Concept of Social Legislation

Legislation is an instrument to control, guide andrestrain the behaviour of individuals and groups livingin society. Individuals and groups left in absolutefreedom may clash with each other in the pursuit of their self interest at the cost of others. They causegrave harm to society leading to chaos. Legislation isone of the many institutions which controls and directsindividual action into desirable channels. Others beingsocial customs, traditions, religious prescription etc.Law is a vast subject having many branches. In a broadsense, all laws are social in character, in a narrow sense only those laws that are enacted for the purposeof social welfare are categorized as social legislation. There are several types of legislations such as taxation,corporate, civil, criminal, commercial etc. Social

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Legislation is that branch of law which is an aggregateof the laws relating to the various socio- economiccondition of the people. It is a social institution that embodies the social norms created on the initiative of a competent legislative agency. These laws are enactedkeeping in view the needs of the time, thecircumstances of the nation and its socio-politicalideals.Let us take a look at some of the definitions of sociallegislation.Dr.R.N. Saxena defines social legislation as ‘any act passed by the legislature or a decree issued by thegovernment for the removal of certain social evils or for the improvement of social conditions or with theaim of bringing about social reform. A comprehensive definition of the term social legislationis found in the Dictionary of Sociology by Fairchild. According to this definition social legislation means lawsdesigned to improve and protect the economic and socialposition of those groups in society which because of age, sex, race, physical or mental defect or lack of economic power cannot achieve health and decent livingstandards for themselves. Social legislations, accordingto Prof. Gangrade, involves an active process of remedy  by preventing or changing the wrong course of society or by selecting among the courses that are proved to beright. To sum up these definitions social legislationcan be defined as special laws which are passed withthe special purposes of improving the socio-economicposition of the specific groups such as women, children,elderly, scheduled castes, scheduled tribes, physically and mentally challenged, unorganised workers,agricultural and landless labourers and other such vulnerable groups.

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Social Legislation: Needs andobjectives

 The need and importance of social legislation in a  Welfare State cannot be undermined. Our Constitutionreflects the aspirations of masses to become a welfarestate where everyone enjoys the right to live a dignifiedlife and right to the pursuit of happiness arefundamental. In broader sense, everyone in the country men is entitled to have basic human rights such asright to life, employment, work health, education, etc.Now these rights can only be secured through Stateaction. Social legislation gives us a proper formalizedlegal framework for achieving these goals. It is a knownfact that as social order undergoes changes, new problems and demands arise which cannot be allowedto go out of hand. Problems such as juveniledelinquency, new forms of crime, socio-economicinjustices, socio-economic inequalities, problems of social security have to be tackled through welfarelegislations. It is important to have social legislation tomeet the existing social needs and problems. It alsoanticipates the direction of social change. Thus, Sociallegislation is neededi)to ensure social justice,ii)to bring about social reform,iii)to promote social welfare,iv)to bring about desired social change. V)to protect and promote of rights of socio-economically disadvantaged groups of the society.

Objectives of Social Legislation

Social legislation derives its inspiration from our constitution and has the following specific objectives:

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I)removal of discrimination on the grounds of sex,religion, caste, class etc. And promotion of equality to all.ii)safeguard the rights of the weaker section such as women, children, elderly, widows, destitute andthe backward classes.iii)eradication of traditional malpractices and socialevils such as untouchability, dowry, child marriage,female infanticide etc.iv)provision of social security.Social legislation is required for (i) protection andpromotion of rights, (ii) prevention of individual andsocial disorganisation, (iii) proactive action, (iv)pioneering social reforms in social institutions and, (v)progressive social values for desired social order. In brief, the main aim of social legislation is to changeand reorganise society by improving its social andeconomic condition. Each individual of the society hasto be given equal rights and equal opportunities. Sociallegislation aims to address social problems throughlegislative means, and initiates process of social reformand social change based on sound social rules. Sincethe process of social change in fast social legislationalso provides desired direction to changes.

Social Legislation as an Instrument of Social Change

Is social legislation a tool of social change? There aretwo schools of thought. Social scientists of one school believe that law in itself cannot lead to change, it canonly follow change. Thus it cannot be an instrument of the basic transformation of values and attitudes. On the other hand, there are experts

Social legislation is used by professional social workers as a tool for social advocacy, empowerment of basic human rights, dignity, and conducive environment. Social legislation works as tool for social reform, social welfare, development and change. This profession promotes Social change, problem-solving and the empowerment and liberation of people. The International federation of social workers and the international association of schools of Social work defines social work as “The social work profession promotes social change, problem solving in human relationships and the empowerment and liberation of people to enhance well being.

Utilizing theories of human behaviour and social system, social work intervenes as the points where people interacts with their environments”. Ethics of human rights and social justice are primary to the practice of social work profession. Social workers work with families, groups, individuals, elderly, destitute, etc. On behalf of the interests of people. It helps in enabling them to deal with personal and social difficulties and obtain essential resources and services.

Relationship between social legislation and other social processes are those where social worker by the virtue of social work and people’s expectations as human service profession, legal knowledge is imperative for social workers. They should know the laws connected with everyday matters such as adoption, inheritance, begging, prostitution, offenses against women, children, low castes and the like as they will be often required to fall back on their legal knowledge in the process of helping their clients.

A social worker working in the field of women welfare must have knowledge about the family laws, the Dowry Prohibition Act, the Prevention of Immoral Traffic Act and other such laws available for the welfare of women and this applies in every case.

Social worker has to be adequately capable of dealing and working with the knowledge, process and procedure of these laws. We need to comprehend that knowledge of law is different from the one possessed by the lawyers. Social workers use law for empowering the vulnerable and disadvantaged sections to ensure social justice. Knowledge about the laws can help in the best interests of the clients/ agencies.

In fact social legislation in social work parlance is the application of the methods of social work especially community organization, and social action for the promotion of people’s welfare and right. If social workers are fully aware of these laws, they can work more easily for the target groups. Knowledge of laws strengthen the efforts of the government. Mun-by, gave five reasons why social workers acquire legal knowledge:

To discharge, their social responsibilities.

To offer advice and assistance.

To protect the rights of individual’s as clients of social services to practice in an anti-oppressive and anti-discriminatory manner.

To protect their own position as employees.

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