



LAW AND SOCIAL TRANSFORMATION-- REWRITING SOCIAL ORDER

Author-Dr.Preetha.U,

Associate Professor of Law, Govt.Law College, Thrissur, Kerala

Abstract

The society is not a static one and it is subject to changes due to several factors such as law, caste, religion, education, population, technology etc. Law and change in the society are intertwined with each other. During the post-independence era lot of laws were enacted which reflected the changing ideas and values held by the society. It paved the way of reorientation of social life in India. This paper explains what constitutes social change, factors affecting the social change, theories which tries to explain the process of the change etc.

Index Terms-Society, Social Transformation, Constitution, Theories, Law

I. INTRODUCTION

Law is an instrument of social transformation. The society is always subjected to change and the legal system has to go with the change to maintain law and order in the society. In a pluralistic country like India, enactment of laws poses lot of challenges due to different sentiments or attitude of different classes of people. In order to ensure social and economic justice the state has to look into the entry of modernization into the industry, family life, justice delivery system, agriculture, environment etc. The paper examines firstly the theoretical perspective of law and society relationship. It also looks into various factors leading to social transformation and its role to streamline the society with the law. The paper ends with certain suggestions that should be taken into consideration while enacting laws.

II. SOCIAL CHANGE AND SOCIAL TRANSFORMATION-THEORY AND CONCEPT

The term 'social change' connotes a change in the society arising from different types of groups activities, from modified inter-personal and interclass relationship and from changed attitudes and approaches of people and government about governance, family and public life, economic processes and social outlook as compared to their previous position.¹ In other words it is a process in which is discernible significant alteration in the structure and functioning of a particular social system.² Literally restructuring of the society on a different pattern of values is implicit in social change. However, if there is a severe structural change in the society it is termed as social transformation.³

The main three models which try to explain the social change are consensus model, conflict model, and integrated model. The consensus model stick on the fact that the social change should be on the basis of the consent of the whole society. One type of consensus model is evolutionary theory which propounds that the society gradually developed from simple, homogeneous to complex technological society due to mental and material development. Another model of consensus is structural functional theory. It says that the units of a society such as family, state, education, religion etc. are interlinked with each other. The societal integration depends on the division of labour and mutual dependence of each other.⁴ Actually change is a process of adaptation to the situations and challenges in the society keeping the values in the society. Therefore it is true that stability and change are the two faces of the same coin. So under consensus model of theory of social change, the public opinion serves a great importance as without getting will of the people the law cannot be a successful one to bring any kind of social change.⁵

In conflict model says that to bring a change in the society consent of the society is not required as it believes in the interventionist approach. It says that that due to struggles in the society between upper and lower group social change occurs. There will be a struggle between have and have not and it reflects the social inequality in the society.

III. FACTORS AFFECTING SOCIAL CHANGE

In India the post-independence era witnessed a thorough social transformation due to lot of factors. The people were very much eager to jump into new pattern of living after a prolonged life under British government. The components like religious factor, economic factors, industrial factors, population technology, agriculture etc gave a strong impact on the change in the society. The social change has been accomplished through social legislations. Ranade, one of the Indian philosophers, said that wherever there is undeserved misery endured in a large number of cases, there is ground State interference, always supposing that the state interference will lead to redress of the wrong, better than any individual can accomplish.⁶ Karl Marx said that legal system and forms of state are so rooted in the material condition of life. According to him the ultimate causes of all social change and political revolutions can be elicited in the changes in the mode of production and exchange.⁷

