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RECONCEPTUALIZING THE DIALECTICAL RELATIONSHIP BETWEEN LAW AND SOCIETY: A SOCIO-LEGAL INQUIRY

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Abstract—

The study presents a new understanding of the law-society relationship in India by showing that law functions as a fundamental social institution which develops through cultural elements and political conflicts and daily administrative processes. The research examines how social transformation necessitates legal updates which establish new definitions of harm and responsibility and institutional accountability through its investigation of how societies transitioned from communal governance systems to colonial legal systems and finally to constitutional rights protection. The research investigates modern legal progress in connection to the complete reform of criminal justice system through three laws which include Bharatiya Nyaya Sanhita 2023 and Bharatiya Nagarik Suraksha Sanhita 2023 and Bharatiya Sakshya Adhiniyam 2023 and it examines how these laws introduce new methods for punishment and legal procedures and electronic evidence which address contemporary digital realities and emerging societal demands for equitable access. The research paper uses doctrinal socio-legal analysis to study the impact of legal standards on social conduct while showing how actual social conditions create changes in legal definitions and law enforcement methods and organizational structures and it ends with suggestions that will help improve rights access and implementation efficiency.

Index Terms— Law and society; Socio-legal inquiry; Constitutionalism; Criminal law reforms

1. INTRODUCTION

The relationship between law and society in India creates a continuous process where both elements shape each other because social values provide legitimacy to law while judicial power and legal procedures and punitive measures transform social conduct. The constitutional design exhibits this dialectic through its establishment of equality before law which Article 14 defines and its protection of public life through Article 19 freedoms and its defense of life and personal liberty through Article 21. The same Constitution establishes correction methods through Article 32 constitutional remedies and Article 226 broader writ jurisdiction which enable social experiences of injustice to achieve legal accountability beyond political complaints. In this sense, the “law–society” relationship is not linear (law as only command, society as only recipient), but cyclical: social conflict produces legal demand, legal enforcement produces social adaptation, and new expectations again reshape legal meaning and institutions.¹

The study gains strength from examining India's complete criminal law reform which enables the State to declare its new social transformation rules about harm and order and evidence and procedure. The Bharatiya Nyaya Sanhita 2023 establishes community service as a legal punishment through its Section 4 provision which shows that the system aims to create better proportionality between penalties and their consequences instead of using incarceration as the only penalty method. The law establishes social harm in both family and public settings through its definition of cruelty in Section 86 which punishes husband and relative cruelty under Section 85 because social hierarchies and vulnerabilities shape legal definitions.² The Bharatiya Nagarik Suraksha Sanhita 2023 establishes procedures which permit law enforcement agencies to share case-related information for all cognizable offenses through any available communication method, including electronic transmission, because the public demands simpler access to police services that operate without local jurisdiction constraints. The Bharatiya Sakshya Adhiniyam 2023 implements digital society regulations by establishing structured rules which determine electronic record admissibility through certification processes (Section 63) while using Information Technology Act 2000 terms to create a unified understanding of digital governance.³

¹ “Interrelationship Of Law And Society,” *available at*: <https://www.legalserviceindia.com/legal/article-3334-interrelationship-of-law-and-society.html> (last visited May 9, 2026).

² Pratik Tiwari, “Cooling-Off And Committees: New Path For Section 85 BNS Reform” *Live Law*, 10 August 2025.

³ Bhumi Indulia, “Electronic Evidence in Focus: Navigating Legal Shifts in the Law on Electronic Evidence under the BSA, 2023” *SCC Times*, 2024 *available at*: <https://www.sconline.com/blog/post/2024/10/23/electronic-evidence-in-focus-navigating-legal-shifts-in-the-law-on-electronic-evidence-under-the-bsa-2023/> (last visited May 9, 2026).

1.1 Nature and Scope of the Relationship Between Law and Society

The law-society relationship in India extends from the creation of norms which define acceptable and harmful behavior to the State's institutional methods which address harmful incidents through its policing system and judicial system and use of evidence. The fundamental social order begins from constitutional equality commitments which exist in Article 14 and constitutional freedom rights which exist in Article 19 and constitutional liberty rights which exist in Article 21 but their true meaning develops through public interactions with administration and law enforcement and judicial processes. The new criminal laws create a stronger relationship between punishment and responsibility through their recognition of community service (BNS Section 4) as valid punishment which helps to establish public accountability needs for certain wrongs that require both restoration and punishment. BNS Sections 85 to 86 provide a legal definition of domestic violence which the law uses to target and address social violence patterns that exist within households.⁴

