



drishti

Law Affecting Behavioural Change

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This article is based on “Can legislative action change the behaviour of a country?” which appeared in The Livemint on 11 September 2019. It talks about the efficacy of laws in bringing behavioural change within a society.

Law is important for a society as it serves as a norm of conduct for citizens. It keeps the society running, as a lawless society will lead to the prevalence of survival of the fittest. Law compliance has a cascading impact on other spheres of society too.

However, the efficacy of the law in bringing the behavioural change is still a matter of debate.

Cases of Legislation Success in Bringing Behavioural Change

- Legislation has a higher chance of success when it is trying to manage public behaviour.
 - Several measures, including health warnings, were used to curtail smoking has contributed to a sustained decline in smoking.
- Humans tend to make judgements on whether to engage in a prohibited activity based on the expected cost of that behaviour.
 - If the severity and probability of punishment exceed the expected benefit or pleasure of the act, then the actor will refrain from that behaviour.
 - **For example, Amended Motor Vehicles Act, 2019** that has dramatically increased the fines, has also compelled people to follow traffic rules.

Cases of Legislation Failure to Bring Behavioral Change

- Legislation alone will not be enough to create equality for women, especially when it comes to **issues involving religion**.
 - Passing of the law to **ban triple talaq** hasn't ended the atrocities faced by Muslim women by their spouses in this country.
- **Cognitive biases**, that are short cuts the brain takes to go about its day-to-day affairs,

also can not be regulated by law.

Attempts to make citizens **stop drinking alcohol** by introducing prohibition have failed across the world, from the US to the Indian states of Gujarat and Kerala.

- It is almost impossible for legislation to **erase deep-rooted biases** about race, gender, ethnicity, etc.

Striking down of Sec 377 of IPC: Though it decriminalized homosexuality, the LGBTQ+ community is yet to find acceptance in society.

- Other cases where legislation has failed to bring social change
 - **Abrogation of Article 370:** It has to fail to emotionally integrate the people of Kashmir to the rest of India.
 - Citing pollution problem in New Delhi-NCR region, the Supreme Court applied restrictions on firecrackers during Diwali. In spite of this, there was a **quantum jump in pollution** levels in Delhi, the morning after Diwali

Interventions Beyond Legislation

- **Nudge theory:** Through reminders positive reinforcement, nudge policies gently steer people towards desirable behaviour even while preserving their liberty to choose.
Nudge theory can be used in increasing tax compliance in India or reducing drop out rate in poor families etc.
- **ICE model:** Information Education and Communication (ICE) is an approach which attempts to change or reinforce a set of behaviour in a target audience regarding a specific problem in a predefined period of time.
 - There has been a greater transformation of attitudes towards LGBTQ+ in the past 30 years in the US.
 - This dramatic shift did not happen because of any legislation, but due to empathy developed in society because of debate and deliberations.
- **Student can become ambassadors** for bringing cultural change in society.
For example, the role played by students in becoming Swachagrahis, to propel **Swachh Bharat Mission** towards success.
- **Appeal from the top leadership** of the society also affects society by and large.
The success of Swachh Bharat Mission and **Beti Bachao Beti Padhao** scheme can be attributed to appeal made by Indian PM to the masses.
- **Role of civil society:** Civil society can act as a bridge between people and Government.
For example, civil society can become a solution to the Kashmir problem.

It takes more than government and courts to address a problem that is driven by human activity and behaviour. Good and effective regulations matter, but the key is cultural and behavioural change.

This cultural change can be brought by Mahatma Gandhi's narrative of change i.e. Be the change you want to see in the world.

Drishti Mains Question

It takes more than government and courts to address a problem that is driven by human activity and behaviour. Good and effective regulations matter, but the key is cultural and behavioural change. Comment.