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IMPORTANCE OF PUBLIC OPINION ON LAW MAKING IN INDIA

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ABSTRACT

We know that there are various forms of Government. One of them is Democracy. Democracy is that form of Government in which the Government is by the people, of the people, for the people. That means in Democracy, people are supreme. Where Democracy does exist, there is public opinion is very important. People must have the liberty to give their opinion on the new law. People can protect the Democracy to express their opinion on a particular matter. Public opinion can greatly impact how laws are drafted in a democracy. Politicians and elected officials frequently respond to public opinion because they are answerable to the people who elected them. Its result is shifts in public sentiment may influence legislative changes. Legislators may be more inclined to enact laws that reflect popular opinion, for instance, if there is a wave of support for a given topic. Public opinion can greatly impact how laws are drafted in a democracy.

The main conclusions are that public opinion has a significant impact, that salience increases the effect of public opinion, that the impact of opinion is substantial even when elites' and political organizations' actions are taken into consideration, that responsiveness has not changed significantly over time, and that the conclusions can only be broadly applied to a limited extent. The study highlights gaps in our understanding, which are addressed in recommendations for a future research program.

Introduction:-

The changing form of society raises the need for new laws. The Government is sensitive to the needs of the people in the changing social and economic scenario and makes new laws. The same law binds every citizen of the country. The Government has to take more precautions

when framing laws. A particular law might benefit one group of people, but it might be against the interests of other groups. That means whether they are rich or poor. ¹In our country, as we know, there is different diversity. If any law is raised against a particular group, they campaign through the media, like television and newspapers, to express public opinion.

Public opinion is the opinion of people. So, in a democracy, the Government is representative of the people. So it is important to take into account the opinion of the people. Public opinion and the media play important roles in framing new laws. Thus, it is crucial to remember that there is not always a clear-cut correlation between popular opinion and legislation. The public's desire and what the law permits can occasionally diverge significantly. Under such circumstances, it could be essential to amend the legislation to better represent the general people's views. Even if they may not be widely accepted, there may be times when the law is used to defend the rights of minorities or to safeguard significant ideals. Public opinion may influence many facets of policymaking, governance, and social change. The link between public policy and public opinion may greatly impact many different processes in a democratic society. The development and implementation of policies are based on elected officials who often are responsive to the desires and preferences of their constituents. When there is a strong public consensus on a particular issue, it can lead to the creation of new laws or changes in existing policies. Public opinion can influence a country's foreign policy decisions. Leaders may consider the views and attitudes of their citizens when making decisions on diplomacy, international agreements, and military actions.

Meaning of public opinion:-

People or society particular views on governmental matters or Public opinion is a collection of the opinions, attitudes, and beliefs of many people in a community about a specific subject. The concepts of "public" and "opinion," the synthesis of both yields "public opinion," commonly understood as the collective views held by individuals on matters impacting or of interest to the entire community. Some academics consider the aggregate to be a collection of numerous competing or divergent opinions. In contrast, others perceive it as a synthesis of the opinions of everyone or a particular group of people.

¹ Burstein, pall 'The impact of public opinion on public policy: A review and an Agenda' political research Vol. 56, No 1 (Mar., 2003).

Definition of public opinion:-

- American sociologist Charles Horton Cooley emphasized "public opinion as a process of interaction and mutual influence rather than a state of broad agreement."
- American political scientist V.O. Key defined "opinions held by private persons which governments find it prudent to heed."

Background:-

In Athens' classical democracy, it was widely acknowledged that the people were the centre of everything. The term "public opinion" was not coined until the 18th century, however it appears that similar occurrences have existed throughout history. The myth of a caliph who would disguise himself and mix with the populace to find out what they thought of his rule is one example of how popular sentiments are mentioned in the ancient histories of Babylonia and Assyria. Sometimes the prophets of ancient Israel urged the people to overthrow the government, while other times they defended its policies. In both situations, they were trying to influence the view of the crowd. It was widely acknowledged that everything under the traditional Democracy of Athens rested on the world.

Plato, on the other hand, thought that society should be run by a philosopher monarch whose intelligence far outstripped the ordinary populace's knowledge and intellectual capacity, hence he placed little emphasis on public opinion.

Thus, according to Aristotle, "he who loses the support of the people is a king no longer."

Only free adult male citizens were the public he was referring to; in Athens during his lifetime, the voting population likely made up only 10 to 15 percent of the city's total population.

