

Social Legislation

Before explaining social legislation, it seems appropriate to discuss briefly what is law and how it is related with legislation. Law can be simply defined as “Laws are a form of social rule emanating from political agencies”. Laws become legislations when they are made and put into force by law-making body or authority. There are two opinions about the functions of law. The function of law, according to one view, is to establish and maintain social control. Hence the major problem of law is to design legal sanctions to minimize deviance and to maintain social solidarity and social order. Another view emphasizes the dynamic role of law. It states that the function of law is not just to maintain social order through social control. It insists that law must bring about social change by influencing people’s behaviour, beliefs and values.

Definition of Social Legislation

The term legislation is combined word which is derived from two Latin words, *Legis* meaning law and *Latum* meaning to make, put or set. Thus, legislation means the making or the setting of law. Legislation is basically the act or process of making laws; enactment. It is the process through which statutes are enacted by a legislative body that is established and empowered to do so. Legislation refers to the preparation and enactment of laws by a legislative body through its law-making process. Legislation means the Laws and resource allocation providing for human welfare needs income security, educational and cultural progress, civil rights, consumer protection and programs that address social problems. Legislation refers to the set of statutory laws which have been passed by a legislature and confirmed by the executive.

Social Legislation. Laws that seek to promote the common good, generally by protecting and assisting the weaker members of society, are considered to be social legislation.

Such legislation includes laws assisting the unemployed, the infirm, the disabled, and the elderly.

Social legislation is also defined as 'any act passed by the legislature or a decree issued by the government for the removal of certain social evils or for the improvement of social conditions or with the aim of bringing about social reform. According to dictionary of sociology "social legislation means laws designed to improve and protect the economic and social position 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 living standards for themselves".

According to Prof. Gangrade, social legislations 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 be right. To sum up these definitions social legislation can be defined as special laws which are passed with the special purposes of improving the socio-economic position of the specific groups such as women, children, elderly, scheduled castes, scheduled tribes, physically and mentally challenged, unorganized workers, agricultural and landless labourer and other such vulnerable groups.

Law is a vast subject having many branches. In a broad sense, all laws are social in character, in a narrow sense only those laws that are enacted for the purpose of social welfare are categorized as social legislation. There are several types of legislations such as taxation, corporate, civil, criminal, commercial etc. Social legislation is that branch of law which is an aggregate of the laws relating to the various socio-economic condition 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 enacted keeping in view the needs of the time, the circumstances of the nation and its socio-political ideals. Let us take a look at some of the definitions of social legislation.

Significance of Social Legislation

We shall now analyze the role of legislation in bringing about social change. A careful analysis of the role of legislation in social change would reveal two things. (i) Through legislations the state and society try to bring the legal norms in line with the existing social

norms, (ii) Legislations are also used to improve social norms on the basis of new legal norms. Social legislation can be an effective means of social change only when the existing social norm is given a legal sanction. No legislation by itself can substitute one norm with another. It can hardly change norms. Unaided social legislation can hardly bring about social change. But with the support of the public opinion, it can initiate a change in social norm, thus a change in social behaviour.

Legislation is an instrument to control, guide and restrain the behaviour of individuals and groups living in society. Individuals and groups left in absolute freedom may clash with each other in the pursuit of their self-interest at the cost of others. They cause grave harm to society leading to chaos. Legislation is one of the many instruments which controls and directs individual action into desirable channels. Others being social customs, traditions, religious prescription etc.

Needs and Objectives of Social Legislation: The need and importance of social legislation in a country cannot be undermined. The constitution of Pakistan reflects the aspirations of masses to become a welfare state where everyone enjoys the right to live a dignified life and right to the pursuit of happiness are fundamental. In broader sense, everyone in the country men is entitled to have basic human rights such as right to life, employment, work health, education, etc. Now these rights can only be secured through state action. Social legislation gives us a proper formalized legal framework for achieving these goals. It is a known fact that as social order undergoes changes, new problems and demands arise which cannot be allowed to go out of hand. Problems such as juvenile delinquency, new forms of crime, socio-economic injustices, socio-economic inequalities, problems of social security have to be tackled through welfare legislations. It is important to have social legislation to meet the existing social needs and problems. It also anticipates the direction of social change. Thus, Social legislation is needed i) 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:

- 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 and the backward classes.
- iii) Eradication of traditional malpractices and social evils such as untouchability, dowry, child marriage, female infanticide etc.
- iv) Provision of social security.