IV. Caste as a Factor of Social Change

The caste system in India is in existence in India from time immemorial. It is not very easy for a person to come out of caste system.⁸ The Supreme Court in *Ganpat v. Returning Officer* observed that the caste is a voluntary association of person for certain purposes and it is governed by their own rules and regulations for certain internal purposes. *Rajamannar C,J in G.Michael v. Venkateswaran*⁹ said that ethics provides the standard for social life and it is founded ultimately on religious beliefs and doctrines. The religion is inevitably mixed up with social conduct and that is why caste has become an integral feature of Hindu society. The Brahmins were given highest position and they were mostly concerned with cultural and spiritual values. The kshetrias were given place below the Brahmins in rank and they were entrusted with the duty to protect the society from internal and external violence. The vaishyas comes next in hierarchy and they were engaged in trades and business. The lowest category sudras were engaged in the job of serving others in the upper class people. In this context the caste system mainly related to the job that they engaged in and it gave rise to social and legal implications.¹⁰ Each caste is a complete society with a society or a kingdom within kingdom. A caste has its own gods, temples, councils with regulate social behaviour, its hereditary occupations and status, its own customs about food, dress and marriage. The reasons identified for the emergence of caste system in India are poverty, illiteracy, lack of communications etc.

During the British rule the social structure of the country was not subjected to drastic change and it was almost static. Certain sections were screened as untouchables based on caste system. It cannot be denied that the scheduled caste, scheduled tribes and other backward classes were in the darkness of the society. The constitution provides specific provisions for the social, economic and educational development of these section of people.

Several commission were appointed to look into the problems of these issues. Accordingly, a commission under the chairmanship of Sri Kaka Saheb Kalekar was appointed to review the social, economic and political conditions of the people belonging to backward classes. The commission determined the criteria for considering whether any section of the people should be treated as socially and educationally backward in addition to the SC and ST individuals. The traditional occupation, profession, literacy population of the community occupies the caste hierarchy etc should be taken into consideration to determine the backwardness of the particular community. The commission opined that the special provisions should be given to these section of the people to uplift their living conditions. The constitution of India now provides provisions for ensuring equal protection.

The practice of untouchability has been abolished by the statute, The Prohibitions of Untouchability Offences Act, 1955. Additionally, to make good the condition of people who suffered the implications of the caste system the constitutional makers included special provisions in the constitution such as Articles 14, 15, 16 and 17. The preamble of the constitution was drafted with the inclusion of words socialist, secular, democratic etc. The policy makers special treatment in two directions. One is giving financial assistance in the form of loans, grants etc. The other is that special reservations of seats in legislations, elective bodies, job in public and private sectors etc. All these measures are introduced to improve their social status.¹¹ The duty of the state in this respect can be seen under Article 46 of the constitution which says that the State shall promote with special care the educational and economic interest s of the weaker sections of the people especially SC, ST and other backward sections of the people.

V. SOCIAL LEGISLATIONS

For any society it is often seen that the social transformation is gradual because of the conservative nature of the people. The enactment of laws would not be sometimes easy one because of the opposition of the people. Mainly the legislation is the prime source for social transformation and social legislation tries to bring social equality. Hogan and Inn said that the social legislation provides for the orderly regulation of social relationship and it also gives welfare and security of all individuals. A social legislation should aim at the social security of every citizen.¹²

The enactment of social legislations require prior requirements. The people should be ready to accept new legislations. It is also required that the society should be socially conscious of the need of the new legislations. It should be aligned with the time and period also. Because the effectiveness of Dowry Prohibition Act is the best example where law failed due to steady state of mind of the people. The example for success of a legislation is Hindu Marriage Act, 1955. Because before the enactment of this legislation the norms and attitude to the marriage and divorce were changed ahead of the legal provisions. At the same time some section of the society especially orthodox people, were opposed to the change in the norms. Secondly, the enactment of the Untouchability (Offences) Act, 1955 is another example where the people accepted the change in the social norms. From time immemorial the Harijans were treated as untouchables but the enlightened persons were against the discrimination. The Harijans were not allowed to mingle with higher caste people and they had no access to public utility services. However the social reformers considered the removal of untouchability as an important step for the reconstruction of society in a positive way. The provisions in the Constitution of India such as Article 14, 15 and 17 also contributed the abolition of untouchability. As a result of reservation, the people belong to the backward classes got opportunities to access education in universities and also got job in various government services. Gradually, it opened away to bring high status in the society. In spite of these provisions the people faces discrimination in the present scenario also. However, they can go for legal remedies if they are the victims of practice of untouchability. Due to the failure of internalization in some village areas, institutionalization of laws was not possible. The attitude and outlook of the society through education should be changed for the transformation of the society.