1.2 Socio-Legal Inquiry as a Method of Understanding Indian Legal Development

The socio-legal inquiry studies legal development because it requires social context for complete understanding which includes both the rules and their operational effects on different social classes and genders and various localities and institutional systems. The research method requires studying statutes together with their procedural framework and evidentiary system to determine the expected societal methods for accessing justice and the governmental mechanisms for establishing truth. The BNSS system permits evidence acceptance in police cases regardless of the location of the crime through electronic communication which includes Section 173 as a legal response to actual social issues that occur when people need to move quickly but struggle to reach law enforcement. The legal system uses electronic records in Section 63 to establish their admissibility through BSA which studies how social life has changed with digital technology that includes messages and recordings and online platform interactions while maintaining reliability through certification requirements. The new criminal laws function as social texts because they establish state priorities to forecast social behaviour and show which legal aspects need societal changes while showing which legal aspects society

⁴ Editor, "Law on Domestic Violence [Protection of Women from Domestic Violence Act, 2005]" *SCC Times*, 2020 available at: <https://www.scconline.com/blog/post/2020/07/27/law-on-domestic-violence-protection-of-women-from-domestic-violence-act-2005/> (last visited May 9, 2026).

will change through either compliance or resistance or requests for reform.⁵

1.3 Objectives of the Study

1. The legal examination of social life in India depends on constitutional guarantees which exist through Articles 14 19 21 32 and 226.
2. The Bharatiya Nyaya Sanhita 2023 establishes new definitions of punishment together with social harm through its specific provisions which exist in Sections 4 85 86 and 113.
3. The BNSS 2023 law establishes improved criminal process access through its regulations on information requirements which apply to cognizable offenses in Section 173.
4. The BSA 2023 law establishes digital society regulations through its electronic evidence control measures which exist in Section 63.
5. To create a socio-legal model which demonstrates how social factors affect law enforcement results and how legal systems affect social behavior in India today.

1.4 Research Questions

1. Which operational methods exist in Articles 14, 19, and 21 to implement the law-society connection in Indian governance practices?
2. In what ways does BNS, 2023 (Section 4) reflect changing societal expectations regarding punishment and correction?
3. How do BNS, 2023 Sections 85–86 illustrate the legal framing of domestic harm as a social problem requiring state intervention?
4. How does BNSS, 2023 Section 173 alter the social accessibility of criminal justice processes, particularly at the policing stage?
5. How does BSA, 2023 Section 63 restructure proof and reliability in a digitally networked society?

1.5 Research Methodology

The research uses doctrinal methodology to study constitutional provisions which include Article 14 and Article 19 and Article 21 and Article 32 and Article 226 and the criminal law

⁵ Editor, “Section 173(3) BNSS Explained: FIR, Preliminary Enquiry & Legislative Intent” *SCC Times*, 2026 available at: <https://www.scconline.com/blog/post/2026/01/17/section-173-3-bnss-statutory-interpretation-fir-registration/> (last visited May 9, 2026).

texts which include BNS 2023 Sections 4 and 85 and 86 and 113 and BNSS 2023 Section 173 and BSA 2023 Section 63. The method includes three elements which are statutory interpretation and internal comparison of these instruments and assessment of how punishment and procedure and evidence creation shape social behaviour and institutional practice.

1.6 Review of Literature

Marc Galanter (1968–1969)⁶ The Indian legal system functions as a social institution which this article explains through its examination of how lawyers and courts and professional organizations operate between state law and public needs. The study demonstrates how professional roles and their corresponding incentives and access structures determine which individuals are permitted to access legal systems.

Marc Galanter (1974)⁷ Galanter explains why repeat institutional actors often more from litigation than one-time users, despite formally equal rules. The article demonstrates how legal outcomes depend on social resources and organisational capacity and strategic use of procedure because law-based reforms require structural backing to succeed.

Marc Galanter (1968)⁸ research investigates the process through which contemporary government legal systems and their institutions start to replace or incorporate traditional community-based normative frameworks. The research demonstrates how legal centralisation transforms customary regulation through its impact on the relationship between codification and court systems and administrative practices.

Upendra Baxi (1985)⁹ research demonstrates that Baxi uses rights litigation as a method to investigate how courts function as places where social deprivation transforms into legal claims. The piece emphasises institutional responsibilities and the ethical dimension of adjudication, linking legal process to lived injustice.