Furthermore, a country needs social legislation for following reasons:

- (i) Protection and promotion of rights,
- (ii) Prevention of individual and social dis-organisation.
- (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 change and re-organise society by improving its social and economic condition. Each individual of the society has to be given equal rights and equal opportunities. Social legislation aims to address social problems through legislative means, and initiates process of social reform and social change based on sound social rules. Since the process of social change is fast social legislation also provides desired direction to changes.

Law and Social Work

The Concise Oxford English Dictionary defines Law as "a rule or system of rules recognized by a country or community as regulating the actions of its members". The law can impact on social work in different ways across and within client groups. The aim of this essay is to consider the importance of law for social work and social work users taking into consideration the relevance of social work values.

Social work and the law refer to the interface between the practice of social work and the legal system, including statutory law, case law, legal institutions (courts, prisons, etc), and legal professionals (attorneys, judges, paralegals, forensic experts, and alternative dispute resolution professionals). Law plays a number of important roles in the practice of social work. First, from an ecological perspective, the legal system is a vital part of a client's social environment. Many social work clients are involved in legal systems, such as child protection, criminal justice, or mental health. Social workers need to be aware of the laws that regulate each system in order to help clients navigate their way through these systems more effectively and to be able to advocate for law reform to improve the goodness of fit between clients and their socio-legal environments. Laws also govern many relationships of interest to social work clients, including landlord/tenant, employer/employee, physician/patient, vendor/purchaser, husband/wife and parent/child relationships. Thus, knowledge of the law should provide practitioners with a practical understanding of their clients' rights and responsibilities in a broad range of social relationships. Second, hospitals, schools, social assistance, correctional institutions, mental health facilities, and other social agencies are regulated by organization-specific laws. Organization-specific laws may dictate who is eligible for services, standards for record keeping, confidentiality, and other client rights. Social workers need to understand these laws in order to ensure that their agencies comply with the laws, and to be able to advocate for changes in the law to promote greater social and economic justice. Third, the profession of social work itself is regulated by various

laws. Most states have licensing or accreditation laws that regulate the practice of social work, including who may practice and what standards of practice are legally enforceable. Social workers should also be aware of malpractice (tort) laws that identify when a social worker may be legally responsible for causing harm to a client if they perform their professional duties in a manner that falls below a reasonable standard of care. Finally, some social workers practice in forensic settings, providing investigations, evaluation, expert testimony, and treatment for clients involved in court or other legal systems. Such settings include probation, parole, prison, child custody evaluation, and involuntary committal to mental health institutions.

Social workers have to make decisions and choices in their everyday practice based on both their own values and the values requirements. These choices and decisions must also be made in line with policies, procedures and laws. "A distinction may be drawn between *social work law*, which includes those powers and duties that expressly mandate social work activity, and *social welfare law*, comprising statutes with which social workers must be familiar if they are to respond appropriately to service users needs, but which do not permit or require specific actions by them. It is essential for social workers to have knowledge of the relevant statutes and laws so that they know what powers they have available to them within the legal framework. "If practitioners do not know where they stand legally, they cannot begin to do their job properly. For example, any social worker working with children must be aware of existing laws pertinent to children.

Many service users are in some way disadvantaged and may have had to deal with poverty, social exclusion and/or discrimination. Professional social work values are part of the core competencies, these are defined as "having a clear set of values which actively informs your social work practice, particularly concerning promoting the intrinsic 'worth' or 'value' of another human being. Valuing something means that we know its worth "this is essential in

social work precisely because many service users are seen by society as 'undeserving' or as 'worthless'. Indeed, some service users have this view of themselves". Knowing that there are laws and regulations in place ensuring that they have rights may empower service users, empowering a person will give them "more control over their lives, to have a greater voice in institutions, service and situations which affect them. Sometimes the demand to be treated in a fair manner coincides with legal requirements, for example, the laws prohibition of racist behaviour and practices supports the demand that all people are treated with respect. All service users have the right to expect to be treated in a non-discriminatory way and to be informed about their rights. The course reader states that "the law can also be seen as a champion of the unprivileged and dispossessed. "An expert believes that the law and the language of rights as playing a part in the fight against discrimination: For the historically disempowered, the conferring of rights is symbolic of all the denied aspects of their humanity: rights imply a respect that places one in the referential range of self and others, that elevates one's status from human body to social being.

