The Social Principles in the Modern society

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Abstract

The society is governed by the laws and regulations. These laws and regulations are not baseless. The social principles form the foundation of these laws and regulations. This paper explores the various terms such as social policy, social principles and social legislation. More importantly, the terms of formulation of the social legislations have been construed and exemplified.

Keywords: Society, regulation, policy, principles.

Introduction

The society is governed by the principles. Men and animals have been the part of the society as much as the sun and the moon. What forms the basis of distinction between the former and the latter is the conduct in the society. Therefore man has been living with definite principles and propositions. Even the most primitive humans have had their conduct regulated through some definitive dictum. In the present generation, the society goes by many components as basis for the societal regulation such as ethics, morals, doctrines, interventions etc. More precisely laws, rules, regulations, order etc. have much force and backing of the society.

Defining the society and social principles

The word society, as defined by the Oxford Dictionary, means the aggregate of people living together in a more or less ordered community[1]. The Merriam Webster Dictionary spills out the definition of society as "people in general thought of as living together in organized communities with shared laws, traditions, and values"[2]. Thus, man lives among the men and strives to get along with them. However, in order to do so, there is a need for common understanding and thrust upon which any society of men can be formed. This core perception that the men must abide by those basic conceptions can be termed as the principles of social legislation in the modern sense. Although it is not possible to circle the principles that form the corpus of any legislation/ regulation, it can be said to involve the myths, beliefs, values, culture, moral, ethics, integrity, conscience, conduct, standards, ideals, duty, honour etc. The genus of social principles might be impossible and to some extent preposterous, unobtainable as well as impractical.

Defining the term social legislation

The legislation in a public policy establishes guidelines to be followed by the members of the society. Dr. R.N. Saxena defines social legislation 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[3]. However narrowed the definition might seem, the social legislation must be not only for the empowerment of the underprivileged and elimination of the social evils but bestowing the equal rights upon all definitively is also fundamental.

Formulation of Social policy

A social policy can be defined as one or more governmental actions which reflect the ideals and wants of the society especially in a democracy. Speaking broadly, it is the actual or proposed governmental action intended to deal with the social conditions. However these social conditions must form the very basis of a social policy or legislation. Social conditions vary from time to time and in most of the times it includes the individual betterment in terms of living conditions, societal conduct etc. Thus the core thrust of society is man as part of the whole rather the absurdity of individual at the top of the society. Perhaps it is what that emphasizes the terms treachery and corruption as the roots of social degradation.

The modern social legislation is democratic and populist or in terms of Savigny, 'volksgeist'. The reflection of the societal opinions, feelings, needs, wants are turned into legislations/ actions of the Government. Quite often the legislations are fringed with conjectures rather than experiences.

Unlike the primitive stages of our lives as humans, societies of the modern world are connoted by the term nation, state or country. Most of the modern society have various levels of government. Such as- i. Local bodies, ii. State level, iii. National level, iv. Politico- economic union of nations, v. Steps in formulation of social policy.

Every legislation before being framed must have a clearly defined issue and an unclear or negative remedy to such issue.

In other words, there should be a need for a new legislation. This need may arise- i. out of the evolution of the society or, ii. newer kinds of problems or, iii. loopholes in the existing legislations or, iv. ambiguous, vague or inappropriate remedy

The framing of a social legislation is lengthy and a tiring process. The steps involved in framing a social policy based on the principles of the society and societal structure is as under: i. Identifying the existing public policy, ii. Consult the affected/ to be affected section of society, iii. Draft the policy based on consultations, iv. Peg at the public opinion and approval, v. Implementation

Framing of social legislation in a mega-structured society: The modern society is more complex and a multi-dimensional one. The measure of importance of social legislations in the current societies is probably boundless, incomputable and unpredictable as well.

Identifying the existing public policy: The policies which exist at the present have to be analysed in order to know whether any new action is necessary or not. When there is already the existence of a remedy of any kind for the issue at hand and if the remedy is suitably applicable and sufficient for tackling the issues/ problems of the society, then the need for a new action of any kind from the Government vanishes. However, in case where there is no proper channeling or work force or adequate measures or capable provisions which can effectively tackle the issue at hand then the remedy would be alteration or amendment of the existing policy. But if the measure requires greater resolute measure or action, a separate populist remedy can be developed.

In case where there is no provision to deal with the issue at hand and also the possibility of any existing law tackling this impracticable and impossible or where there is a need for a populist action for a newer class of issue evolved through the times and has escaped the paws of the previous legislators, evolving a new policy becomes inevitable, imminent and ordained.

Identifying the issues: The identification of issues forms another major part of the formulation of the legislation. Sometimes the clear cut the definition of the problem causes much chaos than the direct existence of the problem itself in the society. Such incidents in order to be avoided and averting the absurd legislations and instances, it is quite pertinent to define the problems and issues which is clear, luminous and undarkened.

Consult the affected/ to be affected section of society: Various elements are involved in the consultation process which tends to be the centre of this very process of social legislation. The most definitive involve- i. The identification of the affected persons, ii. The estimation of the loss/ damage/ injury caused or has occurred, iii. Impeccability of agencies involved, iv. The

possibility of manipulation, misdirection, misunderstandings, irrationality in responses, v. The assessment of the possible impact of the legislations which will be framed, vi. Thus, the failure to adapt the necessary elements from the admixture of contradictions and solutions becomes a backdrop and major cause of failure of the legislation.

Consult the other stakeholders: These category of persons include the experts, professionals, cause-oriented social organisations and other institutions who seldom provide the most ravishing solutions to the most daring puzzles involved. The non-involvement of these individuals could give an unbearable impact on the legislation framed in terms such as providing a structure, design and fabrication. Quite often, the most complex of questions and issues are raised by this class of individuals. Therefore being dumb to these wizards would probably make inconspicuous and obscure.

Draft the policy based on consultations: The issues which are to be addressed through the legislation after consultations through the above mentioned might have possible outcomes/ solutions. These solutions are needed to be adopted as a legislation. In most circumstances the effect of improper and imprudent drafting is so drastic that the whole solution becomes too absurd and inapplicable to the present issue and thus leading to annulment and repeal of the legislation. In some situation injudicious drafting mitigates the existing issue which may lead to further provocation of the masses and put both the Government and the general public in an unwanted position. Peg at the public opinion and approval. Thus careful drafting the solutions into a law is very much necessary.

Publicize the approval and enforcement: When the approved solutions form the society has to be turned into a law and the drafting and approval of the draft as a final version of law has been completed, it needs to be approved by the legislators or more appropriately the representatives of the people. When such approval is granted, it should go through the process of publicising.

The major objective is to popularise the action taken by the Government in regard to the issue. Without publicity of the enactment, the legislation framed would serve no purpose. This is primarily because there would be no one to claim the right under the legislation due to lack of the knowledge about the legislation. This would lead to failure of the law passed. Thus publicity is very much important for the success of the legislation.

Implementation: The implementation of the legislation passed is a challenge to the administrative wing of the Government. The ineffective implementation would most probably result in the abhorrence towards the Government. The Government would lose its favourability and would lead to bad blood which could ultimately result in the obliteration.

Conclusion

The most important aspect of survival of the society is the adaptation of the populist principles and incorporation through the instruments of enforceability such as rules, laws etc. The social principles form the most important brick in the society and the survival of the society as a whole would depend on these principles which guide the society to a newer era. These social principles get changed from time to time. However the challenge has always been the elimination of the treachery, malfeasance, grafting and nepotism from the society.

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