

## Original Article

### Law and Social Impact

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**Abstract**

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*Law has always occupied a central position in the evolution of human civilization, functioning as a dynamic instrument through which societies define acceptable conduct, articulate fundamental values, and repair social imbalances. Throughout history, human communities developed rules, customs, and norms to maintain harmony, but the institutionalization of law as a formal mechanism of governance transformed this process into a structured and enforceable system. The relationship between law and society is inseparable; while society provides the context in which laws emerge, law simultaneously shapes, stabilizes and reforms social practices. The phenomenon of social change—referring to shifts in cultural norms, social institutions, power structures and collective behavior—often emerges from deeper social, economic or technological forces, but law plays a decisive role in either facilitating or resisting these shifts. This paper focusses on how law has impacted the society and the changes that has been stirred by the use of law as a weapon for social change uplifting the life of many with the help of case studies.*

**Keywords:** Law, Cultural norms and values, Social change, Transformation of human civilization

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### Introduction

Law has always occupied a central position in the evolution of human civilization, functioning as a dynamic instrument through which societies define acceptable conduct, articulate fundamental values, and repair social imbalances<sup>i</sup>. Throughout history, human communities developed rules, customs, and norms to maintain harmony, but the institutionalization of law as a formal mechanism of governance transformed this process into a structured and enforceable system. The relationship between law and society is inseparable; while society provides the context in which laws emerge, law simultaneously shapes, stabilizes and reforms social practices. The phenomenon of social change—referring to shifts in cultural norms, social institutions, power structures and collective behavior—often emerges from deeper social, economic or technological forces, but law plays a decisive role in either facilitating or resisting these shifts. In contemporary governance, law is no longer viewed merely as a set of prohibitions or commands backed by sanctions but as a constructive tool capable of directing social transformation<sup>ii</sup>.

#### • What is law? A theoretical perspective:

Law has been conceptualized in various ways by jurists, philosophers and sociologists depending on their ideological orientation and historical context. One of the earliest positivist thinkers, John Austin, famously defined law as the “command of the sovereign backed by sanctions”, emphasizing authority, obedience and coercion. For Austin, the validity of law depended not on morality or justice but solely on its origin in the sovereign's will. This approach shaped the classical school of legal positivism, which prioritizes the structural authority of law over its ethical content.

In contrast, Roscoe Pound, a leading sociological jurist, rejected purely formalistic approaches and described law as an instrument of “social engineering”<sup>iii</sup>. According to Pound, the main function of law is to balance competing interests in society and create conditions for harmonious social coexistence. Law also functions as an institutional mechanism enforced through courts, police, administrative agencies and regulatory authorities. Beyond enforcement, law expresses societal values; constitutional guarantees of equality, dignity and liberty reflect moral and cultural aspirations<sup>iv</sup>.



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## • Law In The Indian Context:

In India, law carries a unique historical significance due to its pluralistic society, colonial history, traditional norms and rapid modernization. The Indian legal system integrates common law elements with indigenous practices and post-independence constitutional values<sup>11</sup>.

The Constitution of India (1950) is viewed as a transformative text, intended to usher in social revolution by dismantling entrenched inequalities related to caste, gender and class<sup>12</sup>. Judicial interpretation has significantly shaped Indian constitutional law.

For instance, in *A.K. Gopalan v. State of Madras* (1950)<sup>v</sup>, the Court adopted a narrow interpretation of personal liberty, treating fundamental rights as separate silos<sup>13</sup>. This view changed in *Maneka Gandhi v. Union of India* (1978)<sup>vi</sup>, where the Court expanded Article 21 to require that any law depriving liberty must be “just, fair and reasonable,” linking Articles 14, 19 and 21 in a “golden triangle”<sup>vii</sup>.

This evolution illustrates how Indian jurisprudence transforms in response to societal shifts, aligning law with contemporary values of liberty and justice.

## • The Concept Of Social Change:

Social change refers to long-term transformations in social structures, cultural norms, behaviors, institutions, and relationships. Thinkers like Marx, Weber and Durkheim explored social change from different angles—Marx saw it as driven by economic conflict, Weber by ideas and authority, and Durkheim by increasing social complexity.

In India, social change has been shaped by caste hierarchies, colonial rule, reform movements and globalization. Reformers such as Raja Rammohan Roy, Jyotiba Phule and Dr. B.R. Ambedkar used legal and constitutional tools to challenge oppressive practices like sati, child marriage and untouchability.