Social workers may have contact with service users from a wide range of cultural, social, ethnic and religious backgrounds and so must be committed to anti-discriminatory, anti-racial and anti-oppressive practice. They have a responsibility to "identify, analyses and take action to counter discrimination, racism, disadvantage and injustice, using strategies appropriate to role and context and to respect and value uniqueness and diversity. While you will find legislation preventing discrimination on the basis of race, sex or disability, you will not find similar legislation promoting anti-oppressive practice. Dominelli defines anti-oppressive practice as "practice that aims to provide more appropriate and sensitive services by responding to people needs regardless of their social status. In order to empower service users and enable them to maximize their interests it is essential to be aware of the relevant laws available pertaining to discrimination and practice in a manner that does not stigmatize or disadvantage either individuals, groups or communities. The law also ensures that there is

legal accountability and that the social workers are meeting relevant standards of practice and working in a lawful, safe and effective way. This could aid the service users if they needed to complain or challenge decisions that have been made. Also, some social workers have acquired a competence in operating in the court system and are thus able to advance the interests of service users. If the social worker has knowledge of the laws and entitlements, they are more able to provide advice and advocacy. In conclusion, the law provides a structure for social work with guidance, direction, the framework within which individual social workers have to act and the framework within which social work knowledge is applied. It provides social workers with the powers (authority) and duties (something social work is required to do by law) they need to do their job properly as professionals. Social workers assist people to have control of and improve the quality of their lives and are committed to reducing and preventing hardship and disadvantage for children, adults, families and groups. They intervene in the lives of people whose life chances may have been adversely affected by poverty, ill health, discrimination and/or disability. The law enables them with the powers to intervene to both protect and serve their service users, helping to fulfil basic human rights through just legal processes. Social workers need to be committed to keeping up to date with the law and using the laws to achieve the best outcomes for the service users, "legal values can accord with social work values and can help social workers to work in a positive way to support and empower service users.

Social Legislation

According to Selmond: "Legislation is a that source of law which consist in the declaration of legal rules by a competent authority". The term legislation is derived from Latin word "Len". In a wider sense, legislation includes in addition rules of general enacted by executives by sub-ordinance administrative and by local authority.

Definition of Social Legislation

- i) "Social legislation is a generic term used to denote the body of law an acted in various country chiefly in the nineteenth and twentieth century to correct specific social and economic maladjustment"
- ii) "Social Legislation is for mentally, Socially Handicapped, Blind and Disable person, some Socio- Economic problems in poor community".

Importance of Social Legislation

There are many areas through which we can determine the importance of social legislation.

- Social legislation provides means and guidelines which are considered essential for the achievement of social progress.
- When Socio-Economic condition of a country changes the existing values and social relationship are disturbed and become inadequate in new situation. In such situation social legislation helps in adoption and adjustment by providing a frame work of the behavior and new values.
- Social legislation is a step towards execution of social policy. A good policy always depends upon proper legislation.
- Social legislation as an important part of legislation which is essential for proper functioning of social institutions.
- Social legislation is a tool to eliminate harmful and destructive element from society.
- Improvement in Socio-economic condition
- To protect the human rights
- To eliminate the poverty
- Economic advancement

Sources of Legislation

Political institution plays a major role not only in shaping social legislation but in all matters of government. Role of political institution is necessary everywhere in the world with the passage of time. Most of the functions of these institutions are being performed by the political institution because of their supremacy over there institutions for example, Care of the sick people (through hospitalization) education of Children, price fixation, credit facilities, settlement of disputes about property and ownership, land reform, trade, commerce, transportation, communications, banking, family laws their implementation, fall with the jurisdiction of political institutions.

Whenever we talk about the political institution, we mean the organs of the state. There are three main branches of the government. It is also called the three pillars of state.

