laws as example for the connection between political studies and law-making process by the government institutions. The political behaviour and ideas of the government in making these Farm Laws can be considered for bringing economic reforms and development in the front of agriculture but

these laws failed to be implemented and received a major criticism. The reason for that being the government not placing importance to the fact that still majority of the population depends on agriculture, and they are many farmers without proper agriculture technology to compete with the big agriculture corporations. The political behavior though for bringing economic reforms, can be considered to be favoring big companies on agriculture front, against the wishes of people of the country, establishes the reflection of political thoughts in the making of legislatures. Both the political ideals and law keep changing and work together for ensuring the welfare of citizens of the country.

III. Social Sphere

A people group or a gathering of people, living in any district, who are joined by some normal bond, is known as society and are subject to the equivalent political specialist and prevailing social desires. This helps the individuals from the general public to frame the standards of social conduct.² Law and society cannot exist without one and another. Law reflects the customs, ideals of the society and keeps changing according to the changing the ideals of the society. It is important for the law to change according to society so that the people for whom these laws are made do not have any dissatisfaction. Society without these laws will be a mad house and full of chaos, with people doing whatever they wish like leading to no order and harmony in the society. The people that form this society require rules and regulations for maintaining order which is provided by these laws. It is said that if they no rules guiding where what can go on the road then vehicles will be going on sidewalk and pedestrians on the road which leads to a complete chaos. The same instance of protest by the farmers demanding repeal of Farm Laws can be used to establish the effect of social

¹ ACMC, E.S.C. and Edeh Samuel Chukwuemeka ACMCEdeh Samuel Chukwuemeka ACMC (2022), Relationship between law and political science, Bschorlarly, <https://bscholarly.com/relationship-between-law-and-political-science/> (Last Accessed on 17th June 2023- 11.24 AM).

² Interrelationship of Law and society (no date), Legal Service India - Law, Lawyers and Legal Resources, <https://www.legalserviceindia.com/legal/article-3334-interrelationship-of-law-and-society.html> (Last Accessed on 17th June 2023 – 4.59 AM).

dissatisfaction and social movements on the legislature. The Farm Laws are considered by the majority of the farmers as disruptive to their income which lead to a dissatisfaction among the farmers resulting in the protests by them. The protests indicate a wider consultation to be required by the government which reflects the influence of societal dissatisfaction on the change of laws. Law has circuitous job in terms of social change. A law setting up a necessary instructive framework. Then again, law connects as a rule by implication with fundamental social organizations in a way comprising an immediate connection among law and social change.³ The change in laws can also lead to social change. The changes in law in some instances does not legitimizes those social norms which are considered be just by people of the society like the abolition of sati. Some changes in law which lead to a social change are areas relating to the usage of distance nullification law and the regulating parts of business and instructive booking for the planned positions and planned clans under the Constitution and the issue of substantive effect of changes in the family law marriage, break even with privileges of ladies to legacy and share.⁴

IV. Influence on Women Rights

Women studies deals with the rights and freedom of the women in the society. In the Indian culture, women are considered to be scared and goddesses but the abuse and discrimination they face in everyday life is never ending. In Indian society, women from ages have faced discrimination and are still facing them even though they are many progressive changes happening in the society. According to Indian culture and traditions, it is said that women should take care of home and should not be go out to work, while men are meant to

go out in order to work. Even though times have changed, it is still expected that a women should be the one to take care of home. Law plays a critical role in addressing the issues of gender discrimination and violence against women. It has the power to change the conservative value system of society and an environment for the women to develop and empower themselves. The issue of criminalizing marital rape in India brings to focus the rights the women and the change in law that can help the ensure these rights. The decriminalizing of marital rape in Indian Penal Code underscores the right to equality, life and personal liberty and also the freedom of speech and expression of women in deciding what is right or wrong for their own body. In Doctrine of Hale, 1736, it is said that by giving consent to marriage, she gives herself in kind to her husband.⁵ Though years have passed but the rights of women over her body are still not recognized. The criminalization of marital rape, it helps to protect women from the violence of those dangerous households. It helps to further the rights of women and their empowerment. Another example of such law which massively helped and protected the women who go out and work is the Sexual Harassment of Women at Workplace (PoSH) Act, 2013. The changes in law which ensure the rights and freedom of women are important and a necessity not only for the development of women but also the society. "Just as a bird cannot fly with one wing only, a Nation cannot march forward if the women are left behind" by Swami Vivekanand should be acknowledged.

V. Conclusion

The understanding of the co-existence of law and political studies and social studies is imperative for the progress of the society and country and to leave behind such conservative, discriminative policies that hinder the development of everyone. The change in laws relating to other inequality issues not only gender discrimination is needed for the welfare

³ Interrelationship of Law and society (no date), Legal Service India - Law, Lawyers and Legal Resources, <https://www.legalserviceindia.com/legal/article-3334-interrelationship-of-law-and-society.html> (Last Accessed on 17th June 2023 – 4.59 AM).

⁴ Interrelationship of Law and society (no date), Legal Service India - Law, Lawyers and Legal Resources, <https://www.legalserviceindia.com/legal/article-3334-interrelationship-of-law-and-society.html> (Last Accessed on 17th June 2023 – 4.59 AM).

⁵ Drishti IAS (2022), Marital rape in India, Drishti IAS, <https://www.drishtiias.com/daily-updates/daily-news-analysis/marital-rape-in-india-1> (Last Accessed on 17th June 2023 – 2.48 PM).

of society and to ensure development not only economic terms but also social terms. Law has the power to change these inequalities and discrimination in the society if rightly framed and implemented by these government institutions. The law-making process should reflect less of the political principles and more of what is required for the country. A wider consultation is required so that what everybody wants comes notice and the government institutions mold their behaviour according to it.

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