Social change may be spontaneous or deliberate. Deliberate change often occurs through legal and policy intervention; spontaneous change arises from shifts in culture, economy or technology<sup>19</sup>.

## • Law As An Agent Of Social Change

Law and social change share a reciprocal relationship. Changing social realities frequently necessitate new laws, while law can also proactively initiate change by shaping behavior and restructuring institutions. Legal sociologists emphasize that modern democratic states use law as a deliberate instrument of social engineering to eradicate social evils, protect vulnerable groups and promote welfare.

In India, this is visible in laws abolishing untouchability, criminalizing dowry, promoting women’s rights, safeguarding the environment and recognizing LGBTQ+ rights.

## Important Case Laws Illustrating Social Change:

### 1. Vishaka v. State of Rajasthan (1997):

The Vishaka judgment is a landmark example of judicial activism leading to social transformation<sup>24</sup>. The case arose after the gang rape of Bhanwari Devi, a social worker attempting to prevent child marriage in Rajasthan<sup>viii</sup>. The incident highlighted the absence of legal measures to protect women from workplace harassment.

In response, the Supreme Court issued the Vishaka Guidelines, drawing upon international conventions such as CEDAW and interpreting Articles 14, 15, 19 and 21 to guarantee a safe working environment<sup>ix</sup>.

This case triggered nationwide awareness, institutional reforms and the eventual 2013 Sexual Harassment of Women at Workplace Act showing how judicial interpretation can fill legislative gaps and drive social change<sup>x</sup>.

### 2. Navtej Singh Johar v. Union of India (2018)

In *Navtej Johar*, the Supreme Court decriminalized consensual homosexual relations by reading down Section 377 of the IPC. The Court held that criminalizing same-sex intimacy violated the rights to equality, autonomy, dignity and privacy.

The Court emphasized that constitutional morality must prevail over social morality, challenging centuries of stigma against LGBTQ+ communities.

The judgment initiated widespread social acceptance and set a new benchmark for protecting minority rights<sup>xi</sup>.

## • Law And Social Institutions:

Law profoundly affects institutions like marriage, property, family, education and labor. Reforms such as the Hindu Marriage Act and Domestic Violence Act reshaped familial relations and expanded women’s protections.

The Right to Education Act (2009) transformed educational access, reducing dropout rates and challenging class inequalities by mandating private school reservations for disadvantaged children.

## • Economic Laws And Social Change:

Economic laws have reshaped Indian society by promoting growth, modernization and mobility. The Insolvency and Bankruptcy Code improved business efficiency, while GST simplified taxation.

Labor reforms such as the 2019 Wage Code improved worker protections, generating deeper social implications.

## • Case Studies:

### K.S.Puttasamy V. Union Of India

#### Introduction

The case of Justice K.S. Puttaswamy (Retd.) v. Union of India (2017)<sup>xii</sup> stands as a watershed moment in Indian constitutional jurisprudence, marking the formal recognition of the right to privacy as a fundamental right under the Constitution of India. Before this decision, the notion of privacy lacked a definitive constitutional footing; subsequent to Puttaswamy, the Supreme Court emphatically declared that privacy is intrinsic to the rights guaranteed under Articles 14, 19, and 21 of the Indian Constitution.

This judgment, delivered by a historic nine-judge bench, reshaped the legal landscape by overruling prior precedents and laying down a principled framework for when and how state action may intrude upon privacy. It also laid the conceptual and legal groundwork for future major rulings, particularly relating to Aadhaar, data protection, and individual autonomy.

## • Factual Background and Procedural History:

The litigation that gave rise to the Puttaswamy judgment began when Justice K. S. Puttaswamy (retired judge of the Karnataka High Court) filed a writ petition challenging the Government of India's biometric identification program, popularly known as 'Aadhaar'. He raised profound constitutional questions about how the collection, storage, and use of biometric and demographic data could infringe upon personal liberty and dignity.<sup>xiii</sup>

The Union of India defended the Aadhaar project by asserting its legitimate state purpose: facilitating efficient delivery of welfare benefits, promoting financial inclusion, and preventing fraud. The government contended that such measures inevitably required some intrusion into personal data, but argued these were justified by public interest.

