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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provide dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

INTERSECTIONS OF LAW, CULTURE, RELIGION AND PSYCHOLOGY: A MULTIDISCIPLINARY STUDY

AUTHORED BY - PALAK NIMESH

ABSTRACT

This paper explores the dynamic relationship among the subjects of culture, religion, social beliefs and their effects on psychology of a person with relation to law. We know that law is originated through societal norms, religious beliefs and traditions. When a group of people support a way of living and has same psychological thinking towards some subjects their uniformity of exercising those traditions makes it a rule for all of the people despite of it being either positive or negative. But we can't forget that these subjects are of interdependent nature, if we say that religious, cultural, societal and psychological beliefs were foundation of law, we can't deny the fact that law in return makes reforms in those ones which are harmful for the society as a whole also there are some norms that affects the psychology of a person or a group of people very severely. Through an analysis of Indian constitutional principles, case laws and key issues, this paper argues that law must create a well balance between respecting religious and cultural traditions while improving the human psychological well-being by prioritizing human rights and reforming laws.

INTRODUCTION

These five subjects (religion, culture, society, law, psychology) have always been a deep thinking matter because they give abundance of topics to think about but first let's understand their meanings:

- **Religion:** It is the system of beliefs, practices, rules of living and feelings that connects humans with the power greater than them like god, gods, divine or universe. Basic things that define a religion are some rules, rituals, beliefs and moral codes that binds people to follow their respective ones, also with the fear of being punished in the after-life is not done so. Different aspects of religions are present in this world. According to me religion is the human's creation which they formed with their perspective of the cosmic reality, calling it god or gods. Religion is created according the societal needs, their understanding of practices, rituals, beliefs, civil and moral code of conduct,

societal structures using their personal experience and gave it different names, all this around the same universal truth of nature, life, death and after life.

- **Culture:** Culture is the collective and integrated set of customs, beliefs, social norms, and material traits that characterize a group of people. It is a learned behavior that provides a sense of belonging and identity for the individuals within that group. Culture is not inherited but is passed down through generation via social interaction and communication. Cultures are dynamic and constantly evolving. This change can be driven by a number of internal and external sources like invention & discovery, contact with other cultures, social conflicts, environmental shifts etc.¹
- **Society:** A large group of people who live together in an organized way, making decisions about how to do things and sharing the work that needs to be done. All the people in a country, or in several similar countries, can be referred as a society.²
- **Law:** law is used to mean all official control in a politically organized society. This lead to actual administration of Justice as contrasted with the authoritative material for the Guidance of Judicial action. Law in its narrowest or strict sense is the civil law or the law of the land. It is used to mean “legal order”. It represents the regime of adjusting relations, and ordering conduct by the systematic application of the force of organized political society.³
- **Psychology:** Psychology is the study of mind, behavior, and human experience. This includes the mental processes we experience, from our fleeting thoughts and dreams to our sense of consciousness, including our decisions, personality, and social relationships. It explores the biological influences—such as brain chemistry and genetic predispositions—as well as the social pressures and environmental factors that affect how we think, act, and feel.⁴

We all know that law is the foundation of failed exercise of human ethics, culture and social beliefs. These provide customs and traditions which should have been the primary framework or order that society should have followed but the inability and inconsistency of following the

¹ Sociology Guide, *Meaning, Characteristics, and Elements of Culture* <https://www.sociologyguide.com/basic-concepts/meaning-characteristics-and-elements-of-culture.php> (accessed 2 September 2025).

² Cambridge University Press, *Society*, *Cambridge English Dictionary* <https://dictionary.cambridge.org/dictionary/english/society> (accessed 2 September 2025).

³ University of Kashmir, *Meaning, Nature and Functions of Law* (School of Law, University of Kashmir) <https://www.uok.edu.in/> (accessed 2 September 2025).

⁴ Mariano Pérez-Álvarez, ‘Psychology as a Science of Subject and Comportment, beyond the Mind and Behavior’ (2018) 52 *Integrative Psychological and Behavioral Science* 25, doi:10.1007/s12124-017-9408-4.

beliefs and traditions that were in favor of humanity gave birth to the legislation. Law, culture, religion and psychology form the pillars on which a society is built and they come with their dependence on each other. Law & culture give a way to live with society and psychology tells us how it affects them and also how humans react to every problem. Along with giving a way of life, culture and traditional ethics, it can also take one's life away because of psychological burden, this is where law was needed but even after the formation of legislation many things have still not stopped from affecting one's psychology and harm the human rights. The aim of this paper is to analyze those conflicts and give the balanced legal-psychological reform.

