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Study of Law Required for Every Common Man

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ABSTRACT

What does the law mean to ordinary people? Such a broad question can be answered in several ways, depending on the point of view, disciplinary training, etc. From the point of view of economic analysis, a single actor would consider the law as a system of incentives. In this perspective, incentives provide or even constitute reasons to act. Attention, therefore, shifts from isolated incentives to the mechanism that generates such incentive-sensitive behaviour. In the ancient neoclassic economic account, people reply to incentives with a motivation to maximize their expected utility conjointly referred to as rational preferences. The economic analysis of law subscribes to the postulate of rationality, therefore, treats law as a kind of price system.

This research addresses important ways in which actual behaviour differs from the behaviour predicted by the traditional rationality-based model.

However, since economics still lacks a general theoretical explanation that can replace the workhorse of rational preference, the legal applications of behavioural economics, at least at the general level, are more specific than general: What does the law mean for the ordinary citizen? Law means justice, morality, reason, order, and fairness from the point of view of society. The law designates the statutes, acts, rules, regulations, ordinances, and ordinances from the point of view of the legislator. This article certainly makes a bold attempt to paint an analytical framework to answer this question. Instead of examining the legal implications of bounded rationality - a very laudable exercise in itself - this article proposes a theory of extended rationality. The main idea of this theory is to expand the concept of personal utility in such a way that it encompasses personal values. This theory could be useful for economics in general, but it could be particularly useful for developing legal and economic accounts of legal issues that have been constrained by the traditional model of rationality.

Defined as desirable values, the guide on your individuals selects actions, assesses people and events, and explains or justifies their actions and evaluations

Keywords: Civilization, India, Law, Legal, Rights, Rules, Society.

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I. INTRODUCTION

Do we ever consider what would happen if there were no laws in society or state? I believe no state or civilization can live without law. Laws are always needed to protect us or others. To manage society or to administer justice, we need the law, which is an ancient term.

We can't picture any state or community controlling themselves without the rule of law; without it, we don't have civilization; we have chaos. The purpose of the law is to protect people and property from being harmed. We can't see any state or community being able to regulate itself without laws or norms. We can claim that the law is necessary in order to survive with dignity and decency. The law governs a large portion of what everyone does on a daily basis. It informs us of our legal obligations and rights, and it also provides information on the penalties for breaking the law.

So, we are all aware that we require the law in order to regulate ourselves; it is a fundamental requirement for any community or state to have. In our day-to-day lives, we always pay attention to the law and follow the rules, but we never stop to consider what the law is and what its definition is. Did we ever give it any thought?

The law impacts every element of our life, from birth to death. We live in a civilization that has evolved sophisticated regulations to manage its members' actions. There are regulations that govern working conditions, recreational activities, and personal relationships.

And how does it vary from other sorts of rules? The law is a system of laws enforced by courts that governs the state's government and its residents' relationships. Individuals face several 'rules'.

It's typical for us to respond when someone asks us what the law is by saying, "It's common sense." In fact, because the law is based on morality, which is common sense, it follows that law is logical.

There is no such thing as a static definition of the law, and there is no such thing as a law. However, we can define the law for a specific period of time, but it will alter throughout time as society and time progress. Arnold claimed that - we could not define law in one or two phrases, the reason being that society is dynamic and the law is designed for the regulation of society. You cannot define law in a static way since society itself is constantly changing. Judge Pollock added that when you know more about the law, defining it becomes more complex.

II. WHAT IS LAW?

The law was defined as “a set of rules of action or conduct prescribed by the supervisory authority and having the force of binding law. What must be observed and followed by citizens liable to sanctions or legal consequences is a law”.

Although meant to shield the basic rights and liberties of Indian citizens, the system and its laws don't seem to be forever promptly understood by the common citizen. At what purpose will we cross that fine line between legal and illegal terms and conditions, and on what basis of law is that line even drawn within the place? The general public perceives (and accepts) laws prohibiting acts of murder, thievery, physical harm, and money malfeasance; however, there are many different laws that may offer to save us from our illegal activities that happen in regular life.

The phrase ‘LAW’ is a generic term that has varied connotations for different people. A judge, for example, views law as a set of guiding principles to be applied in judging cases. Similarly, the law has been defined differently by different people; therefore, there can be no consensus on the law's true essence or definition.