1. Legislature

2. Executive

3. Judiciary

These three branches of the Govt are the string forces which not only make law but implement these laws and also interpret in different situation.

Legislature:

The chief function of the legislature is to formulate laws (social and any other legislation). Legislature pass law, amend or repeat old ones. A law is first presented before the legislature (parliament) as a bill or a legislature proposal. Legislature (parliament) includes on National Assembly and Senate.

Executive:

The executive includes all the officials of the state from the highest to the lowest from President down to a policeman or a patwari who executive or enforce law and administer the country.

Judiciary:

Judiciary interpret the law in specific situation it performs certain functions which are very necessary for the life and happiness of the citizen, justice is the foundation of the state. Judges makes decision according to situation.

Procedure for Legislation in Pakistani Parliamentary System

Bill:

A bill is proposed law under the consideration of legislature. A bill does not become law until it is passed by the legislature and, in most cases, approved by the executive. Once a bill has been enacted into law, it is called an Act or Statute. Bills can be presented by the

Member of Parliament in both the lower house (National assembly) and the upper house (Senate). Bills need majority of the parliament to be approved. When National assembly passes some bill, it is then sent to Senate by the speaker of the national assembly and after the approval of the Senate, these bills are sent for the approval of the president. When the president signs these bills, they become act or law or statute. However, it is to be kept in mind that if president reject some bills they come back to the parliament and then need 2/3 majority to be passed again. If the bill gets 2/3 majority then the president is bound to sign that bill and if the bill fails to get 2/3 majority, the life of that bill gets over. Bills can be produced both in upper and lower chambers of the parliament, but the senate cannot produce and pass the money bills. The higher judiciary also reserves the rights of explanation and looking of the bills that whether they are according or in conflict to the constitution.

Bills are of two types.

1: Simple Bills or Institutional Bills.

2: Constitutional amendment Bills.

1: Simple or Institutional Bills:

These types of Bills are usually presented to make some laws under the provisions of the constitution. These bills are produced according to Constitution and no article or even a single word of the constitution is violated or proposed to be amended in these kinds of bills. These bills need a simple majority in the parliament to be passed and made laws.

2: Constitutional amendment bills:

These bills are produced in the parliament in order to change or amend some part or some articles of the constitution. These bills need a minimum of 2/3 majority of the Parliament to be approved. And after the approval from both the chambers of the parliament by 2/3 majority, the bill is sent for the approval of the president and after his approval, the constitution is considered to be amended according to the bill.

Parliamentary procedures:

Preparation and initiation of the bills:

Most legislation is initiated by the cabinet in the form of public bills. Individual members of the parliament may introduce private member bills to address specific or local concerns, such as the railways or local authorities. Bills regarding to some specific department are mostly initiated by the respective ministers. And they are then called government bills. A public or government bill is prepared by the ministers in the collaboration with his departmental experts. While preparing a bill, directions of the

Prime minister and charter of the ruling party is considered. A bill prepared, is considered in the cabinet meeting supported by the whole cabinet. It is presented in legislature and when bill is passed into law, it proceeds to the president for approval. And after the presidential approval it becomes law.

Different stages of the bills:

Reading:

Each bill is given three separate readings in each chamber of the parliament. In the first reading, the bill is presented without debate. After the bill is read the second time, the house debates the bill's general principles. The bill then goes to a committee for thorough study, discussion and amendment. A standing committee is comprised of the members of that house. A committee is to analyze the bill from all aspects. At the third reading the bill is presented to the house in its final form and vote is taken. If simple majority is favors the bill, it is considered as passed by that house. So there are two readings, committee stage and a third reading in each house.

Role of Upper House (Senate):

If bill is passed on the third reading, it is sent to the senate, where it goes through the same procedures of the readings and committee stage. If passed by the senate, the bill is sent to the president for approval, before becoming a law. If senate amends some of its parts then it must be passed from the National assembly again before sending it to the president. The senate can delay the bills for a period of 1 year but it cannot delay the money or financial bills for more than 30 days. One thing is important to be remembered that if the senate dismisses some bill passed by the National assembly, the bill can be passed again by the National assembly in the ongoing session and then it cannot be challenged in the senate but the bills that originates in the senate, seeks the approval of the national assembly and if National assembly rejects the bill then it cannot be passed again by the senate.