Another example where the people did not accept the rule against prohibition of liquor. The westernization influenced the people to consume liquor and started to consider it as a social status. The other side is that the state government generated high rate of revenue out of trade of liquor. Where there is prohibition of liquor the people started to brew their own liquor. This also shows that mere legislation without the support of the public will be a failure.

To make a social legislation a success, the social values and social attitude have a great role to play. The legal system will be a powerful tool only when there is a large majority of the people are in favour of new social norms. The success of a social legislation demands effective administrative machinery to enforce it. Therefore a social legislation should be supported by social acceptance also.

VI. SOCIAL CHANGE AND HINDU LAW

The post-independence period witnessed a rapid growth in the Hindu statutes relating to marriage, divorce, succession etc. which brought reforms in Hindu society.¹³ These reforms were initiated by the leaders belongs to Hindu community. P.B.Chandrashekhar said that the social legislation must be based on social values like secular, rational and scientific consideration. The basis of Hindu law is its culture, history and tradition.¹⁴ The texts of Manu and Yajñavalkya had an upper hand in molding the Hindu law. However, the state should bring about reforms in conformity with necessity of the present and it would receive the approval of social conscience of the Hindu society.

There are several factors which contributed for the codification of Hindu law.

- a. The present law relating to caste system were inconsistent with the equality concept under the Indian Constitution.
- b. Certain provisions of the law put women in somewhat disadvantaged position.
- c. Uncertainty of law due to divergent opinion of different courts.
- d. Even among Hindus, there were distinction between them and the need for uniting them.

However, the movement to reform the Hindu law faced opposition from various sectors. The enactment of Hindu Marriage Act was a major step for the reformation of Hindu law. The rules of monogamy and divorce were introduced. The rules relating to judicial separation divorce and remarriage are new concepts introduced by the Act. The restitution of conjugal rights has also been introduced in this Act. Here the partner desiring the

company of other partner can seek the help of the courts to bring the other and reestablish the matrimonial relations.¹⁵ Therefore it is evident that the Hindu Marriage Act is one of the greatest steps in Hindu law legislations and it is an example of a utilitarian law based on Bentham's utility theory.

VII. MODES OF SOCIAL CHANGES

The social changes occurs mainly through two modes. Firstly, law changes the society in which the people are compelled to change in tune with the law. Secondly, society changes the law in which law is subjected to reform or new enactment according to the need of the society.

The judiciary also play a crucial role for the success of the social enactments. The courts have to see that the rights and interest of the people is ensured by the legislations. If there is any restrictions it should meet the test of reasonableness. The judiciary is very much conscious about the alignment of law with the changing need of the society. This can be seen in the constitutional provisions and preamble. While interpreting the laws the courts will see the rights and interests enshrined in the constitution would not be violated as provided under Article 13(2) of the constitution. The Article 38 of the Directive Principles of State Policy throws light on the duty of the state to promote the welfare of the people by securing and protecting the social order in which justice, social, economic and political security shall be guaranteed. Justice Bhagwati once said that the dynamic provisions of the Directive Principles of State Policy fertilize the static provisions of the fundamental rights because it is the Directive Principles of State Policy that nourish the root of the democracy.¹⁶ In *National Textile Workers' Union v. P.R.Ramakrishnan*¹⁷ the court observed that if the law fails to responds to the need of the changing society, either it will stifle the growth of the society and choke its progress or if the society is vigorous enough it will cast away the law which stands in the way of the growth. The law must therefore constantly be on the move adapting itself to the fast changing society and not lag behind. Pandit Jawaharlal Nehru also stated in his speech to the Constitutional Assembly on November 11, 1948 that the provisions of the Constitution should not be too rigid to turn adversely against the changing norms of the society. When the whole world is in the process of transition the law cannot be static. The progress of the society depends upon the proper application of the law to its need.