It also challenged the very recognition of privacy as a fundamental right, citing older Supreme Court decisions — notably *M.P. Sharma v. Satish Chandra* (1954) and *Kharak Singh v. State of Uttar Pradesh* (1962) — which, in its view, did not hold privacy to be constitutionally protected.

Given the enormity of the constitutional issues — both the nature of privacy and the implications for Aadhaar — the Supreme Court constituted a nine-judge bench, the largest possible, to settle the matter once and for all.

The bench included Chief Justice J. S. Khehar, and Justices D.Y. Chandrachud, R.F. Nariman, A.M. Sapre, Sanjay Kishan Kaul, S.A. Bobde, and others.

On 24 August 2017, the Supreme Court delivered a unanimous verdict, though composed of six separate but concurring opinions.

## Legal Issues Before the Court:

At its heart, the Puttaswamy case posed two fundamental legal questions:

1. Is the right to privacy a “fundamental right” under the Indian Constitution?

The petitioners argued that the Constitution implicitly protects a right to privacy within the sweep of Articles 14 (equality), 19 (freedoms), and 21 (life and personal liberty). The government disputed this, relying on prior precedents that rejected such a right.

2. If privacy is a fundamental right, what is its scope, and under what conditions may the State legitimately infringe upon it?

The Court had to determine the nature of permissible restrictions, especially in contexts like surveillance, data storage, and use of personal information.

Because Aadhaar was central to the litigation, issues related to biometric data, state surveillance, and data protection were also in the background; the Court, however, did not decide all aspects of Aadhaar's constitutionality in this judgment, deferring some issues to a later bench.

## Judgment and Legal Reasoning:

### Recognition of the Right to Privacy:

In its landmark ruling, the Supreme Court unanimously held that privacy is a fundamental right protected under Part III of the Constitution — specifically through Articles 14, 19, and 21. The Court recognized that prior decisions, such as *M.P. Sharma* and *Kharak Singh*, which had cast doubt on or denied the existence of a constitutional right to privacy, were incorrectly decided in the light of modern constitutional values.<sup>xiv</sup>

Justice D.Y. Chandrachud, writing for a plurality, emphasized that privacy is not a mere privilege but a **natural inalienable right**, rooted in human dignity and autonomy. The Court wove together a “golden triangle” of Articles 14, 19, and 21 to anchor privacy in Indian constitutional law.<sup>xv</sup>

### Dimensions of the Right to Privacy:

The Court elaborated a multi-faceted conception of privacy, identifying three core dimensions:

i) **Bodily integrity**: The right to make decisions about one's own body, including medical choices and physical autonomy.

ii) **Informational privacy**: Control over one's personal data, its collection, storage, and dissemination.

iii) **Decisional autonomy**: The freedom to make intimate and personal choices, including marriage, family, sexual orientation, reproductive decisions, and religious belief. ([Supreme Court Observer.

Justice Nariman also linked privacy to equality, underscoring its importance for marginalized communities whose freedom and dignity are especially threatened in the absence of informational safeguards.<sup>xvi</sup>

Justice Kaul's opinion further addressed the challenge posed by modern technology, stressing that pervasive data collection by both state and private actors demands legal protection.

## Overruling of Previous Precedents:

A foundational aspect of the Court's reasoning was the overruling of earlier decisions. The Court explicitly overturned:

- M.P. Sharma v. Satish Chandra (1954), which had held that there is no general right to privacy;
- Kharak Singh v. State of Uttar Pradesh (1962), which rejected a broad constitutional right to privacy in the context of surveillance.

The Court also criticized ADM Jabalpur v. Shivkant Shukla (the "Habeas Corpus case" of the Emergency period), calling it a serious misstep in constitutional jurisprudence.<sup>xvii</sup>

## Limits to the Right: The Threefold Test:

While affirming the fundamental nature of privacy, the Court was careful to state that the right is not absolute. Any state infringement must satisfy a tripartite test:

1. **Legality** - the restriction must be based on a valid, clearly defined law.
2. **Legitimate Aim** - the State must pursue a legitimate objective, such as national security, public order, welfare delivery, or prevention of crime.
3. **Proportionality** - the intrusion must be narrowly tailored, minimally intrusive, and accompanied by procedural safeguards.

This test ensures that privacy violations are not arbitrary, but justified in a democratic society.

