**Sociological School and Indian Position**

To India, sociological school of jurisprudence has much relevant in terms of realisation of the social and economic goals of the community. Law in free India is being adjusted to serve the common needs and ends of society along with individual interests. However, before 1947 the judges, the lawyers and law administrators did not look around while making new laws. The pace of social change was very slow as the law was conceived either in analytical fashion emanating from the British Parliament or the law had no relationship or relevance with the life of people of India. The role of judges was not to discover the ‘inarticulate major premises’ or ‘felt needs’ of the people but to interpret the law in its logical manner irrespective of the considerations of social justice. The law was mostly imposed from above. It had no roots in the Indian soil.

After 1947 there was a change in the perspective of law itself. India became free and it adopted the new Constitution with a view to establish justice – social, economic and political. To achieve these set goals Indian planners introduced the system of economic planning in India with a view to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political shall inform all institutions of national life. Accordingly State evolved new social and economic policies to achieve the above ends. The old analytical approach towards law was obviously abandoned in the interest of common goods as it was unnecessary, unreal and inconvenient to the emergence of new social order. Hence a new sociological approach for reconciling conflicting social interests and values became necessary for bringing peaceful social change through law.

In India, Sociological Jurisprudence has been adopted in the Indian Constitution. Part III of The Constitution of India solely deals with the Fundamental Rights of the citizen and people of this country wherein the citizens and the people are provided with certain rights. These rights are provided by recognizing the public and private interest of the individual. Further the rights that are provided in this chapter have certain limits and hence these rights will not be accessible under certain situation and certain circumstances. Further, satisfying the third condition of Pound these rights has been secured as the Constitution of India says that any law that is in conflict of the Fundamental Rights will be held ultra-vires. Further, there are several cases wherein the concept of Sociological Jurisprudence has been mentioned and has been taken into consideration while delivering the judgment.

In Ashok Kr Gupta & others vs State of Uttar Pradesh it was held that this court is not bound to accept an interpretation which retards the progress or impedes social integration.

 In the case of Union of India & Anr v Reghubir Singh the court observed that the aspect of the social conduct and experiences of the ages has to be considered while determining and framing the new laws and norms.

In N. Adithayan vs Travancore Devaswon Board and Ors, the observed that distinction based on cast could not be allowed to permeate in the social fabric of the society.

Thus, the Court reaffirmed its stand that discrimination of any sort, amounting to untouchability would not be tolerated

The Court in Bandhowa Mukti Morcha vs Union of India, held that the Court should abandon the Laissez Faire approach in the judicial process particularly where it involves a question of enforcement of fundamental rights and forge new tools, devise new method and adopt new strategies for the purpose of making fundamental rights meaningful for the large masses of people.

 In Sarla Mudgal v Union of India, the court embracing the concept of Sociological Jurisprudence said that marriage celebrated under one personal law cannot be dissolved by application of any other law.

This observation matches up with the concept of Pound wherein he said that in case of conflict between interests, the interest of same plane will be weighed together.