As Roscoe Pound observed that the law is a social engineering which means that a balance between the competing interests in the society in which applied science are used for resolving individual and social problems. The law is one the methods by which the competing social interests are properly balance. Justice V.R.Krishna Iyer viewed in his book that justice is the basis of society and law is the instrument for delivering justice.¹⁸ Law changes its shape according to the requirement of the society or society changes the law through enactment of the statutes.

VII.1. Modernization as a Process of Social Change

In terms of economic development the modernization is the change from traditional production to the modern production in every aspect of life. It involves use of scientific knowledge and it can be reflected in the field of agriculture, industry, transportation and communication. The modernization can be seen in the field of education as there is almost complete literacy. In the health sector also the modernization can be detected due to the implementation of modern medicine and health care system. As the infant mortality rate and death rate have been decreased, the life expectation has also been increased. In the process of modernization, there is increase in the social unrest up to the time the society is accepting the changes.

VII.2. Sanskritisation as Process of Social Change

The concept of sanskritisation was first introduced by Srinivas and he expounded in his classic book "Religion and Society among the Coorgs". According to him sanskritisation is the process by which a 'low' Hindu caste or tribal or other groups, changes its custom, ritual, ideology and the way of life in the direction of a high and frequently 'twice born caste'. Through these process the low caste people tries to claim a higher position in the caste hierarchy. The low caste people thus able to move to a higher position by adopting vegetarianism and teetotalism. However the positional change in the process of sanskritisation does not lead to any structural change in the system itself.

In the traditional Hindu system there is no process of conversion and the way to become a Hindu is by birth i.e. belong to Hindu caste hierarchy. B.Kuppuswamy in his book 'Social Change in India', says that Srinivas meant by sanskritisation as some kind of Brahminization. According to some others it is something based on kshatriya or vaishya or sudra models. That means sanskritisation is only an illustration of the operation of 'reference group'. The reference group is used as a standard to evaluate one's attitude, custom, ritual etc.

The influence of reference group on the behavior of a person or group depends on the prestige of that group. Since Brahmins have got upper position it was referred as a model. Since the caste system is a closed system the membership in it is by birth. Therefore, through sanskritisation shift occurs within the varna itself and the varna is immutable. The sanskritisation is not a process by which structural changes occurs in the Hindu society but it resulted in the positional changes for a particular castes only.

VII.3. Westernisation as a Process of Social Change

Srinivas explains 'westernisation' as the changes which took place in India during the British period. The westernization involves changes in dress, diet, style of eating manners, medium of instruction etc. The shifting of medium of instruction to English, the access of education to all people etc paved the way of getting into the service of government department. The education exposed the people to the humanitarian outlook and they became active for the welfare of all human beings without any discrimination.

The people adopted a different the style of living that had been followed in western countries. The vegetarians gradually became non-vegetarian and started to consume alcohol. They started to wear western type of dresses, dancing and mannerisms. The westernization led to the formation of a new elite group which resulted in the division of new and old group of elite people. This resulted in the social reform movement because they were aware of the social evils like sati, child marriage, child labour, untouchability etc. The social leaders like Raja Ram Mohan Roy, Balgangadhara Tilak, and Mahatma Gandhi etc. strongly believed that the Indians can become free from oppression only through social regeneration and political independence. The elite people were tabooed widowhood, divorce, and remarriage. These conflicts were removed to some extent by the adoption of equality concept under the constitution and law for the divorce and remarriage. Therefore it is said that sanskritisation promoted sacred outlook and westernization promoted secular outlook.¹⁹

VIII. THEORIES OF SOCIAL CHANGE

There are some theories which give explanation to the social change in the society.