## Not an Elitist Right:

The Court rejected the argument that privacy is a luxury or a privilege available only to the rich or powerful. It stated that privacy is universal, and its protection especially matters for socio-economically disadvantaged individuals who may lack access to institutional means of resistance. The Court warned of the chilling effect that unchecked data collection could have on dissent, free expression, and fundamental rights.<sup>xviii</sup>

## Basic Structure Doctrine and Constitutional Values:

An important part of the judgment is its connection of privacy with constitutional identity or basic structure. The Court held that dignity and autonomy, which are central to the right to privacy, are themselves part of the basic structure of the Constitution. This means that any law or constitutional amendment that 'derives' the erosion of dignity or autonomy may be susceptible to challenge.

## Implications for Aadhaar:

Although the Puttaswamy bench did not fully rule on all aspects of the Aadhaar scheme in 2017, it made strong observations.

The Court warned that any law or program (like Aadhaar) that collects personal data must comply with the tripartite test. It called for robust data protection legislation, emphasizing that biometric and demographic data are particularly sensitive. The Court thereby set the stage for future regulation.

## Impact and Significance:

The Puttaswamy judgment has had transformative legal and social effects, not limited to the Aadhaar debate.

## Legal and Constitutional Impact:

One of its most immediate effects was on subsequent jurisprudence:

- **Navtej Singh Johar v. Union of India (2018):** The decriminalization of consensual same-sex relations under Section 377 IPC was strongly informed by the Puttaswamy decision.
- **Joseph Shine v. Union of India (2018):** The striking down of the adultery law also drew from the doctrinal foundations of autonomy and decisional privacy laid out in Puttaswamy.

The judgment significantly influenced the policy discourse around data protection. It provided the constitutional justification and urgency for a robust data protection regime, culminating in the framing of data protection laws (such as the Digital Personal Data Protection Act).<sup>xix</sup>

## Social and Cultural Impact:

By recognizing decisional privacy — which includes choices around marriage, procreation, religion, and sexual orientation — the Court reinforced the idea that individuals must be free to live with dignity, without undue state interference in intimate matters.

Moreover, its declaration that privacy is not elitist resonated deeply in a society marked by economic inequality. The Court's language underscored that even the economically marginalized have a claim to privacy, and thus autonomy.

## Technological and Policy Impact:

In the digital age, Puttaswamy is widely regarded as the legal foundation for regulating surveillance, data collection, and personal data usage. The emphasis on informational privacy and the proportionality test resonates strongly with debates on digital governance, biometric identity systems, and mass surveillance.



The judgment also pressured the legislature to enact data protection legislation. Lawmakers and activists have repeatedly invoked Puttaswamy in pushing for stronger legal frameworks around data fiduciaries, user consent, and procedural safeguards.

## Criticisms and Challenges:

While Puttaswamy is celebrated, it is not without criticisms:

### 1. Implementation Gaps:

Critics argue that although the Court laid down a strong legal framework, legislative follow-through has been slow or inadequate. Without effective data protection laws, the principles remain under-protected.<sup>xx</sup>

### 2. Ambiguity in Application:

The three-fold test (legality, legitimate aim, proportionality) is powerful but somewhat abstract. Future litigation is needed to concretely define what constitutes “proportional intrusion” by the state.

### 3. State Surveillance Risks:

Even with proportionality, surveillance technologies are ever more invasive (e.g., facial recognition, AI profiling). Whether the Court’s framework is robust enough to guard against future technological overreach remains a concern.

### 4. Non-State Actors:

While the Court recognized privacy claims against both State and non-State actors, its enforceability vis-à-vis private corporations (social media companies, data brokers) is less clear.

### 5. Policy Tension:

The judgment demands a careful balance between public welfare needs (e.g., welfare delivery via Aadhaar) and individual autonomy. In practice, states may struggle to maintain this balance, especially in contexts involving marginalized citizens.<sup>xxi</sup>

#### • Law And Human Rights:

Human rights protection is central to modern legal systems. In *K.S. Puttaswamy v. Union of India* (2017), the Supreme Court recognized privacy as a fundamental right, profoundly influencing data protection, bodily autonomy and personal choice.

Cases related to acid attacks, such as *Laxmi v. Union of India*<sup>xxii</sup>, strengthened protections for women and regulated acid sales.