S. P. Sathe (2001)¹⁰ evaluates the Indian experience of proactive judicial roles in governance, discussing how courts respond to administrative failure, rights claims, and social movements.

⁶ Marc Galanter, "Introduction: The Study of the Indian Legal Profession" 3(2/3) *Law & Society Review* 201–218 (1968–1969). Available at: <https://www.jstor.org/stable/3052998>

⁷ Marc Galanter, "Why the 'Haves' Come Out Ahead: Speculations on the Limits of Legal Change" 9(1) *Law & Society Review* 95–160 (1974). Available at: <https://www.cambridge.org/core/journals/law-and-society-review/article/why-the-haves-come-out-ahead-speculations-on-the-limits-of-legal-change/8A16E3B6212A1A61E196841F092CF428>

⁸ Marc Galanter, "The Displacement of Traditional Law in Modern India" 24(4) *Journal of Social Issues* 65–91 (1968). Available at: <https://repository.law.wisc.edu/s/uwlaw/item/30867>

⁹ Upendra Baxi, "Taking Suffering Seriously: Social Action Litigation in the Supreme Court of India" 4 *Third World Legal Studies* 107–132 (1985). Available at: <https://scholar.valpo.edu/twls/vol4/iss1/6/>

¹⁰ S. P. Sathe, "Judicial Activism: The Indian Experience" 6 *Washington University Journal of Law & Policy* 29–46 (2001). Available at: https://openscholarship.wustl.edu/law_journal_law_policy/vol6/iss1/3/

He defines activism as a process which operates between two functions which serve as democratic correctives and legitimacy threats to institutional structures whose accountability mechanisms remain nonfunctional.

Rajeev Dhavan (1997)¹¹ uses a critical approach to assess how constitutional standards fall short of protecting rights because of governmental shortcomings and enforcement failures. He shows that formal declarations of rights may not transform social life unless institutions deliver remedies, resources, and consistent implementation across class and locality.

Rajeev Dhavan (1986)¹² article examines press freedom in India which exists within the framework of constitutional democracy. The study uses press as a social institution that shapes legal practices while demonstrating the conflict between democratic communication and governance systems.

Rajeev Dhavan (1987)¹³ explains the process through which research projects in legal studies develop according to different institutional factors which include funding availability and data collection capabilities. He claims that researchers need to study social behavior of law through research methods which combine legal principles with actual social conditions to determine which laws work effectively.

Nick Robinson (2013)¹⁴ demonstrates through research methods that Supreme Court case selection and number of cases filed determine how well the court judges cases and performs its necessary functions. The article demonstrates how institutional capacity limits distribution of rights through its examination of workload patterns which affect both access to justice and governance processes.

Daniela Berti (2010)¹⁵ studies trial practice through ethnographic research which examines how hostile witnesses and courtroom interactions demonstrate the social construction of truth during legal proceedings. The article demonstrates that evidentiary outcomes depend not only on formal rules but also on local narratives, pressures, and institutional routines.

¹¹ Rajeev Dhavan, "Promises, Promises...: Human Rights in India" 39 *Journal of the Indian Law Institute* 149–183 (1997). Available at: <https://www.jstor.org/stable/43953266>

¹² Rajeev Dhavan, "The Press and the Constitutional Guarantee of Free Speech and Expression" 28 *Journal of the Indian Law Institute* 299–335 (1986). Available at: <https://www.rajeevdhavan.com/articles/>

¹³ Rajeev Dhavan, "Means, Motives and Opportunities: Reflecting on Legal Research in India" 50(6) *The Modern Law Review* 725–749 (1987). Available at: <https://www.rajeevdhavan.com/articles/>

¹⁴ Nick Robinson, "A Quantitative Analysis of the Indian Supreme Court's Workload" 10(3) *Journal of Empirical Legal Studies* 570–601 (2013). Available at: <https://ideas.repec.org/a/wly/empleg/v10y2013i3p570-601.html>

¹⁵ Daniela Berti, "Hostile Witnesses, Judicial Interactions and Out-of-Court Narratives in a North Indian District Court" 44(3) *Contributions to Indian Sociology* 235–263 (2010). Available at: <https://journals.sagepub.com/doi/10.1177/006996671004400302>

1.7 Research Gap

The existing body of socio-legal research presents a detailed understanding of professional practices and litigation benefits and customary rights and institutional capabilities, but it fails to connect these findings with India's current criminal law development through Bharatiya Nyaya Sanhita 2023 and Bharatiya Nagarik Suraksha Sanhita 2023 and Bharatiya Sakshya Adhiniyam 2023. The research provides limited long-term examination about how procedural accessibility and electronic evidence systems and changing punishment systems will impact legal understanding and police operations and proof gathering across different community environments. The study establishes the link between doctrinal shifts and their impact on actual legal practice.