VIII. a.Theories of Progress and Evolution

It is presumed that a society is always subject to the changes and the present is the result of the changes in the past. In other words, future is the result of the past. The change in the society is due to several factors and it may be from simple to complex or heterogeneous to homogenous. The French thinker Auguste Comte says that the French revolution is a turning point in the progress of the society. The present structure of the society is not adaptable to the change in the society in terms of scientific knowledge and industrialization. A new order in the society is possible only if the man is responsible for his action which make differences from the traditional approach. The traditional approach gives importance to the destiny, god etc. rather than the action of the man. In course of time the man realized that there should be positive desire and commitment for a good social change in the direct direction.

Comte says that the intellectual development is the reason for the social change and he introduced three stages of intellectual development. It is a progress from the theological mode of thought through metaphysical mode of thought to the positive mode of thought represented by modern science. Secondly, the intellectual development should be accompanied by moral development and change in the social institutions. Through education the people brought the division of privileged classes and unprivileged classes. Thirdly, he assumed that if the knowledge is imparted in the society the society would become dynamic. Auguste Comte had been criticized that his view was not realistic because the man is influenced by emotions rather than by intellect. Herbert spencer says that the social facts to be ascertained are structure, principles and methods of local as well as government, family system, economic system, communication system etc. He was influenced by the theory of evolution propounded by Charles Darwin. According to him there is a progress from undifferentiated homogeneity to differentiated heterogeneity. The change took place even though there is no will of the people. In course of social evolution there is increase in the differentiation of functions and increase in the size of the society also. Thus it can be seen that the above thinkers believed in some kind of social evolution.²⁰

The British thinker Hobhouse also explained the social change in terms of theory of evolution. He was of the view that the sociological theories should be explained in terms of facts that are actually happening in the society. He mainly based his explanations of social change on historical and anthropological data. He desired to construct a sociological system which can help conscious reconstruction of society to adapt to the changing needs of the society due to the technological development of the society. His assumption is that all forms of life and society had emerged and attained shape gradually in relation to the characteristics of their environment.

He adopted the idea that social progress is a process in which there is increase in the skill, complexity and internal differentiation and also moral values.

Another thinker Karl Marx was of the view that the economic conditions would form the basis of the social structure and it influences human activity. He said that the mode of production in material life determines the general character of the social, political and spiritual process of the life. The human activities and social institutions are influenced by the economic conditions and production in the country. He developed the doctrine of class struggle. A class is the fundamental unit of the society and it is formed on the basis of economic conditions of the people. It took into account the property and ownership details of the people. It created a division between have and have not classes of people. It leads to a social process and a new social order. The class differentiation and clashes led to slavery system and feudalism. The land owners dominated the society and most of the people became agricultural labourers. Later, capitalist phase of the society where tools and machine production occurred. This led to the formation of the industrial workers. Marx was of the view that when there is a difference between have and have not the social evolution would led to a big change in the economic condition. As Daniel observed evolution is the characteristic form of final, political transition from one socio-economic formation to another and such transition is the basic explanation for the phenomenon of social evolution such as the English and French. The French Revolution was considered as the model in which class factor was a significant feature.²¹

VIII.b. Cyclical Theories

The cyclical theories suggest that civilizations do not move in a straight line toward progress. Instead, they undergo a life cycle of birth, growth, maturity, decline, and death, much like a living organism or the changing seasons. The prominent authorities of cyclical theories are Oswald Spengler, Arnold Toynbee, Pitirim Sorokin etc.