#### • Challenges In Using Law For Social Change:

Challenges include cultural resistance, lack of awareness, weak implementation, corruption, and social inequalities. Law alone is insufficient; societal acceptance and institutional reforms must accompany it.

## Conclusion

Law is central to social evolution. In India, legal reforms and judicial decisions have dismantled oppressive structures, expanded rights and guided society toward modern values. Despite obstacles, law remains the most powerful mechanism for ensuring justice and driving social progress. The *K.S. Puttaswamy v. Union of India* judgment is nothing short of a constitutional milestone. By recognizing the right to privacy as fundamental, the Supreme Court reaffirmed the centrality of human dignity, autonomy, and individual liberty in India’s constitutional structure. Overturning earlier precedents, the Court provided a robust doctrinal framework, defining privacy’s dimensions and laying down a principled test for justifying any intrusion by the State.

The impact of Puttaswamy extends far beyond Aadhaar: it has shaped subsequent landmark rulings, influenced national policy on data protection, and reshaped social norms around personal autonomy.

Yet, the real test lies ahead: in how legislatures, regulators, and courts implement and operationalize privacy rights in the digital age. The principles laid down by Puttaswamy constitute a powerful foundation — but they must be matched with effective laws, vigilant institutions, and an engaged citizenry to safeguard privacy in practices.

## References

1. Roscoe Pound, \*The Scope and Purpose of Sociological Jurisprudence\*.
2. Upendra Baxi, \*The Crisis of the Indian Legal System\*.
3. Roscoe Pound, *The Scope and Purpose of Sociological Jurisprudence*.
4. A.K. Gopalan v. State of Madras, AIR 1950 SC 27.
5. Maneka Gandhi v. Union of India, (1978) 1 SCC 248.
6. Indian Constitution, Preamble.
7. The Sexual Harassment of Women at Workplace Act, 2013.
8. International Journal of Law, “Justice K.S. Puttaswamy v. Union of India – Data protection implications”
9. [https://www.casemine.com/commentary/in/right-to-privacy-declared-a-fundamental-right-under-part-iii%3A-a-commentary-on-k.s.-puttaswamy-v.-union-of-india-%282017%29/view?utm\\_source=chatgpt.com](https://www.casemine.com/commentary/in/right-to-privacy-declared-a-fundamental-right-under-part-iii%3A-a-commentary-on-k.s.-puttaswamy-v.-union-of-india-%282017%29/view?utm_source=chatgpt.com) "Right to Privacy Declared a Fundamental Right under Part III: A Commentary on K.S. Puttaswamy v. Union of India (2017): Supreme Court Of India | CaseMine"
10. 282017%29/view?utm\_source=chatgpt.com "Right to Privacy Declared a Fundamental Right under Part III: A Commentary on K.S. Puttaswamy v. Union of India (2017): Supreme Court Of India | CaseMine"



11. [https://lawlex.org/lex-bulletin/case-summary-k-s-puttaswamy-ret-d-v-s-union-of-india-2017/18929?utm\\_source=chatgpt.com](https://lawlex.org/lex-bulletin/case-summary-k-s-puttaswamy-ret-d-v-s-union-of-india-2017/18929?utm_source=chatgpt.com) "Case Summary: Justice K. S. Puttaswamy (Retd.) vs. Union of India, 2017 - LawLex.Org"
  12. \*M.C. Mehta v. Union of India\*, AIR 1987 SC 1086. ([elaw.org])(<https://elaw.org/resource/india-mc-mehta-v-union-india-wp-127391985-19861220-oleum-gas-leak-case>))
  13. "Oleum Gas Leak Case – Case Study," iPleaders. ([blog.ipleaders.in])(<https://blog.ipleaders.in/oleum-gas-leak-case-case-study>))
  14. LegalVidya, "Case Commentary on Oleum Gas Leak Case." ([thelegalvidya.in])(<https://www.thelegalvidya.in/case-commentary-on-the-oleum-gas-leak-case>))
  15. IJCRT, "Absolute Liability and Environmental Law in India." ([ijcrt.org])(<https://www.ijcrt.org/papers/IJCRT21X0308.pdf>))
  16. LegalServiceIndia, "M.C. Mehta v. Union of India – Oleum Gas Leak Case." ([legalserviceindia.com])(<https://www.legalserviceindia.com/legal/article-9689-m-c-mehta-v-union-of-india-air-1987-sc-965-oleum-gas-leak-case.html>))
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