Presidential Assent:

According to the constitution of Pakistan, Bills only become law when signed by the president and the president is bound to approve the bills to become laws. But if the president thinks that some more matters should be addressed or some part of it should be amended, he rejects the bill and send it back to the parliament along with his observational notes. Then if the parliament considers the suggestions of the president and passes the bill according to the suggestions of the president the matter is resolved but if the parliament stand still on its decision then the parliament has to pass the bill by

2/3 majority and then the president is bound to sign that bill in order to make it a law. But the president cannot reject the constitutional amendment bills, because they are already passed by 2/3 majority in each of the houses.

Sources of Law in Islam

The Quran

Muslims believe the Quran to be the direct words of Allah, as revealed to and transmitted by the Prophet Muhammad. All sources of Islamic law must be in essential agreement with the Quran, the most fundamental source of Islamic knowledge. The Quran is therefore regarded as the definitive authority on matters of Islamic law and practice. When the Quran itself does not speak directly or in detail about a certain subject, only then do Muslims turn to alternative sources of Islamic law.

The Sunnah

Sunnah is collection of writings documenting the traditions or known practices of the Prophet Muhammad, many of which have been recorded in the volumes of Hadith literature. The resources include many things that he said, did, or agreed to—mostly based on life and practice based entirely on the words and principles of the Quran. During his lifetime, the Prophet's family and companions observed him and shared with others exactly what they had seen in his words and behaviors—in other words, how he performed ablutions, how he prayed, and how he performed many other acts of worship.

It was also common for people to ask the Prophet directly for legal rulings on various matters. When he passed judgment on such matters, all of these details were recorded, and they were used for reference in future legal rulings. Many issues concerning personal conduct, community and family relations, political matters, etc.

were addressed during the time of the Prophet, decided by him, and recorded. The Sunnah can thus serve to clarify details of what is stated generally in the Quran, making its laws applicable to real-life situations.

Ijma' (Consensus)

In situations when Muslims have not been able to find a specific legal ruling in the Quran or Sunnah, the consensus of the community is sought (or at least the consensus of the legal scholars within the community). The Prophet Muhammad once said that his community (i.e. the Muslim community) would never agree on an error.

Qiyas (Analogy)

In cases when something needs a legal ruling but has not been clearly addressed in the other sources, judges may use the analogy, reasoning, and legal precedent to decide new case law. This is often the case when a general principle can be applied to new situations. For example, when recent scientific evidence showed that tobacco smoking is hazardous to human health,

Islamic authorities deduced that the Prophet Mohammad's words "Do not harm yourselves or others" could only indicate that smoking should be forbidden for Muslims.

Relationship between Law and Society

Legal system reflects all the energy of life within in any society. Law has the complex vitality of a living organism. We can say that law is a social science characterized by movement and adaptation. Rules are neither created nor applied in a vacuum, on the other hand they created and used time and again for a purpose. Rules are intended to move us in a certain direction that we assume is good, or prohibit movement in direction that we believe is bad.

The social rules are made by the members of the society. Disobedience of the social rules is followed by punishment of social disapproval. There is no positive penalty associated with the violation of rules except excommunication or ostracism. On the other hand, Law is enforced by the state. The objective of law is to bring order in the society so the members of society can progress and develop with some sort of security regarding the future.

The state makes laws. Disobedience of state laws cause penalty, which is enforced by the Government by the power of the state. Which is not enforceable is not law. So, we can say that rules had to be change according to the roles of the society. Law also reflects the society. Such as, in Saudi Arabia law are based on Quran and Sunnah. In Bangladesh property act, marriage act and many other acts based on the Quran and Sunnah. Also when emergency arise, then according to the social condition the law is also changed by the Government. So, we can say that, the relationship between law and society are interrelated.

Social Legislation as a means of Social Control

Social control means, control of individual behavior by society, and that control of social institutions should be in the interest and welfare of the whole society. Some warnings and directions of prohibited activities are an example of social control.