The German philosopher Oswald Spengler presented one of the most famous cyclical theories in his work, *The Decline of the West*. He argued that societies are not abstract entities but these are living organisms. Just as a plant has a specific life cycle, every culture has a predetermined lifespan. He identified four distinct seasons for a civilization. The first one is Spring or Birth which denotes the rise of rural, intuitive, and religious foundations. The second one is Summer or Maturing which means the awakening of consciousness and the rise of urban centers. Thirdly, the Autumn or Peak and it denotes the zenith of intelligence and urban culture. Lastly, the Winter or Decline and it is the onset of civilization. This stage is marked by materialism, skepticism, and eventual death. Spengler believed the Western world had already entered its "Winter" phase, characterized by money, democracy, and the eventual rise of Caesarism, signaling the end of the cycle.

The British historian Arnold Toynbee offered a slightly more optimistic variation in his book *A Study of History*. While he agreed that civilizations rise and fall, he rejected Spengler's strict biological determinism. Toynbee proposed the theory of Challenge and Response. A civilization grows when a minority "successfully responds to challenges which may be internal or external. The Creative Minority loses its creative power and becomes a dominant minority ruling by force. The majority of the population withdraws support. The social unity crumbles, leading to disintegration. Unlike Spengler, Toynbee believed that decline is not inevitable. A civilization can sustain itself indefinitely if its leaders continue to respond creatively to new challenges.

Pitirim Sorokin, in *Social and Cultural Dynamics*, viewed social change not as a life cycle of birth and death, but as a fluctuation between different types of cultural mentalities. Sorokin argued that history swings like a pendulum. When a culture becomes too sensate, too materialistic or hedonistic, it hits a limit and swings back toward the ideational, and vice versa. He believed the 20th century was a crisis point of an over-ripe sensate culture, destined to shift back toward the spiritual.

Cyclical theories offer a compelling counter-narrative to the modern belief in endless progress. While they are often criticized for being too broad or pessimistic, they provide valuable frameworks for understanding why powerful nations falter and why social values seem to fluctuate over time. Whether it is Spengler's biological destiny, Toynbee's failure of leadership, Sorokin's cultural pendulum, these theories remind us that stability is temporary and that the seeds of decline are often sown during the peak of success.²²

IX. CONCLUSION AND SUGGESTIONS

The relationship between law and social transformation is defined not by dominance, but by a complex, reciprocal dialectic. While the law serves as a potent instrument for structuring social order and initiating

necessary reforms as seen in the dismantling of discriminatory practices and the establishment of human rights frameworks. It remains inherently tethered to the cultural consciousness of the people it governs. Legislation that marches too far ahead of social acceptance risks becoming a dead letter, while law that lags too far behind becomes an agent of stagnation. Therefore, true social transformation occurs only when legal mandates intersect effectively with shifting social norms. The law is neither solely a mirror reflecting society's face nor purely a hammer shaping its form; it is both. As we look to the future, the efficacy of the legal system will depend on its fluidity i.e., its ability to adapt to rapid technological and cultural shifts while maintaining the rigid backbone of justice.

Ultimately, the history of social progress provides irrefutable evidence that the law is one of the most powerful mechanisms for catalytic change. From the abolition of systemic prejudices to the protection of vulnerable communities, the legal system has repeatedly proven its capacity to reshape the moral landscape of civilization. While social resistance and enforcement gaps often threaten to undermine these advances, the law sets the standard to which society must aspire. It codifies our collective conscience and provides the requisite machinery to dismantle oppression. Consequently, legal activism must be viewed not merely as a profession, but as a crucial driver of human evolution. As we face new global challenges, we must continue to wield the law not as a shield for the status quo, but as a sword for transformation, ensuring that justice is not just a theoretical ideal, but a lived reality for all.