2. HISTORICAL EVOLUTION OF THE LAW–SOCIETY RELATIONSHIP IN INDIA

2.1 Legal Ordering and Social Regulation in Pre-Colonial and Colonial India

The social system of pre-colonial India functioned through multiple community-based systems which included customary laws and religious traditions and professional regulations and local conflict resolution mechanisms because social norms operated through communal customs instead of any unified legal code. The British Empire established state-controlled judicial systems which included established courthouse procedures and institutional hierarchies to create a legal framework that evaluated people's actions according to governmental laws and documented procedures instead of traditional community-based systems.¹⁶

The British Empire introduced codification as its main legal method which established a standardized approach to criminal justice across various cultural communities. The Indian Penal Code 1860 defined criminal responsibility through its territorial jurisdiction rules which appeared in Sections 2 to 4 and through its complete collection of criminal offenses. The Code of Criminal Procedure 1898 established the entire system for police work and court procedures which included both investigation and trial together with judicial decision-making. The entire system of social control within societies shifted from local systems of power to centralized governmental systems which used state-controlled methods for law enforcement and judicial processes.¹⁷

¹⁶ Cynthia Farid, "Perceiving law without colonialism: Revisiting courts and constitutionalism in South Asia," 19 *International Journal of Law in Context* 278–95.

¹⁷ Ibid.

2.2 Transformation of Social Institutions Through Legislative and Administrative Intervention

The post-independence legislative reforms of India specifically aimed to dismantle social institutions through their interference with family and community practices which allowed legal frameworks to create binding standards that governed personal relationships and social structures. The Hindu Marriage Act, 1955 establishes marriage as socially acceptable through its mandatory legal requirements in Section 5 and permits government agencies to dissolve marriages based on specific conditions defined in Section 13. The law enables legal authorities to govern marriage rights which arise from social and religious values. The criminalisation of social practices which cause gender-based violence established its framework through specific legal restrictions which aimed to deter such actions. The Dowry Prohibition Act of 1961 establishes penalties for both dowry payments and receipt of dowries in Section 3 while Section 4 establishes penalties for those who demand dowries. The social practice establishes a relationship with legal prohibition which creates three distinct pathways for society to respond through either hiding their activities or following the law or through active efforts to achieve social change.¹⁸

The state protection system established through legislation counters daily social dominance which leads to structural exclusion. The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 establishes Section 3 as a list of specific wrongful acts which it considers to be Atrocities and establishes special courts with their particular procedures while Section 21 mandates government agencies to carry out their responsibilities for the law. Legal systems use laws to punish offenders but they also use them to create new social order through institutional transformation.¹⁹

2.3 Continuities and Changes in the Post-Independence Legal Framework

The Constitution changed how laws interact with society by creating legal obligations from societal goals through its equality provisions in Article 14 and its freedom rights in Article 19 and its life protections in Article 21. The system established accountability by providing legal remedies through Article 32 and extended writ authority through Article 226, which made social exclusion and censorship and deprivation experiences into legally recognized matters.

¹⁸ Editor, "Hindu Marriage Act 1955 Archives" *SCC Times* available at: <https://www.scconline.com/blog/post/tag/hindu-marriage-act-1955/> (last visited May 9, 2026).

¹⁹ LIVELAW NEWS NETWORK, "Legal Protections For Scheduled Castes And Scheduled Tribes: Understanding The Framework" *Live Law*, 16 April 2025.

These provisions maintain a continuous existence of "law as governance" because they require constitutionalism and rights to establish legitimacy instead of relying solely on state authority.

