

Laws can't change what is in people's hearts or <sup>①</sup> minds

Ramu, who is a ribbon maker, living in a small hamlet called Rangpur with his wife and three children. He loves to make ribbons though it doesn't yield him big profit. The whole hamlet involved in this vocation because it was their traditional job for past 200 years. Before that, the hamlet involved in rope making. They changed with times and pursue their work.

Pragmatic - lack of individualism  
Examples - Sec 377, Privacy, Taxes, Person  
Religion, Personal, Cultural, Rights

(5)

Multidimensional

One sad day, one of Ramu's child died after a short span of fever. Ramu thought it was normal fever and it can be cured.

He was right in predicting that it was curable fever, but due to his village's remoteness to the hospital, he lost his son.

Same kind of death cases reported earlier in Rangpur, but in recent times it ~~is~~ is increasing.

Finally, Government noticed the plight of remote village and studied the reason for increasing deaths. People of the village thought it was due to bad spirits so they wanted to conduct festival for pleasing good spirit to help them overcome the problem. It was finally found by the government that, dysentery was cause of all those deaths.

District Magistrate planned to extend financial support to the village members to construct toilets in their homes, <sup>Under Swachh Bharat scheme.</sup> Villagers traditionally answered the call of nature in open fields. DM announced incentive, even ordered to fine those who are not building toilets and to improve health levels of the village.

Villagers constructed toilets within time limit. But still death rates were increasing. DM took another field survey and he found out that, toilets were

non-functional) and used for saving grains for human use. DM wanted to persuade the villagers to improve sanitation and reduce deaths. People remained lethargic despite high death rate and orders from the DM.

DM finally decided to use 'festival' as his chance to spread the ~~clear~~ message of using toilets to the people loud and clear. Festivals usually have stage dramas and folklores. DM wrote script for a drama and glorified people who used toilets and discouraged open defaction. He used black ribbon, which was most hated among ribbon makers for some reason, to represent the disease spread.

people, who had this festival close to the hearts, received the message as it was intended to. Within a year, the death rate in village reduced drastically and people were healthy.

The above story is one good example of laws cannot be a 'only' tool in social engineering. Efficacy of laws should not be overestimated. There are internal processes within human mind which affects social life of him. Until and unless law touches that internal process, no change will be achieved.

People will follow the law when it makes sense to them. It has to be beneficial and valuable to them to follow the law. Otherwise law would just remain as a deadwood, or for Ramu, law would remain as black unsold ribbon.

Historically, laws had greater impact and it achieved desired outcomes many a times. Otherwise, society wouldn't have continued for so long. But how it achieved it? Laws enforced not the will of an individual or oligarchy, but will of the people. Every one took part in law making, when living

tribal societies. Laws enforced societal values and preached conduct of an individual in relationship and society. Laws ensured peace, gave Justice and punishments. Though, the laws made before state system was more informal, it touched everyone's mind and made them to abide by it.

John Locke explains that, in state of nature, where every one lives in their own way, conflict would arise because of free will. All combined together and gave the power of law and state to few and let them to rule it. It led to state of affairs, where every member of society followed it.

Those laws enjoyed legitimacy. Most of the present day law lacks it. Legitimate laws are enforced by people themselves and their conscience was their judge. Many tribal communities in present day world live in harmony, because the laws made by them

have legitimacy. Laws were followed in and spirit.

Values and laws for these communities didn't come into conflict. Everyone accepts its importance, enforce it by themselves, everyone takes responsibility and remain vigilant. It is also lead to justification of punishment for violating the law.

All these laws, described above, touches the 'inner self', though remaining informal and uncodified. In Rangpur's case, folklore or festival touched the inner self and brought the desired outcome. Laws need to combine the values behind such customs in public administration.

There are multiplicity of laws in present day, but cannot become successful or people are not following it properly. Is that a problem with people? Absolutely No.

It is problem with the law, which fails<sup>ro</sup>

properly interact with the people. It lacks the <sup>(5)</sup> legitimacy, unlike the festival in Rangpur.

people are the only source where legitimacy can be gained. Then how should be gained and what are its obstacles? people should participate in the law making process. All their aspirations must be taken into care. Strengthening representative democracy should be prime concern in achieving it.

Laws should also act as value for the tax paid by the people. It should assure desired outcome in time bound manner.

Laws should be responsive to the demands and integral strength of law lies in how much and how long it responds appropriately to the rising demands of the people.

Need of the hour is strong laws, not strict laws. Strong laws are laws which stays firm at the times of stress and flexible to the needs of people. Very shining

example of it is Indian constitution. It stood the time and maintained its democratic nature despite challenges like emergency and frequent amendments to it.

Laws must put person at the centre, not State. It should further the welfare of the people to gain public trust. All these have said, there are challenges or obstacles in achieving these. Most important one is rising bureaucratization of laws rather than democratization of laws.

Bureaucratization makes law more complex and people tend to deviate from it. In a diverse society like India, groups may have conflicting interest, so 'democratization' can be a best means to achieve legitimacy to law.

Non-inclusive character of present day laws and leaving out minority interest for sake of upholding majoritarianism in democracy is also producing ill effects.

people at power shouldn't use law for parochial interest and further their political agenda. In a diverse country like India, broad based laws can produce desired outcome. people at the helm of the affairs i.e. law makers and law making have deteriorated in its quality.

Shutting down parliament and law breakers entering parliament as law makers also reducing the legitimacy of laws. It erodes dignity and respect of those democratic institutions. People wouldn't trust those laws and it will become difficult to implement.

Take an example of Right to information act, which can be accessed by any people in India, it ensures transparency and responsiveness, works on the interest of the people. So, it is enforced by the people because it touches their inner self or conscience.

Take another example of Armed Force Special Power Act (AFSPA), which institutionalize violence, is hated by the people and most of them are not ready to follow it. AFSPA didn't make any right sense to the people, despite it is followed in north-eastern states by the state.

Laws must give space for every individual to perform actions they want, subject to basic tenets of human rights. It enhances the mutual relationship between people and the law. George Orwell in his book "1984" described about state (law) intervention in the life of the people and how people flouted it.

positive tenets, discussed in past paragraphs of essay needs to <sup>b/c</sup> given serious thought so that people's behaviour and attitude towards law can be changed. If people thinks it is their own law, <sup>then</sup> law can

Effectively change what is in people's hearts or minds for beneficial outcome. All the citizen will be law abiding, which makes a nation great but those laws should be reasonable, just and fair to them.

Mahatma Gandhiji wanted to see India where poor man should think it is his country, no caste or ~~cast~~<sup>class</sup> division, no gender differences and harmonious relationship with other nations. These ideals can be achieved by effectively using the law to bring behavioural change among the people. In a mature polity like India, laws should go beyond human prejudices and awaken the conscience keeper within an individual to be a change what he/she wants to bring in.

— x —