

Concept and Jurisprudential theories of Social engineering

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Description of Module

Items	Description of Module
Subject Name	Law
Paper Name	Social Transformation and Social Engineering
Module Name /Title	Concept and jurisprudential theories of social engineering
Module No.	I

Concept and jurisprudential theories of social engineering

Objective: After reading this module, the learners will have a clear picture of

- (i) Jurisprudential Theories of social engineering.
- (ii) The aim of the social engineering to build an efficient structure of the society.

Learning Outcomes:

India has adopted the principle of social engineering so as to maintain proper balance between individual liberty and social control in order towards socio-economic justice.

Introduction:

Rosco Pound (1870-1964) an American jurist rightly remarks that law is social engineering. Law must be sufficiently flexible in order to provide the maximum of People's wants with the minimum of friction of waste. The aim of the social engineering to build an efficient structure of the society. India is a mixture of various faith, religion, culture for this reason Pandit jawahar Lal Nehuru called India is the Museum of world religions. Even today India spread over 3.28 million sq km of area inhabited with thousand million plus population, with kind of a weather pattern from minus 40 degree Celsius in greater Himalayan region to 50 degree Celsius temperature in the deserts of Rajasthan and 22 languages in India. And also this has bearing on India's liberal, secular, republican, politico-legal system. Under these conditions it becomes very necessary to have a mechanism for balancing the interests of the Individuals, society and state. India after independence adopted the Idea of socialistic pattern of society and has formulated programmes of social welfare in various spheres. The aims to establish social order include equality, security and eradicating the exploitation. There are various conflicting social interests in the society. Law is one of the very important mechanisms by which a relative balance of stability is maintained in a society. He Study the

actual social effects of legal institution and legal doctrines, study the means of making legal rules effective, sociological study in preparation of law-making, study of judicial method.

Classifies legally protected interests:

- (i) Public interests
- (ii) Private interests
- (iii) Social Interests.

1. Public interests: The Interests of state. The innovation of PIL has liberalized the concept of locus standi for those who due to lack of sound economic conditions are deprived to have access to court to seek justice for their rights.

Individual Interest: Three kinds of :

- i. **Interest of personality** includes the protection of physical integrity, freedom of will, reputation, privacy, freedom of belief and opinioned: Defamation, contract, power of the police, possession of property, privacy etc.
- ii. **Interest of domestic relations:** legal protection of marriage, maintenance and the legal relations between parents and children.

2. Social Interests: Six paramount Social interests as-

- i. **The Social Interest in general security:** This interest includes interest in the legal protection of peace and order, health, safety and security.
- ii. **Security of the social institutions:** Protection of domestic relations with economic institutions..Protecting the family as a social institution. Securing the institution of marriage includes right to divorce, established religious institution claim freedom of belief, political institution guarantee freedom of speech.
- iii. **Protection of society against moral disruption:** provision against corruption, gambling. the invalidity of transactions.
- iv. **The conservation of social recourses:** The claim or want or demand involved in social life in civilized society that the goods of existence shall not be wasted. Abuse of rights.
- v. **Social interest in general progress:** The development of human being it comprises four major policies I;e freedom of property, free trade and protection against monopoly, freedom of industry and encouragement of invention.
- vi. **Social interest in individual human life:** That each individual be able to live a human life therein according to the standards of the society.

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