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The post-independence framework kept various state functions from the past through its maintenance of police authority and criminal investigation procedures and rules of evidence while also making necessary changes to address evolving social needs. The most visible recent change is the replacement of colonial-era criminal statutes through the Bharatiya Nyaya Sanhita, 2023, the Bharatiya Nagarik Suraksha Sanhita, 2023, and the Bharatiya Sakshya Adhiniyam, 2023, which demonstrates how social advancements create a need for legal systems to change their operational methods even though core elements of criminal justice remain intact.²¹

3. LAW AS AN INSTRUMENT OF SOCIAL ORDERING AND SOCIAL CHANGE

3.1 Law as a Means of Regulating Social Behaviour and Public Norms

The legal system controls social conduct through two methods: punishment and the establishment of public wrongs which require specific state responses. The Bharatiya Nyaya Sanhita 2023 establishes punishment systems which recognize community service as an acceptable penal solution through their Section 4 provisions. The law maintains public order and social order protection as fundamental elements of its system which defines allowed and forbidden behaviours through its criminal law framework. The state uses its power through judicial systems which handle public complaints to control how people in society act. The Bharatiya Nagarik Suraksha Sanhita 2023 permits people to report any cognizable offence through electronic means from any location because the law allows such reporting according to Section 173 of the act. The law establishes new social standards which will change how people report crimes and how police officers respond to those reports and how organizations fulfil their responsibilities because people now use mobile devices and digital networks.²²

²⁰ "Constitutional Law of India - Chapter 8," *Right to freedom* available at: <http://student.manupatra.com/Academic/Abk/Constitutional-Law-of-India/CHAPTER-8.htm> (last visited May 9, 2026).

²¹ Ibid.

²² Editor, "Section 173(3) BNSS Explained: FIR, Preliminary Enquiry & Legislative Intent" *SCC Times*, 2026 available at: <https://www.scconline.com/blog/post/2026/01/17/section-173-3-bnss-statutory-interpretation-fir-registration/> (last visited May 9, 2026).

3.2 Legislative Responses to Inequality, Exclusion, and Social Reform in India

The process of creating rights and establishing governance responsibilities represents the main method by which legislative actions against social inequality operate. The Right to Information Act 2005 establishes a broad public access to information (Section 3) which mandates public authorities to disclose information (Section 4) while allowing citizens to obtain information through an application process (Section 6). The law transforms transparency into a legal mechanism which enables public participation and monitoring while holding organizations accountable instead of making it an administrative function that officials can choose to perform.²³

The special statutes create offence-definitions and implementation obligations to combat social subordination which originates from identity-based exclusion. The SC/ST (Prevention of Atrocities) Act, 1989 (Section 3 on offences; Section 21 on duties of government) establishes a law enforcement reform strategy which uses criminalisation to create government duties for proper execution because social discrimination exists through systemic patterns which need advanced legal solutions beyond standard criminal laws.²⁴

3.3 Limits of Law in Reshaping Deeply Rooted Social Practices

Law cannot change social practices because people continue to follow existing norms which derive from economic incentives and family pressure and community validation even after formal prohibitions end. The Dowry Prohibition Act, 1961 establishes criminal penalties for dowry transactions and their demands through Section 3–4 but dowry customs still exist because the law lacks sufficient enforcement and social education and institutional support which would empower women to make their own choices.

Criminal law reforms can bring modernisation to procedural methods and evidence handling but their success depends on the available resources for police work and forensic facilities and the public's confidence in legal organisations. The reporting expansion through Section 173 of BNSS 2023 and the electronic record validation through Section 63 of BSA 2023 will not produce desired results because digital access remains unequal and training programs differ among people and institutions face operational challenges to deliver results which create a situation where legal effectiveness depends on social conditions just as law attempts to

²³ Malika Bhola, “right to information Archives” *SCC Times* available at: https://www.scconline.com/blog/post/tag/right_to_information/ (last visited May 9, 2026).

²⁴ Md Muneeb Hussain, “The SC/ST (Prevention of Atrocities) Act: Ensuring Justice And Equality For Marginalized Communities” *Live Law*, 2 July 2024.

influence social behaviour.²⁵

4. SOCIETY AS A SOURCE OF LEGAL VALUES, NORMS, AND INSTITUTIONAL CHANGE

4.1 Custom, Community Practices, and Social Morality in Legal Development

The Indian legal system develops through constitutional pluralism which applies community standards to all aspects of religious and cultural matters. The Constitution protects individuals through Articles 25 and 26 which establish their right to religious freedom while Articles 29 and 30 safeguard the educational and cultural rights of minority groups. The legal system recognizes social diversity as a fundamental element which requires laws to interact with community identity and social values instead of completely replacing them.²⁶