Social control refers to social mechanisms that regulate individual and group behavior, leading to conformity and compliances to the rules of society. Social control is of two types which are as follows

1. Informal social control
2. Formal social control

Law serves two objectives which are as follows

1. To keep up stability and afford orderly life in the society,
2. To persuade social change by changing itself according to the needs of the changing society

Thus, law is an important agency of social control. The society supervene the law for better most socialization. Rule of law in any constitution is the bedrock for democracy. By putting fear in the minds of public, the law is a helpful agency for social control. Law regulates the behavior of the people in society. Law, by using force, makes the people conscious about their duties and obligations. Law saves precious and good concepts of the society. The exploitation of the people is curbed through law. The constitution of India, criminal, civil laws and other statutes are designed to surmount this goal.

Social Legislation as an Instrument of Social Change

Is social legislation a tool of social change? There are two schools of thought. Social scientists of one school believe that law in itself cannot lead to change, it can only follow change. Thus, it cannot be an instrument of the basic transformation of values and attitudes. On the other hand, there are experts who are of the view that social legislation is an important enabling mechanism of bringing social change. It would not be incorrect to say that law alone, cannot be truly effective unless, it is supplemented and supported by public opinion and administrative reforms. Despite its limitations social legislation can be a powerful and effective tool in the hands of the professional social workers to

fulfill their commitment to the weaker and the marginalized sections of the society. Let us take a look at and understand its potential for change.

The British rule in India for the first time established the supreme authority of law in social matters, ensuring uniformity in law and social order which Pakistan did not have till then. In the last century, we have had a series of legislations intended for bringing about significant changes in the status of women, children, scheduled castes and other such vulnerable groups on the one hand, whereas there were legislations for bringing reform in social institutions like family, marriage etc. on the other. Since Independence a number of social legislations have been passed. Law also has been instrumental in bringing about structural transformation by abolishing the caste system. Both under the constitutional and statutory law birth into any caste are no longer a barrier to occupational choice. Abolition of untouchability by the Protection of Civil Rights has paved the way for social mobility. Many more such instances can be cited where the changes and reforms are brought through social legislations. Thus, we can say that social legislation has helped in promoting opportunities for the exercise of freedom, dignity and justice to the less fortunate. Our traditions impede change but law can be instrumental in changing traditions and old customary practices.

Social Legislation as an Instrument /means of Social Change

The change in existing pattern of social life is known as " Social Change".

Society and social conditions never remain static. Generally, social change is to be understood as change in social structure. According to Gainsberg, social change is change in social structure e.g., the size of a society, the composition or balance or its part or the type of its organization.

A social legislation can be an effective mean of social change only when the existing social norm is given a legal sanction. With the support of the public opinion it can initiate a change in social norm thus a change in the social behavior.

This legislation was a success in bringing about the social change because they were backed the public opinion and current social norms and values. Whenever the social norms are ahead of the legal codes, it becomes necessary to bring the legal code into conformity with the prevalent social values.

In many areas of life such as education, race relations, housing, transportation, energy utilization, protection of the environment, and crime prevention, the law

and litigation are important instruments of change. Law plays an important indirect role in social change by shaping various social institutions, which in turn have a direct impact on society. [eg. Mandatory school attendance upgraded the quality of the labor force, which in turn played a direct role in social change by contributing to an increased rate of industrialization. The law interacts in many cases directly with basic social institutions, constituting a direct relationship between law and social change]. Social change through litigation has always been an important feature in the US. Whether the change produced by such action is considered 'constructive' or 'destructive,' the fact remains that law can be a highly effective device for producing social change. Institutionalized inequality was an accepted principle of Indian caste system; equal justice under equal circumstances was unknown under the traditional Indian set up; equality of opportunity was meaningless under a system where education and occupation was caste-based.

A variety of social legislations are being introduced in independent India to bring about change. They cover legislations for the welfare of the downtrodden in the agrarian sector, to emancipate women, to eradicate untouchability, to facilitate the social and economic development of the tribal population, etc. All these legislations are slowly but surely making their impact on the Indian social fabric.

The efficacy of Law as an Instrument of Social Change

As an instrument of social change, law entails two interrelated processes: the institutionalization and the internalization of patterns of behavior.

- Institutionalization of a pattern of behavior refers to the establishment of a norm with provisions for its enforcement (such as desegregation of public schools).
- Internalization of a pattern of behavior means the incorporation of the value or values implicit in a law (eg. Integrated public schools are 'good').

