UNDERSTANDING LAW IN SOCIAL CONTEXTS: AN INDIAN PERSPECTIVE

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ABSTRACT

This paper examines the Law and Society approach, which views law as a social construct shaped by culture, politics, and daily life. Moving beyond formal legal analysis, it highlights how legal systems interact with social structures, using both global theories and Indian case studies. Key issues such as caste discrimination, LGBTQ+ rights, gender justice, juvenile law, and digital surveillance are explored to illustrate the gap between law on paper and law in practice. The paper also addresses critiques related to methodology and practical application in the Indian context. It concludes by emphasizing the need for socio-legal research to engage with grassroots realities for inclusive and transformative justice.

Keywords: Law and Society, Social Justice, Legal Reform, India, Caste, Gender, LGBTQ+, Juvenile Justice, Digital Rights, Socio-Legal Studies

Introduction

"Law and Society" research presents an intersection between societal development, norms, practices and the functions of legal institutions. Similarly, the law and society movement involve the shift from traditional legal analysis to a more social scientific approach. It employs empirical research and systematic analysis of law concerning its broader social setting. The study tries to identify the actual operations of legal systems and understand how they are influenced by the social structures around them.

The research challenges the traditional understanding of law as a rule-based system, instead offering a framework to understand the law as it operates with various societal contexts. This tradition emphasizes the law to be studies in conjecture with culture, politics as well as everyday life. In doing so, this research reveals how law functions not only as a tool of governance but also as a site of negotiation, resistance and transformation.

Law and society research, hence, marks a significant departure from the traditional form of illegal analysis to a more empirical and social scientific approach. Its main aim is to understand the actual operations of various legal systems to understand how they are impacted by and also contribute to the social structures around them.

Historical Evolution and Global Growth

Karl Llewellyn and Roscoe Pound, the early 20th century American Realists, are said to have introduced the law and society research by challenging the notion that the judicial decisions were purely logical outcomes of fixed legal principles. They argue that the decisions often reflected broader institutional and cultural pressures. This gave rise to the distinction between the "law in books" and "law in action", a foundational idea in Law and Society scholarship(*SOCIOLOGICAL MOVEMENT IN LAW FROM AMERICAN FORMALISM TO AMERICAN REALISM - Jus Corpus*, 2021).

Following the second world war, the legal scholars around the world increasingly turned towards empirical and interdisciplinary approaches. Institutions like the Law and Society Association (USA) and the Socio-Legal Studies

Association (UK) fostered collaborative research drawing from other subjects like sociology, anthropology, history and political science.

One of the most influential scholars in shaping the Law and Society scholarship was Lawrence M. Freidman, whose work helped understand law as a cultural system. Friedman, in his landmark work *The Legal System: A Social Science Perspective* (1975), argued that the legal systems cannot be understood apart from the broader socio-political environment within which they operate. Various key concepts such as legal culture (attitudes, values and expectations that people hold about law) and legal systems that act as instruments of social control and change. His historical and comparative approach broadened the horizon of the field and increased the importance of viewing legal development as embedded in historical context and social structure.

Upendra Baxi, renowned Indian Legal scholar advocates the importance of Law and Society studies as he thinks that the legal system in India has been unable to do justice to the marginalized. In his call for "critical legal studies in the Third World", he propagates that law must not be reimagined as a fixed code but, reimagine law as a power terrain with immense scope for negotiation which will in turn lead to societal transformation.(Baxi, 1990)

Indian case studies

Caste and Legal Exclusion

Caste based discrimination remains a pervasive issue in the Indian society despite various constitutional protections and legislative enactments like the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Studies reveal many Dalits and Adivasis facing system bias in policing, prosecution and adjudication. Delays in FIR registrations, coercion of victims to settle the cases informally, as well as poor conviction rates indicating the failure of legal remedies in providing substantive justice (Jambhulkar,

2022). Socio-legal scholars have highlighted how various forms of caste hierarchies are reflected within legal institutions, impacting justice in varying degrees.

Mobilization by Dalit rights groups across the country have emerged as vital strategies to engage with the legal system. The movements led by these groups not only demand the enforcement of existing laws but also redefine legal consciousness by asserting dignity and rights in public as well as legal discourse.

LGBTQ+ Rights and Legal Reform

Navtej Singh Johar case (Navtej Singh Johar v. Union of India, 2018) marked a significant movement in India's LGBTQ+ rights movement. The Supreme Court in the case decriminalized consensual same-sex relationships. Despite the landmark judgement, societal attitudes continue to hinder full inclusion. Discrimination in education, employment and housing remains widespread. Law and Society researchers emphasize the gap between formal legal recognition as well as substantive social equality.

Triple Talaq and Gender Justice

The Supreme Court, in the case of *Shayara Bano v. Union of India (2017)*, invalidated the practice of instant triple talaq in India. This judgement was celebrated as a step forward for Muslim women's rights. Critiques, however, argue that the reform was top-down, driven more by the agenda of the state rather than participatory legal reform (Siddiqui, 2021). The intersection of gender, religion and minority identity further complicates the narrative of emancipation.