The law acknowledges community practices as legitimate sources of governance rights in both scheduled and forest areas. The Panchayats Extension to the Scheduled Areas Act 1996 establishes local governance in Scheduled Areas through Section 4 which outlines essential governance elements. The Forest Rights Act 2006 establishes forest rights through Section 3 while Section 4 prohibits eviction without proper identification and verification of rights. Social groups use historical practices and their collective rights to establish new legal rules.²⁷

4.2 Public Opinion, Social Movements, and the Demand for Legal Reform

Public mobilisation exists to transform social demands into legislative change through its ability to redefine existing harms as violations of rights and failures of governance. The RTI Act established citizen monitoring through Sections 3 to 4 to 6 which demonstrate ongoing public demand for government transparency and anti-corruption measures. The legal system responds to changing social norms about equality and autonomy and dignity through its implementation of binding standards and punishment systems which regulate marriage and dowry practices²⁸.

²⁵ Bhumika Indulia, "Electronic Evidence in Focus: Navigating Legal Shifts in the Law on Electronic Evidence under the BSA, 2023" *SCC Times*, 2024 available at: <https://www.scconline.com/blog/post/2024/10/23/electronic-evidence-in-focus-navigating-legal-shifts-in-the-law-on-electronic-evidence-under-the-bsa-2023/> (last visited May 9, 2026).

²⁶ Ritu, "Article 25 Archives" *SCC Times* available at: <https://www.scconline.com/blog/post/tag/article-25/> (last visited May 9, 2026).

²⁷ "Constitutionality of the FRA," *Supreme Court Observer*, 2021 available at: <https://www.scobserver.in/cases/constitutionality-of-the-fra-wildlife-first-v-ministry-of-forest-and-environment-eviction-of-forest-dwellers-background/> (last visited May 9, 2026).

²⁸ Shailesh Gandhi & Sandeep Jalan, "Supreme Court Judgments On Right To Information Act 2005: Wither Transparency?" *Live Law*, 6 July 2018.

The process of criminal law reform exists as a response to societal demands which require faster legal processes together with easy access to legal services and digital systems. The legal system establishes its response to social demands which require people to use technology in a way that maintains credibility through BNSS 2023 Section 173 and BSA 2023 Section 63 which deal with information from criminal cases and the use of digital evidence respectively.²⁹

4.3 Changing Social Realities and the Adaptation of Legal Institutions in India

Legal institutions adapt when social realities change the nature of harm, proof, and governance. The Information Technology Act of 2000 provides legal validation for electronic records through its Section 4 and electronic signatures through its Section 5, which enable digital governance and commerce. The Information Technology Act of 2000 enables digital governance and commerce through its Section 4 electronic record recognition and Section 5 electronic signature validation, which later supports criminal evidence reforms. People today live in a world where they need legal recognition of their digital activities through platforms and devices which they use for their daily transactions.³⁰

Governance systems must address data-power issues which arise from digitalization together with privacy concerns. The Digital Personal Data Protection Act of 2023 provides a system that allows digital personal data to be processed according to legal requirements, which includes consent-based processing and legitimate-use grounds specified in Sections 4 and 6. The Digital Personal Data Protection Act of 2023 demonstrates how social expectations of dignity and control over personal information are emerging as key factors which shape legislative design and institutional compliance efforts in both public and private sectors.³¹

4.4 Case Laws

The Supreme Court in *Kesavananda Bharati Sripadagalvaru v. State of Kerala*³² interpreted Article 368 together with Articles 13 and 14 which established limitations for constitutional amendments that demonstrate how social conflicts over control and resources and political authority create new legal interpretations which maintain social order through constitutional

²⁹ Editor, "Section 173(3) BNSS Explained: FIR, Preliminary Enquiry & Legislative Intent" *SCC Times*, 2026 available at: <https://www.sconline.com/blog/post/2026/01/17/section-173-3-bnss-statutory-interpretation-fir-registration/> (last visited May 9, 2026).

³⁰ Gaurav Wahie and Vasudha Luniya, "The Legality And Admissibility Of Electronic Signatures In The Modern World– A Look At The Laws In India" *Live Law*, 10 May 2019.

³¹ Editor, "Digital Personal Data Protection Rules 2025: Key Highlights" *SCC Times*, 2025 available at: <https://www.sconline.com/blog/post/2025/12/26/digital-personal-data-protection-rules-2025-key-highlights/> (last visited May 9, 2026).