The extent to which law can provide an effective impetus for social change varies according to the conditions present in a particular situation. Evan suggests that a law is likely to be successful to induce change if it meets the following seven conditions:

1. Law must emanate from an authoritative and prestigious source
2. Law must introduce its rationale in terms that are understandable and compatible with existing values

3. Advocates of the change should make reference to other communities or countries with which the population identifies and where the law is already in effect
4. Enforcement of the law must be aimed at making the change in a relatively short time
5. Those enforcing the law must themselves be very much committed to the change intended by the law
6. The instrumentation of the law should include positive as well as negative sanctions
7. The enforcement of the law should be reasonable, not only in the sanctions used but also in the protection of the rights of those who stand to lose by violation

Social Legislation as a means of Social Justice

Social justice generally refers to the idea of creating a society or institution that is based on the principles of equality and solidarity, that understands and values human rights, and that recognizes the dignity of every human being. The constitution of India, in its preamble speaks of justice-Social, Economic and political. The principles of equality before law and equal protection of law contained in Article 14 impose an obligation on the state to provide even-handed justice to all alike.

Article 39 A inserted by constitution (42nd Amendment) Act, 1976 provides for legal aid and assistance to poor and indigent litigants.

The purpose of these constituted mandates is to protect the neglected and down-trodden poor and indigent against the onslaughts of the more powerful and elite section of society and provide them an opportunity of getting justice through free legal aid cells.

In other words, no one should be deprived of his right to move a court of law because of poverty or any other social disability.

Law and justice are of supreme importance in any society, because, whatever the level of economic development, if there is no justice, fairness and rule of law, there will be dissatisfaction, oppression and anarchy. In India, the Constitution guarantees protection of life, property and personal liberty to the people and provides safeguards against deprivation thereof by any individual, body or state.

The adoption of the Constitution on 26 January 1950 did not disturb the existing structure of courts for dispensation of justice. The uniformity of judicial structure was preserved by placing criminal law and procedure, succession, will, contracts, registration of documents, etc. in the Concurrent List.

The Indian law and justice were based on the firm foundation of several sources like the Constitution, statutes, case law and customary law. Besides, there are rules, regulations and bye-laws. The judicial decisions of superior courts like Supreme Court and High Courts are also important sources of law. Local customs and conventions which are not against the principles of morality are duly taken into account by courts while administering justice.

In a country like India where a large section of the population lives in extreme poverty, justice for all is still a dream. The literacy rate being low, the litigants are exploited in various ways.

However, efforts are under way to bring law and justice within the access of poor people. The Legal Services Authorities Act, 1987, as amended in 1994 and 2002, aims at establishing a nation-wide network for providing free and competent legal aid to the poor and weaker sections as per the provisions of Article 39A of the Constitution. In order to implement and monitor legal aid programs in the country, the National Legal Services Authority (NLSA) has been set up. There are also Supreme Court Legal Services Committee, and High Court Legal Services Committees in each High Court to provide free legal aid to the eligible persons.

Other steps taken by the government are: setting up of vibrant legal aids programs, promotion of legal literacy, establishing the legal aid clinics in universities and law colleges, training the para-legal personnel, holding the legal aid camps and lok adalats, etc.

Conclusion

Social legislation is a mean for social control, social change and social justice.

The main purpose of law is to maintain 'law and order' in the country and to see the peace shall prevail in the country. It has to perform 'police functions'.

Through various legislations existing evil practices were removed from the society, and fight for equality and justice.

Jeremy Taylor explains the importance of law in a nice metaphor: "A herd of wolves is quiter and more at one than so many men, unless they all had one

reason in them, or have one power over them.” This metaphor gives the meaning that man is a fighting animal. Fighting behavior of animal is instinct in every man till to-day. The majority of pictures screened in every language viz. English, Chinese, Hindi, Telugu, Tamil, Kannada, etc. etc. are full of fighting and violence. Majority of the people are willing to see such type of picture only. This shows the fighting in the pictures satisfy the instinct nature of us. To prevent violence in the society, law and order is necessary.