The Middle Ages to the early modern period:-

The actions and attitudes of most individuals in medieval rural European communities were determined by their social positions. ²However, phenomena similar to popular opinion were still discernible within the religious, intellectual, and political elite. Persuasion, gaining followers, and aligning the views of those who mattered were all part of religious disputes, conflicts between popes and the Holy Roman Empire, and princes' aspirations to establish dynasties. William Longchamp, the bishop of Ely and an English leader, was assailed by his

² W. Phillips Davison.

political rivals in 1191 for employing troubadours to publicize his virtues, causing "people to speak of him as though his equal did not exist on earth." Though handwritten literature also had a role, sermons were the primary medium used in the propaganda wars between popes and emperors. The development of the major European news centres started in the 17th century, particularly in places like Antwerp, Frankfurt, Amsterdam, London, and Lyons, which were setting up advanced financial exchanges. The Editor of Encyclopaedia Britannica.

Nature of Public Opinion:-

1) Rational and Logical Opinion -

Public opinion must be supported by rationality and logic. Ideally, it should be grounded on reason and logic. It should entice rational analysis and support its validity with logical justifications and substantiated data.

2) General Welfare -

Public opinion means the collective views of people, not personal opinion. If people give their opinions logically, it will be the best, and public opinion should be for the general welfare, not personal benefit. People who actively use their efforts to better the community are public opinion.

3) Related to all aspects of life -

Public opinion can affect every aspect of life. It impacts all facets of life and transcends specific domains to impact political, social, economic, and cultural domains. Its widespread impact shapes people's experiences and choices inside a community.

4) Upholds morality -

Public opinion upholds social values, upholding moral standards and conventions to preserve the community's moral purity. It frequently supports initiatives that improve the general welfare of the population.

5) Not an imposed opinion -

Public opinion must not be imposed on people. Public opinion means opinion given freely, without any kind of pressure or fear. Genuine public sentiment naturally arises from the people's shared awareness.

6) Based on rights to freedom of speech and expression –

Freedom of speech and expression is a fundamental concept that forms the basis of public sentiment. People have the right to voice their opinions and take part in forming public discourse, which shapes views as a whole. Law and public opinion, pagers

numbers cited within the text of this introduction refer to this volume. ³If any country were not given this right, then public opinion would be irrelevant. Therefore, public opinion and fundamental rights are closely connected.

7) Basis of Democracy –

The public's collective voice is quite powerful in democracies, influencing the Government's decisions and actions. Responding to the people's will is a critical component of a democratic administration's legitimacy and effectiveness. Public opinion is important for a successful Democracy.

8) Watchdog of Government –

Public opinion is a very important tool for controlling Government. That's why the Government cannot make any decisions that are against public welfare. In short, public opinion controls government wrongdoing.

9) Social Welfare –

Public opinion should be given regarding social welfare, not private welfare. It should represent all societies' welfare.

Importance of Public Opinion:-

The following factors make public opinion important in all societies:

1) To control the government–

Due to public opinion, the Government can't make wrong laws, rules, regulations, and policies. Public opinion is a powerful weapon for accountability and has a big say in governing entities. It is appropriate for governments to answer to the general public's opinion. It acts as a check on leadership.

2) Influence the government policies –

Public opinion influences how the state government formulates its policy. Every public policy is based on the opinions of the general people's welfare. The Government is supposed to address the public's requests.

3) To make law Successfully –

Due to public opinion laws made successful. Suppose public opinion supports the law made by the Government. In that case, these laws will be implemented successfully in society, but if the public opposes that law, the Government cannot enforce the law.

For example, the Government took back a farm bill due to public opinion's opposition.

³ The Editor of Encyclopedia Britannica.

It is the real sanction behind all laws and policies of a democratic state.

4) To protect liberty –

Public opinion is the watchful guardian of people's rights and freedoms. Vigilant and active public opinion is the most effective defence against any infringement on an individual's rights and freedoms.

5) To Protect the Democracy –

Public opinion helps to protect Democracy. Democracy means by the people, of the people, and for the people. In a Democracy, the people are always supreme, and the Government works for the people. Public opinion is very important to protecting Democracy. It reflects the sovereignty of the people, which is the basis of Democracy.

6) Agent of social change –

When there is strong public support, any law, policy, or developmental initiative to promote social change or reform succeeds. For social change to be successful, the public's support for suggested reforms and alterations must be increased. Public opinion, therefore, serves as the foundation for political endeavours in any community. The importance of public feeling in modern society is acknowledged, and there is a strong push for the free expression of public opinions. Free expression of all opinions is essential because it promotes the growth of authentic public emotion. Public expression rights must not be restricted, even during times of crisis. When a widely held opinion opposes war, the state has no right to continue the struggle. The Government can remain in power and work successfully only when it is backed by public opinion.