III. WHAT IS THE INDIAN LEGAL SYSTEM?

In India, the Constitution is the supreme law, which accords appropriate recognition to statutes, case law, and customary law that are consistent with its dispensations. Parliament, State Legislatures, and Union Territory Legislatures enact statutes. Additionally, there is a massive corpus of laws referred to as subordinate legislation that is composed of rules, regulations, and by-laws promulgated by the Central and State Governments and local authorities like Municipal Corporations, Municipalities, Gram Panchayats, and other local bodies.

This subordinate legislation is enacted pursuant to the authority bestowed or delegated by Parliament, the State Legislature, or the Union Territory Legislature. The Supreme Court's judgments are final and conclusive in all courts located within the Indian subcontinent. As India is a land of diversity, local customs and conventions that do not violate the statute, morality, or other applicable laws are also acknowledged and taken into account by courts in specific fields when dispensing justice.

In the Constitution of India, every person has been given many rights, and since the rights are supplied, there will be a violation of those rights as well. Our legislature has developed several laws to enforce and preserve such rights in order to civilize the community and ensure peace and harmony among persons.

Law is generally a system of rules that are formed and enforced by a particular country or society through social or political organizations to regulate the behaviour of its members.

India has a federal judicial system that is mostly based on mixed law, i.e. based on the parliamentary legislature, court laws, customary & religious laws as well. The Indian Judicial System is formed by judges through their rulings, orders, and judgments.

IV. THE LAW'S PURPOSES

In a society like India, the law influences everyday life in a variety of ways and is reflected in a vast range of legal disciplines. According to a common definition, contract law is the regulation of agreements to trade goods or services or anything else of value, which includes everything from purchasing a bus ticket to trading options on a financial derivatives market. Individuals' rights and obligations with respect to tangible property, which includes real estate (i.e., real property such as land or buildings) and their other possessions (i.e., personal property such as clothes, books, vehicles, and so on), as well as intangible property, such as bank accounts and stock certificates. Damages to people or their property are compensated under tort law when someone or their property is injured, whether in a car accident or by defamatory statements about them. Those are areas of civil law that deal with disagreements between private individuals and organizations. Federal, state, and local governments are all subject to criminal law, which allows the government to prosecute and punish those who commit crimes against their own communities.

The law serves a variety of functions. The establishment of standards, the maintenance of order, the resolution of conflicts, and the protection of liberties and rights are the four primary functions of government.

V. EVERY INDIAN CITIZEN SHOULD BE AWARE OF THESE LAWS AND RIGHTS

In order to defend people's fundamental rights, the Indian Constitution has provided them with a number of rights. Unfortunately, the majority of the population is not aware of these rights.

The Indian people enjoy a plethora of rights to safeguard their lives and assets, as well as to live a dignified existence. Different parts of the Indian Constitution and subsequent legislation allow for certain rights.

(A) The Motor Vehicle Act of 1988

According to Section 129 of the Indian Motor Vehicle Act, two-wheeler users are required to wear a helmet at all times. Section 128 of the Motor Vehicle Act limits the number of people who can ride on the bikes to a maximum of two.

Another provision of the law states that the taking of a vehicle or motorbike key by a traffic police officer is unlawful. You have the complete legal authority to bring legal action against the officer in question.

(B) Sections 185 and 202 of the Motor Vehicle Act of 1988

It is possible for the police to arrest you without a warrant. If your 100ml blood contains more than 30mg of alcohol when you are driving at the moment.

(C) The Indian Sarais Act of 1887

Even the most luxurious 5-star hotel cannot restrict you from consuming potable water and using its washrooms.

(D) The Domestic Violence Act of 2005 states that

The fact that a young boy and a young girl want to live together in a “live-in relationship” does not make it illegal for them to do so. Even the child from this relationship is considered to be a legal son or daughter, and this newborn child is entitled to all of his or her father’s property.

(E) Act of 1961, Maternity Benefits Act

If a lady is pregnant, her employer cannot fire her. It’s a crime that carries a maximum of three years in prison.

Pregnant women who work for an organization with more than ten employees are entitled to 84 days of paid maternity leave.