³² *Kesavananda Bharati Sripadagalvaru v. State of Kerala* (1973) 4 SCC 225; AIR 1973 SC 1461

law. The Court in *Maneka Gandhi v. Union of India*³³ used Articles 14 and 19 and 21 to analyze executive actions associated with the Passports Act of 1967 through its Section 10(3)(c) because they demonstrated how social expectations of dignity and due process transformed administrative processes into their own legal frameworks.

*Indra Sawhney v. Union of India*³⁴ Court examined affirmative action through Articles 14, 15(4), and 16(4) which led to their finding that equality exists in social contexts because the law needs to address existing social inequalities that affect public employment and government operations.

*Vishaka v. State of Rajasthan*³⁵. The Court demonstrates that social realities of gendered harm create legal requirements through workplace protections which derive from Articles 14 and 15 and 19(1)(g) and 21 and through international obligations which establish needed protections. *Olga Tellis v. Bombay Municipal Corporation*³⁶. The Court established liveliness as essential to human existence by linking eviction authority from Bombay Municipal Corporation Act 1888 Sections 312 to 314 to Articles 14 and 19(1)(e) and 21 which shows how urban poverty forces legal systems to deal with actual social realities. *Shreya Singhal v. Union of India*³⁷. Court found Section 66A of the Information Technology Act 2000 unconstitutional because it evaluated Sections 69A and 79 through Article 19(1)(a) which stretched across Article 19(2) boundaries to illustrate how social media platforms transformed regulations governing constitutional speech.

*Justice K.S. Puttaswamy (Retd.) v. Union of India*³⁸ Supreme Court recognized privacy as a fundamental right which exists together with Article 21 and Article 14 and Article 19 of the Indian Constitution. The Supreme Court established that citizens need to maintain their personal rights when they possess control over their identity through their private information in a society that relies on data collection.

*Shayara Bano v. Union of India*³⁹ Supreme Court examined personal-law practices through the lens of Articles 14 and 15 and 21 and 25 of the constitution while conducting constitutional review through Muslim Personal Law (Shariat) Application Act, 1937 (Section 2). The Court demonstrates that social justice claims create pressure to establish equality standards within legal systems that permit multiple forms of existing laws.

³³ *Maneka Gandhi v. Union of India* (1978) 1 SCC 248; AIR 1978 SC 597

³⁴ *Indra Sawhney v. Union of India*, 1992 Supp (3) SCC 217; AIR 1993 SC 477

³⁵ *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241; AIR 1997 SC 3011

³⁶ *Olga Tellis v. Bombay Municipal Corporation*, (1985) 3 SCC 545; AIR 1986 SC 180

³⁷ *Shreya Singhal v. Union of India*, (2015) 5 SCC 1; AIR 2015 SC 1523

³⁸ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1

³⁹ *Shayara Bano v. Union of India*, (2017) 9 SCC 1

*Navtej Singh Johar v. Union of India*⁴⁰ Court demonstrated how current social perceptions about identity and dignity have the power to erase criminal laws which maintain systems of social exclusion through its analysis of Section 377 of the Indian Penal Code 1860 and Articles 14 15 19 and 21.

*Common Cause (A Regd. Society) v. Union of India*⁴¹ Supreme Court established the "right to die with dignity" through Article 21 while creating mandatory protections which govern end-of-life choices. The Court demonstrates how medical practices and ethical standards and social norms require legal frameworks to establish both personal freedom and institutional responsibility.

5. CONTEMPORARY DIMENSIONS OF THE INTERACTION BETWEEN LAW AND SOCIETY IN INDIA

5.1 Law, Social Diversity, and the Challenge of Pluralism

India uses its constitutional framework together with specific laws that acknowledge different cultural groups to maintain its pluralistic system while establishing common judicial standards. Fundamental rights (Articles 14, 19, 21) provide common baselines, while cultural and religious freedoms (Articles 25–26, 29–30) permit group-specific expression, which creates ongoing legal processes that maintain social differences through judicial systems. The law and society relationship requires ongoing negotiation because people use their educational, religious, and cultural identities to define their existence.