Social Legislation and Social Work

As we have discussed the purpose of social legislations earlier, now we will discuss the relationship between social work and social legislation. Social Work is professional help extended to individual, group and communities. Since social work aims at resolving problems and issues related to structural inequalities, mass poverty, socio-economic injustices and deprivation, the major task of today and in coming days would be to promote social change by empowering people. The International Federation of Social Workers and the International Association of Schools of Social Work defined social work “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 behavior and social system, social work intervenes at the points where people interact with their environments”. Principles of human rights and social justice are fundamental to social work.

Social Workers attempt to relieve and prevent hardship and suffering. They have a responsibility to help individuals, families, groups and communities through the provision and operation of appropriate services and by contributing to social planning. They work with, on behalf or in the interests of people to enable them to deal with personal and social difficulties and obtain essential resources and services. Their work may include, but is not limited to, personal practice, group work, community work, social development, social action, policy development,

research, social work education and supervisory and managerial functions in these fields. Social legislation can be used by professional social workers as a tool for social advocacy, empowerment to ensure basic human rights, dignity, and conducive environment. In other words, the overall thrust of social work will be on developmental, remedial and rehabilitative dimension with non-elitist approach. Thus social legislation works as tool for social reform, social welfare, development and change.

Relationship between social legislation and other social processes

The social worker should be sufficiently equipped with the knowledge of the available sources of relief – medical, economic, psychological, legal ---for those who are in trouble Professional social workers whether they have just entered the profession or have been working for a number of years have an indispensable partnership with law. By virtue of the nature of social work and peoples' 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, offences 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. Likewise those working with children must have knowledge about the Juvenile Justice Act and other laws protecting the interests of children. We can, thus say that social legislation which comprises areas of laws fundamental to the welfare rights of the people are essential to the practice of social work.

Irrespective of the field a social worker works, they need to know the application of law to their clients. They should be sufficiently equipped with not only the knowledge of these laws but also the process and procedure as it relates to their practice. Here, we have to understand that the knowledge of law that a social worker must possess is significantly different from the one possessed by the legal practitioners. They use law to empower the vulnerable and disadvantaged

sections to reform social institutions, and to ensure social justice rather than to win or lose cases. They need to know about the legislations so that they can use it 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. By knowing these laws, they will be strengthening the efforts of the government in delivering welfare to those in need of it. Munby, mentioned five reasons why social workers need to acquire legal knowledge,

- 1) To discharge their social responsibilities,
- 2) To offer advice and assistance,
- 3) To protect the rights of individuals' as clients of social services to practice in an anti-oppressive and ant discriminatory manner, and
- 4) To protect their own position as employees.

Role of Social Worker in Legal Assistance

There is interdependence between law and social work which we have examined in the last unit. Madhava Menon says that the entire arena of legal counseling, legal literacy, legal documentation and settlement through Lok Adalats and other modes of resolution of disputes are dependent upon the collaborative efforts of law and social work establishments. Recognizing the importance of this intimate relationship for better delivery of legal services, Parliament has provided for social workers taking the role of judges (lay judges) in selected judicial bodies. Enlightened and accommodating team work in the cause of justice is the key to a client being able to receive the full benefit of any legal proceeding. Union and State Governments have constituted rights commissions, vigilance bodies and has provided an elaborate scheme of legal aid for the poor in order to provide access to justice for everyone. Legal aid in India is concerned as not just a representation by lawyers in court proceedings but a movement to empower the people with legal literacy, to mobilize them for legal action and to enable them with free legal aid to settle disputes. In short, social worker has an equally important role in legal aid movement as that of lawyers.

Courts and legal aid authorities are increasingly using the social workers as court commissioners to gather evidence in PIL's and to monitor and report on court orders in the matters of relief and remedies.

The terms legal aid and legal assistance are different as they are not one and the same but often used interchangeably. 'Legal aid' originally means giving technical legal help free to a poor person with regard to his rights under the law. It includes payment of court fees, payment to legal practitioner and other expenses incurred in connection with legal proceeding. Legal assistance on the other hand refers to any advice (oral or written) given to the client as the nature of the case may require. In this section we will take a look at some specific areas of social legislation wherein the social worker can play a significant role in providing legal assistance and the nature of this assistance. We have taken four areas ---women, criminal justice, juvenile justice and probation ---to demonstrate role of social worker at various levels.