Law is not a static code but a dynamic instrument that both reflects and reshapes social values. When crafted and enforced with clarity, equity, and political will, legal rules can dismantle entrenched injustices, create new rights, and steer collective behavior toward greater inclusion and accountability. At the same time, law alone cannot deliver change: its power depends on civic engagement, institutional capacity, and continuous scrutiny to prevent capture or unintended harm. To harness law as an effective vehicle for social transformation requires deliberate design—laws that are evidence-based, responsive to marginalized voices, and paired with resources for implementation and oversight. Ultimately, the most enduring reforms arise where legal frameworks meet sustained public pressure, ethical leadership, and a shared commitment to dignity and fairness. Law, properly used, becomes not merely a set of commands but a scaffold for a more just society.²³

REFERENCES

- ¹ Steve Vago, *Law and Society*, 3rd Edn, Prentice Hall, Engelwood Cliffs, 1991, at p.214
- ² B.Kuppuswamy, *Social Change in India*, 5th Edn, Konark Publishers, New Delhi, 1993
- ³ Yogendra Singh, *Social Change in India*, Har Anand Publications, New Delhi, 1993.
- ⁴ W. Friedman, *Legal Theory*, (Stevens and Sons Limited, London, 1960)
- ⁵ A.V.Dicey, *Lectures on the Relation Between Law and Public Opinion in England During the Nineteenth Century* (Macmillan, London 1905)
- ⁶ Ranad, *Religious and Social Reform*, (G. Claridge & Co. 1902)
- ⁷ Coker, *Recent Political Thought*, (D. Appleton Century Company, 1934)
- ⁸ Ganpat v. Returning Officer AIR 1975 SC 420
- ⁹ A.I.R.. 1952 Mad. 474
- ¹⁰ I. Karve: Kinship Organization in India, Poona Deccan College Monograph Series No.11, 1953, p.8 *Indra Sawhney v. Union of India* (2000) 1 SCC 168, *Janhit Abhiyan v. Union of India* 2022 SCC OnLine SC 1540
- ¹¹ Prof. Nigam, *Equality And The Representation Of The Scheduled Classes In Parliament*, 2 JILI (1959)
- ¹² Hogan and Inn, *American Social Legislation* Harper and Brothers, 49 East, 33rd Street, New York, 16
- ¹³ *Kahkashan Kousar v. State of Bihar* (2022) 6 SCC 599.
- ¹⁴ P.B.Gajendragadkar's Forward to the Hindu Marriage Act, 1955 by P.U.Deolakar (Law Book Co., Allahabad, 1964., 2nd Edn., Vandana Mahalwar, "Law and Social Change", LIII ASIL 517 (2017)
- ¹⁵ Dr.B.S.Sinha, *Law and Social Change in India*, Deep and Deep Publications., *Deepika Singh v. Central Administrative Tribunal*, 2022 SCC OnLine SC 1088
- ¹⁶ *Minerva Mills v. Union of India* AIR 1980 SC 1789
- ¹⁷ (1983) 1 SCC 228
- ¹⁸ Justice V.R.Krishna Iyer, *Legal News and Views*, August 2003
- ¹⁹ Dr. P. Ishwara Bhat *Law and Social Transformation*, Eastern Book Company, 2nd Edn. 2022
- ²⁰ B.Kuppuswamy, *Social Change in India*, Konark Publishers Pvt.Ltd. 5th Edition, 2004
- ²¹ Dr.Bhagyashree A. Deshpande *Law and Social Transformation in India*, Central law publication, 2019.
- ²² B.Kuppuswamy, *Social Change in India*, Konark Publishers Pvt.Ltd. 5th Edition, 2004

²³ See the Supreme Court observation in the cases of *Kesavananda Bharati v. State of Kerala*, (1973) 4 S.C.C. 225, *Maneka Gandhi v. Union of India*, (1978) 1 S.C.C. 248, *Vishaka v. State of Rajasthan*, (1997) 6 S.C.C. 241, *Navtej Singh Johar v. Union of India*, (2018) 10 S.C.C.1. *Shayara Bano v. Union of India*, (2017) 9 S.C.C. X v. *Health and Family Welfare Department* 2022 SCC OnLine SC 1321.