Agencies of Public Opinion:-

The following are some major agencies that influence public opinion:-

- 1. Press:-** The press, which includes newspapers, magazines, journals, and print and electronic media, shapes public opinion. Through in-depth reporting and analysis, it explores important topics with societal significance. Editorials, articles, and news analysis largely shape and express public opinion.
- 2. Legislature:-** Political leaders meet in the legislature, which is made up of elected officials chosen by the general public. The legislature has two functions: it reflects popular emotion and makes it easier for people to express their opinions. Public opinion is largely shaped and reflected by the parliament through parliamentary debates, the

distribution of debate recordings, and the opinions of politicians inside and outside the assembly.

3. **Political Parties:-** Political parties disseminate political education. They provide the public with thorough information about the Government, its failures, mistakes, and accomplishments. Every political party tries to influence public opinion in its favour by planning rallies, demonstrations, parades, and campaigns to highlight issues of social importance.⁴ These efforts influence public opinion, making political parties essential, advantageous, and active organizations for expressing, combining, and promoting political opinions. They have considerable power to shape public opinion.
4. **Radio, T.V. and Internet:-** Public opinion is shaped by media like radio, television, and the Internet in this age of the information revolution. These media act as conduits for politics.
5. **Education:-** Discussions and debates act as catalysts in forming public opinions. Their use is particularly crucial in influencing and altering public opinion during elections.
6. **Cinema:-** Motion pictures have a big impact on how people feel. They frequently include news segments that cover world events and are screened in cinemas. Additionally, certain films are made with particular goals, which make an impression on audiences. As a result, movies are a medium for influencing and expressing popular sentiment.
7. **Educational Institutions:-** Various activities, including lectures, presentations, meetings, and seminars, are planned in educational contexts. Distinguished leaders, academics, and authors participate actively in these events, adding to the discourse and influencing students' and teachers' viewpoints. Moreover, pupils are often influenced by instructors' viewpoints in their classrooms. These points of view frequently get ingrained in the pupils' thinking, impacting their attitudes and beliefs. The educational curriculum facilitates the development of public opinion by achieving particular goals.
8. **Religious Institutions:-** Religious organizations frequently influence people's political beliefs; this is especially true in India, where several political parties are based on religious links.⁵ In India, religious meetings are sometimes used as forums for political debate when political objectives are promoted and supported under the pretence of religion. As a result, these opinions attract devoted supporters who help to influence public sentiment.

⁴ Ibid.

⁵ A. V. Dicey, Macmillan papers, British Library add. Mss.55085 July, 1912.

9. Social Institutions:- Public opinion is shaped and expressed by many non-political entities in each society. Organizations like the Farmers Association, Intellectual Associations, All India Women Conference, and Social Welfare Groups are important channels that advocate for various societal and Government demands. These groups play crucial roles in developing and propagating public opinion, making substantial contributions to its cultivation and reflection through their active participation.

10. Elections:- Many non-political organizations significantly impact the forming and expression of public opinion in any town. Organizations like the All India Women Conference, Farmers Associations, Intellectual Associations, and Social Welfare Groups are essential for raising awareness of different issues and advocating for various demands from the Government and society. By actively participating, these groups play crucial roles in developing and propagating public opinion, making a substantial contribution to its cultivation and reflection

Conclusion:-

Thus, public opinion is very important in Democracy because it shapes society. A democratic society cannot function without the relationship between law and public opinion, which is characterized in India by an ongoing dialogue between the governing and the governed that reflects the changing values and aspirations of the people.

By comprehending and utilizing this dynamic interplay, policymakers and legal professionals can ensure that the law continues to reflect public sentiment, promoting a just and equitable society. If the majority of people have a view against the war, the state has no right to continue with it; if only a minority has this attitude, it cannot in any way negatively impact the war's conclusion.

Finally, public opinion does not necessarily depend on numbers. Public opinion may be defined as the viewpoint of even one individual, even when the majority does not hold it. Even if it was his alone, Mahatma Gandhi's viewpoint may legitimately be referred to as popular opinion. However, a minority's viewpoint must be supported by the majority out of conviction rather than coercion. Most of the time, public ideas and attitudes influence our cultural and social standards, influencing how society accepts topics like racial equality, gender roles, and marital equality. Campaigns for public awareness and curriculum modifications might be influenced by public opinion. Governments and educational institutions may prioritize particular subjects or concerns when they agree on their significance.