



SOCIAL LEGISLATIONS OF INDEPENDENT INDIA AND INFLUENCE ON INDIAN SOCIETY

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ABSTRACT

In independent India, the sources of inspiration of all social legislations are inherent in the Constitution. The feelings of social welfare were inspired by the Constitution. It is only on the ideals of the constitution that India has adopted a social welfare programme. Schemes were enacted for the welfare of women, children, adolescents and old persons, for prevention of crimes and provided proper medical enactments. To provide security to the disabled persons, etc. the Constitution of India, through Fundamental Rights and Directive Principles, has proclaimed adequate legislations. In independent India, laws related to marriage and families have been passed. The Parliament enacted three Acts and they were Hindu Marriage Act, Special Marriage Act and Hindu Inheritance Act. Social legislations have been mainly passed relating to marriage, uplift of women, child welfare and rights and their reforms. Thus, social legislations have left great impact mainly on Indian institutions.

Key words: Constitution, Dowry, Violence, special marriage, etc.,

Introduction

This research paper is an attempt to bring light the post-independent Indian Social laws and the influence on Indian society. These have been produced welcoming results in the society which created awareness among the people and also country witnessed many changes. These laws also served as a part of the growth of the country. Let's see the laws and the changes in the following pages...

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The Minimum Wages Act, 1948 was passed to provide minimum wages in certain employments. With respect to labour laws there have been marked changes since independence because of the directive principles in the Constitution. The Factory Act of 1948, passed after independence, raised the minimum age of workers to 14 and favoured for annual medical checkup for the workers between 14 and 18.

The Employees State Insurance Act 1948 was passed to provide certain benefits to employees in case of sickness, maternity and employment injury and made provisions for certain related matters. This was followed by the **Employees Provident Funds and Miscellaneous Provisions Act of 1952** to provide for pension and sickness benefits by the institution of Provident Funds including Family Pension Fund and Deposit Link Insurance Fund for employees working in factories and other establishments under certain condition.

The Hindu Marriage Act of 1955 abolished all caste restrictions and unnecessary requirements for a valid marriage. This Act applies to Hindus, Buddhists, Sikhs, etc.,ⁱ the chief aim of the Act was to amend Hindu marriage Act and to codify it. This Act came into force on May 18, 1955. After passing of this Act, all the Acts passed previously both by the Centre and the states were repealed. Salient feature of this Act are the provision of judicial separation. It makes monogamy the rule for men as well as for women. The age of marriage is fixed at 15 for the bride and 18 for the bridegroom. An idiotic or a lunatic person cannot marry. No particular form of solemnization is prescribed; the parties were free to solemnize a marriage according to their customary rites and ceremonies. It provides for the registration of marriages failure to register marriages render the marriage invalid.ⁱⁱ

The Special Marriages Act came into force on **January 1, 1955**, and succeeded an earlier Act of 1872. The Act provided a special form of marriage for those persons who do not profess the Christian, Jewish, Hindu, Mohamedan, Parsi, Sikh or Jain religion. The Act of 1872 was amended in 1929 to permit inter-caste marriage among Hindus, Buddhists, Jains and Sikhs. According to this Act, the boy and girl to be married must have attained the age of 21 years and 18 years respectively.ⁱⁱⁱ

The Hindu Succession Act came into force on 17 June 1956. It replaced the earlier Hindu Law of Inheritance (Amendment) Act (II of 1929) and the Hindu Women's Property Right to Property Act of 1937.^{iv} This Act confers for the first time absolute rights over the property possessed by a Hindu woman. Secondly, both the sons and daughters derive the right of inheritance from the property of the intestate Hindu. Thus, this Act overcomes the prejudice against women acquiring the property of the father.

The Hindu Adoption and Maintenance Act came into force from December 21, 1956. "Maintenance" under this Act to include food, clothing, residence, education, medical attendance and treatment. In case of an unmarried daughter, it included the incidental expenses to be incurred for her marriages.^v This is also a significant step towards enhancing the status of women. It permits adoption of a son or a daughter and makes adoption more secular than a religious one. Further, it makes the consent of the wife necessary. Finally, the widow had acquired the right to adopt. **The Children Act of 1960** was passed to provide for the care, protection, maintenance, welfare, training, education and rehabilitation of neglected or delinquent children.

Dowry had plagued the society for ages. The society has adopted this social evil for a variety of reasons. For instance, giving dowry had become a status symbol. It is also recognized as a religious custom. The **Dowry Prohibitions Act of 1961** assured that the system of dowry was completely prohibited the giver as well as receiver of dowry punishable.

Contract Labour (Regulation and Abolition) Act, 1970 was passed to regulate the employment of contract labor in certain employments and provided for its abolition in certain circumstances. In 1971 the **Employees Provident Fund Scheme and the Employees Family Pension Scheme** were introduced. The Deposit Link Insurance Scheme was introduced in 1976. The **Bonded Labour System (Abolition Act)** was passed to abolish the bonded labour system with a view to preventing the economic and physical exploitation of the weaker sections of the people.

In order to help cine-workers, the **Cine-workers Welfare Cess Act** and the **Cine-workers Welfare Fund Act** was passed in 1981. These enactments provide for the levying and collection of cess on feature films for financing cine-workers and **Cinema Theatre Workers (Regulation of Employment) Act of 1981** was passed to provide for the regulation and his condition of employment of certain cine-workers and cinema theatre workers.