The Indian system enables minority religious and forest dwelling populations to operate their own local self-governing bodies through village level institutions and recognition of their traditional land rights. The PESA 1996 law establishes self-government rights for Scheduled Areas through its Section 4 while the Forest Rights Act 2006 establishes community rights and individual rights through its Section 3 with Section 4 providing protection against forced removal from land without proper legal procedures. Indian pluralism exists as a social reality which the country protects through legal systems that safeguard weak communities from oppressive people and excessive governmental control.⁴²

⁴⁰ Navtej Singh Johar v. Union of India, (2018) 10 SCC 1

⁴¹ Common Cause (A Regd. Society) v. Union of India, (2018) 5 SCC 1

⁴² Bhumika Indulia, "Juxtaposition between Development and Tribal Rights: A Story of Determined Struggle of Niyamgiri Tribes" *SCC Times*, 2019 available at: <https://www.sconline.com/blog/post/2019/08/09/juxtaposition-between-development-and-tribal-rights-a-story-of-determined-struggle-of-niyamgiri-tribes/> (last visited May 9, 2026).

5.2 Rights Consciousness, Access to Justice, and Democratic Participation

People develop rights awareness through access to functional legal systems which exist because the Constitution provides binding requirements that enable citizens to convert their social problems into legal solutions. The Constitution establishes Article 32 and Article 226 as legal remedies which people can use to challenge their exclusion from societal rights according to Article 14 and Article 21 while legal participation through petitions and institutional complaints becomes part of democratic participation that includes electoral politics.⁴³

The criminal justice system establishes access points through its procedural entry mechanisms. The BNSS 2023 Section 173 law expands public reporting rights for cognizable offences while BSA 2023 Section 63 establishes standard procedures for electronic record evidence that determine who can access institutional services and which types of social experiences digital harassment online fraud and platform-based abuse can be legally verified.⁴⁴

5.3 Technology Media and Emerging Patterns of Legal Social Engagement

Technology creates new interaction patterns and new forms of harm and new types of evidence that change the law-society relationship. The IT Act 2000 enables electronic governance while recognizing electronic records under Section 4 and electronic signatures under Section 5, and the BSA 2023 Section 63 rule establishes electronic record admissibility standards, which show how legal systems evolved to handle modern communication via digital devices and storage instead of physical documents and in-person meetings. The digital media systems together with their digital storage systems create governance challenges, which include massive data collection and user profiling and unauthorized access to personal data, that need new regulatory solutions. The Digital Personal Data Protection Act 2023 creates processing responsibilities and establishes lawful bases for processing operations that include consent architecture according to Section 6 and lawful processing requirements under Section 4, which reveals how continuous internet access in modern society compels legal systems to address both private corporate control and government authority that operates through data instead of physical enforcement.⁴⁵

⁴³ Rahul G, "Access To Justice For Rural People And Entrepreneurs: Challenges & Legal Reforms" *Live Law*, 15 May 2025.

⁴⁴ Bhumika Indulia, "Electronic Evidence in Focus: Navigating Legal Shifts in the Law on Electronic Evidence under the BSA, 2023" *SCC Times*, 2024 available at: <https://www.scconline.com/blog/post/2024/10/23/electronic-evidence-in-focus-navigating-legal-shifts-in-the-law-on-electronic-evidence-under-the-bsa-2023/> (last visited May 9, 2026).

⁴⁵ Abhiraj Jayant, "How To Fulfill Requirements Of Admissibility Of Electronic Evidence Under Bhartiya Sakshay Adhiniyam,..." *Live Law*, 26 June 2024.

6. CONCLUSION

6.1 Conclusion

A The historical evolution of law and society in India began with plural community regulation which progressed through colonial codification and institutional centralisation until it reached constitutional governance which bases itself on rights and accountability. The Constitution (Articles 14, 19, 21, 32, 226) establishes society as the legal protector who creates legal definitions whereas the latest criminal law reforms (BNS, 2023 Section 4; BNSS, 2023 Section 173; BSA, 2023 Section 63) demonstrate the same pattern in contemporary form because societal mobility and digitisation of society create new procedures according to which proof needs to be gathered while legal systems work to establish new rules about activities which require responsibility and institutional functions.

6.2 Recommendations

The law-society relationship needs better improvement through operational capacity development and social accessibility expansion instead of focusing on developing new statutory frameworks. The usability promises of BNSS, 2023 Section 173 needs police organizations to comply with standards and build electronic intake systems because this will ensure access to all regions and languages. The BSA, 2023 Section 63 implementation needs consistent training programs and standard operating procedures for handling electronic records from collection to preservation to certification. PESA, 1996 Section 4 and FRA, 2006 Sections 3-4 need proper execution because it will strengthen pluralism-sensitive governance which establishes community rights as actual rights. DPDP Act 2023 compliance should enter public administration operations because of its requirements in Sections 4 and 6 to safeguard dignity and trust in data-driven environments.

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