(F) Section -13 of the Hindu Marriage Act

According to the Hindu Marriage Act of 1955, either spouse may file for divorce on the grounds of adultery (a physical relationship outside of marriage), physical or mental abuse, impotence, leaving home without notice, conversion to another religion, and abandonment of Hinduism, insanity, an incurable disease, or lack of knowledge about the spouse for a period of at least seven years prior to the filing of the petition.

(G) The Automotive (Amendment) Bill, 2016, as amended, provides that

If you’ve been penalized for a crime (such as riding without a driving license and helmet or for another reason), you will not be fined for the same violation on the same day again.

(H) The Limitation Act of 1963 states that

If your employer fails to pay you, you have the right to submit a formal complaint with the

police within three years. However, if you do not report within three years, you will not be reimbursed for the amount owed.

(I) The Hindu Adoption and Maintenance Act, 1956, provides that

If a person is a follower of the Hindu religion and already has a son or grandson, he or she will be unable to adopt a second kid.

Between you (the adoptive parent) and your adopted kid, there must be a minimum of 21 years between them.

(J) 166 A of the Indian Penal Code

A police officer cannot decline to file an FIR, and if he or she does so, he or she could face a prison time of up to 6 months to 1 year.

(K) The Police Act of 1861 :

A police officer is always on duty, regardless of whether he or she is wearing a uniform or not. If a person brings a complaint to the officer's attention, the officer cannot claim that he or she is unable to assist the victim because he or she is not on duty.

(L) Section 294 of the Indian Penal Code

If you are found to be engaged in "obscene behaviour" in a public area, you may be punished with imprisonment for 3 months in jail. However, given the absence of a precise definition of obscene behaviour, police have historically abused this provision.

(M) The Maximum Retail Price Act of 2014

Although a shopkeeper is not permitted to charge more than the printed price of an item, a consumer is permitted to haggle for a lower price than the published price of a commodity.

(N) Section 46 of the Criminal Procedure Code

No woman can be arrested before 6 a.m. or after 6 p.m.

(O) The Income Tax Act of 1961 states that

The tax collection officer has the authority to arrest you if you violate tax laws, but he or she will first have to give you a notice of their intention to do so before they can do. Only the Tax Commissioner has the authority to determine how long you will be held in detention.

(P) Citizens Charter (Indian Oil Corporation website)

According to the Citizen Charter, only a small percentage of the population know that if their gas cylinder explodes while they are cooking food, the gas agency will have to pay the sufferer

Rs. 50 lakh as compensation.

In order to be eligible for this compensation, consumers must first file a police report with the nearest police station and then submit the report to the appropriate gas agency.

VI. IMPORTANCE OF LAW

Law is extremely significant in a society since it provides a standard of behaviour for citizens. It was also created to give adequate norms and order for all citizens' behaviour, as well as to maintain the equity of the three arms of government. It is what keeps society running. There would be pandemonium if there was no law, and it would be the survival of every man for himself.

The law is significant because it serves as a framework for what is considered acceptable in society. Conflicts between social groupings and communities would inevitably arise if this were not in place. It is critical that we adhere to their instructions. Changes that occur in society can be easily adopted because of the legal framework.

VII. CONCLUSION

It is necessary to adhere to a set of rules and guidelines in order for something to function properly. Until there is a riot or social upheaval, the importance of the law is never fully appreciated. As a result, people begin to recognize that society as a whole needs a set of rules and laws. As a result, society can function more efficiently and peacefully.

Scientists, sociologists, legal jurists, professionals, and students all have their own definitions of "Law," which they base their interpretations on, just as everyone else does. For sociologists, "Law is an instrument of social control confirming certain social behaviour and penalizing other deviance," but for lawyers, "Laws are strict rules owing origin to customs, precedents, or legislation that sustain the condition of justice in society."

The rule of law plays a critical role in our daily lives. Even if it's an issue of politics, education, or the economy, if we wish to move forward in our lives, we must obey the law. We're all human beings, and we're all equal. Regardless of race, ethnicity, or religion, no one is superior to anyone else. How we treat one another is all that divides us. Understanding one another and adhering to the law can go a long way toward making the world a better place.

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