Socio-Legal scholars, however, point out that even though the law has banned the discriminatory practice, Muslim women continue to face barriers in securing maintenance, child custody, and community support. Various feminist legal studies emphasize the need for community sensitive reforms which empower women without vilifying religious identities. Legal pluralism is

both a resource as well as knowledge in ensuring justice in a multicultural democracy.

Juvenile Justice and Public Sentiment

The 2012 Delhi gang rape case led to massive public protests and led to amendments in the Juvenile Justice Act, allowing minors who are aged between 16 to 18 to be tried as adults in heinous crimes. While the legal change was a response to public outrage, critics questioned its alignment with juvenile reform principle (Agarwal, 2018). Law and Society research further critique the populist overtones of such reforms, shaped more by media sensationalism than by proper data.

This kind of a socio-legal perspective enables us to understand the socio-economic backgrounds of the juveniles in conflict with the law. Many come from impoverished, abusive or neglectful environments. Carceral approaches often fail to address the root causes of juvenile behavior (Snehil & Sagar, 2020). The movement instead advocates for restorative justice, rehabilitation and enabling of social support systems.

Emerging Frontiers in Law and Society Research

Digital Rights and Surveillance

With India's digital infrastructure expanding rapidly, concerns with respect to surveillance, data privacy and algorithmic bias have been rising (Mahapatra, 2021). Law and Society researchers aim to question whether the emerging legal frameworks protect various communities (especially the marginalized) from digital exclusion and coercive state practices.

Globalization and Legal Transplants

As the country increasingly adapts to the global norms such as intellectual property, environment regulation, and corporate governance. Law and Society research aim to explore the interactions of local legal cultures with such transplants.

Environmental Justice and Climate Governance

Environmental movements such as Chipko, Narmada Bachao Andolan, and Save Aarey Forest showcase the interaction between law, environment and community mobilization. These issues reflect the broader critique of development paradigms that would prioritize economic growth over ecological as well as social justice.

Critiques and limitations of Law and Society Research

While Law and Society research provides a welcome change from the formalist legal approaches, it is not without its own set of theoretical, practical as well as ethical challenges. The threat of it being inclined to conceptual relativism, by extensively focusing on context, culture and lived experiences, lingers on the understanding of Law as a discipline. scholars This may weaken the normative power of legal principles and hinder the development of actionable reforms. Moreover, it has been argued that the field does not offer solutions or concrete alternatives leaning heavily towards the critique alone. Thus, it finds itself disconnected from practical applications in the legal panorama. As we are aware, academic work rarely influences courtroom decisions, legislative reforms or legal education.

Notwithstanding the challenges In the Indian context, we find methodological difficulties in access to the marginalized communities, language barriers and ethical dilemmas related to representation. As a matter of fact, research conducted in urban or elite institutions could unintentionally reproduce hierarchies, though the intention would be to dismantle them. Furthermore, such scholarship in India has traditionally lacked institutional support within the mainstream law schools which remain mostly focused on doctrinal teaching. Despite these critiques, the field stands true to be an important subject of transdisciplinary and interdisciplinary engagement, pushing the boundaries of how law is understood, practiced and reimagined in diverse social settings.

Conclusion

India is host to diverse range of caste, religion, gender marked with gross socio-economic inequality. Law and Society research reveals that law is just a static set of laws but a dynamic subject which is embedded in everyday struggles, negotiations as well as aspirations. It provides a socio-legal lens to ensure that legal action remains grounded in the realities of those who are most affected. In the present scenario, legal reforms are unfolding in key areas like digital governance and gender justice thus affecting the future of society. As we move towards a vision of an egalitarian society which caters to the last and the lost, it is imperative that law and society research must deepen its engagement with the grassroot movements, policy-making, and interdisciplinary collaboration to envision a more just and democratic legal future.

REFERENCES

1. Agarwal, D. (2018). Juvenile delinquency in India—Latest trends and entailing amendments in Juvenile Justice Act. *People: International Journal of Social Sciences*, *3*(3), 1365–1383.

2. Baxi, U. (1990). *Law and Society in Modern India*.

3. Jambhulkar, V. K. (2022). The scheduled caste and scheduled tribe atrocity law: Judgements, amendment and contradiction: A review. *Asian Journal of Research in Social Sciences and Humanities*, *12*(1), 257–264.

4. Mahapatra, S. (2021). *Digital surveillance and the threat to civil liberties in India*.

5. Navtej Singh Johar v. Union of India, AIR 2018 SC 4321

6. Siddiqui, S. (2021). Triple-Talaq and the Political Context of Islamic Law in India. *J. Islamic L.*, *2*, 5.

7. Snehil, G., & Sagar, R. (2020). Juvenile justice system, juvenile mental health, and the role of MHPs: Challenges and opportunities. *Indian Journal of Psychological Medicine*, *42*(3), 304–310.

8. *SOCIOLOGICAL MOVEMENT IN LAW FROM AMERICAN FORMALISM TO AMERICAN REALISM - Jus Corpus.* (2021, September 30). https://www.juscorpus.com/sociological-movement-in-law-from-american-formalism-to-american-realism/

9. Shayara Bano v. Union of India and Ors. AIR 2017 SC 4609

10. The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989