The **Family Courts Act, 1984** was enacted on 14 September 1984 to provide for family courts with a view to promoting conciliation in and secure speedy settlement of disputes relating to marriage and family affairs. According to Section 2 (d) of the act, "Family Court" means a family court established under section 3. Section 3 describes the establishment of Family Courts and states that the State Government in consultation with the High Court and by notification shall establish a Family Court for every area of the state consisting of a city or town whose population exceeds ten lakhs and for other

areas in the state as it may deem necessary. Family courts are subordinate to the High Court, and had the power to transfer the case from one family court to the other.

The matters which are dealt with the Family Courts in India are matrimonial relief which includes nullity of marriage, judicial separation, divorce, restitution of conjugal rights, declaration as to the validity of marriage and matrimonial status of the person, property of the spouses or any of them and declaration as to the legitimacy of any person, guardianship of a person or custody of any minor children, maintenance including the proceedings under the Cr. P.C.

The National Commission for Women was set up as statutory body in January 1992 under the **National Commission for Women Act, 1990** (Act No. 20 of 1990 of Government of India) to review the Constitutional and Legal safeguards for women ; recommend remedial legislative measures; facilitate redress of grievances and advise the Government on all policy matters affecting women.

The object of the Act is to prohibit solemnization of child marriage and connected and incidental matters. To ensure that child marriage is eradicated from within the society, the Government of India enacted Prevention of Child marriage Act 2006 by replacing the earlier legislation of Child Marriage Restraint Act 1929.^{vi} This new Act is armed with enabling provisions to prohibit for child marriage, protect and provide relief to victim and enhance punishment for those who abet, promote or solemnize such marriage. This Act also calls appointment of Child Marriage Prohibition Officer for implementing this Act.

The **Protection of Women from Domestic Violence Act 2005** is an Act of the Parliament of India enacted to protect women from domestic violence. It was brought into force by the Indian government from 26 October 2006. The Act was passed by the Parliament in August 2005 and assented to by the President on 13 September 2005. As of November 2007, it has been ratified by four of twenty-eight state governments in India; namely Andhra Pradesh, Tamil Nadu, Uttar Pradesh and Odisha. Of about 8,000 criminal cases registered all over India under this act, Rajasthan had 3440 cases; Kerala had 1,028 cases, while Punjab had 172 cases registered.^{vii}

Influence of Social Legislations on Indian Society

In independent India, social legislations have been given much significance. The main cause for this was the viewpoint of the people. Conventional ideas were much prevalent in the country and people were not advanced. Social legislations have been mainly passed relating to marriage, uplift of women, child welfare and rights and their reforms. Thus, social legislations have left great impact mainly on Indian institutions.

After centuries of social stagnation, due to the combination of divergent factors, viz., social, cultural, economic, and political, Indian women showed a sudden urge to come back into the mainstream of social life. With the attainment of independence, women were granted equal status with men. The government made an all-out effort to raise the status of women in the various fields through

legislations. But law alone was not enough to bring about a radical change. A change had to come in the attitude of women too.

Through these Acts, the uplift of women has been ensured. They have been given rights equal to those of men. They have been given various other rights such as divorce to the division in property. Hitherto man used to keep several wives on account of which there were quarrels. This state of affairs has been remedied. Because of the abolition of child marriages, many evils have been checked and controlled. Women could lead a better life and claim rights equal with men. These Acts have given values to the human lives under Indian Constitution. All men and women are equal. Castes and religion were now considered as things only next to humanity.

Thus, revolutionary changes have been effected in the Indian society through these legislations. Women are no longer considered slaves of men. Marriages have ceased to be the sacrament which men thought was unbreakable and therefore heaped injustice and atrocities upon women. Marriage is now a contractual relationship. These Acts have come a long way to ensure the security of the children. The miserable condition of the widows has also been remedied through these social legislations. The ideas of religion, caste and convention now fail to make the human behavior narrow and confined. An endeavour has been made to bring about equality in the society.

Conclusion

Above said laws really produced a very good result in the country. They transform the country to next level. They helped the women community for their development; improved the condition of the children; supported the socially backward people; protected the people from exploitation. In other words, the laws gave rights to the people.

ⁱ Singh.K., *Indian Society and Social Institutions*, Prakashan Kendra, Lucknow,1995, p.236

ⁱⁱ Shailly Sahai, *Social Legislation and Status of Hindu Women*, Rawat publications, New Delhi, 1996, p.31

ⁱⁱⁱ The Special Marriage Act, 1954

^{iv} The Hindu Succession Act, 1956

^v The Hindu Adoption and Maintenance Act, 1956

^{vi} Section 21 of the Prohibition of Child Marriage Act 1929

^{vii} Anjali Dewan, "[Proceeding of Strategising Gender Mainstreaming Workshop held on 6th March, 2013 at H.P. Institute of Public Administration \(HIPA\), Fairlawn \(Shimla\)](#)" (PDF). Himachal Pradesh Institute of Public Administration, p. 5.

References:

1. Singh K., *Indian Society and Social Institutions*, Prakashan Kendra, Lucknow, 1995
2. Sivagami Paramasivam, *Human Rights- A Study*, Sriram Computer Prints & Offset, Salem, 1998
3. Shailly Sahai, *Social Legislation and Status of Hindu Women*, Rawat publications, New Delhi, 1996
4. Kuppusamy B., *Social Change in India*, Vikas Publishing House PVT LTD, New Delhi, 1972
5. Rajendra K. Sharma, *Indian Society Institutions and Change*, Atlantic Publishers and Distributors, New Delhi, 2004
6. Abdul Matin, *Social Change and Planning*, Dorling Kindersley India (P) Ltd., South Asia, 2011
7. Chitkara M.G., *Women & Social Transformation*, A.P.H. Publishing Corporation, New Delhi, 2001