KEY ISSUES:-

- **Problem 1:** Human rights v/s Cultural tradition

At many times we see how traditions takes the rights of human away from humans. These culture have no justified origin and yet they create a big impact on society. Cultural norms do give people a reason or faith with which they live their whole life but they also sometimes contradict with human rights which give rise to gender inequality, caste practices and honor crimes.

- i. Child marriages restraint v/s deep rooted tradition- There have been acts made like *THE CHILD MARRIAGE RESTRAINT ACT, 1929*⁵ which was repealed and replaced by *THE PROHIBITION OF CHILD MARRIAGE ACT, 2006*⁶. This act is now applied to whole India but still child marriage is practiced in India because of cultural thinking and also for a law to be exercised the right way there must be someone who is against if it is followed wrongly but if that person's missing then there is no way out and nothing can stop these traditions from ruining the lives of innocents.
- ii. Caste discrimination- Abolished in *ARTICLE 17 OF INDIAN CONSTITUTION*⁷ and yet it still is very evidently seen in our society. Violence that is caste-based is seen and experienced by numerous people. Widespread discrimination based on caste can be seen in different sectors like employment and consumption of

⁵ *The Child Marriage Restraint Act, 1929*, PRS India (website) <https://prsindia.org/law/the-child-marriage-restraint-act-1929> (accessed 8 September 2025).

⁶ Government of India, *The Prohibition of Child Marriage Act, 2006* (Act No. 6 of 2007), Ministry of Women and Child Development <https://www.indiacode.nic.in/handle/123456789/2055> (accessed 9 September 2025).

⁷ *Article 17: Abolition of Untouchability*, Constitution of India <https://www.constitutionofindia.net/articles/article-17-abolition-of-untouchability/> (accessed 10 September 2025).

public facilities etc, In addition to it, there's lot of stigma which effects a lot of people's actions that leads to caste discrimination.

iii. Dowry system- It has been criminalized and stated illegal under *DOWRY PROHIBITION ACT, 1961*⁸ but here again in the name of tradition it is forced on many families to give dowry. Threats of killing, harassing and domestic violence are the outcomes of failure of dowry tradition.

iv. Female genital mutilation (FGM)- *Female genital mutilation (FGM)* comprises all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons. The practice has no health benefits for girls and women and can result in severe bleeding and problems like urinating, later cysts, menstrual difficulties, infections, as well as complications in childbirth and increased risk of newborn deaths. Although all forms of FGM are associated with increased risk of health complications, the risk is greater with more severe forms of FGM. Immediate complications of FGM can include:

- severe pain
- excessive bleeding (haemorrhage)
- genital tissue swelling fever infections e.g., tetanus
- urinary problems
- wound healing problems
- injury to surrounding genital tissue
- shock
- death⁹

- **Problem 2:** Religious influence on law that leads to discrimination

Law has created a wall between traditions and its power of exploiting some sections of society but religious influence is like air which makes its way through that wall anyway. Law gets dictated by religion many times and it exploits marginalized section like women or minorities.

⁸ Government of India, *The Dowry Prohibition Act, 1961* (Act No. 28 of 1961), Ministry of Women and Child Development <https://www.indiacode.nic.in/handle/123456789/1679> (accessed 10 September 2025).

⁹ World Health Organization, *Female genital mutilation*, WHO Fact Sheet (31 January 2025) <https://www.who.int/news-room/fact-sheets/detail/female-genital-mutilation> (accessed 9 September 2025).

- i. Shah bano case, 1985- *MOHD. AHMAD KHAN V. SHAH BANO BEGUM AIR 1985 SC 945*¹⁰. It is one of the landmark cases in India. In this case a Muslim woman married to Mohd. Ahmad and they had 5 children. After 14 years Ahmad took a young girl as his second wife and after many years of living with both wives Ahmad abandoned Shah Bano when she was 62 and promised to pay her ₹200 per month. He stopped giving the money he promised to give. Shah Bano filed a criminal suit under section 125 of CrPC for ₹500 as maintenance. In November 1978, Ahmad pronounced triple-talaq and declared that she is not his wife anymore hence he is not liable to give her maintenance. As the judgement of the supreme court came it said that husband is liable to give maintenance as his wife is not able to maintain her 5 children and herself. Here we could see how the religious laws have discriminated with women but law somehow protected women while making a new law for protecting their dignity, but it doesn't end there, Muslim community opposed it and then it influenced the judgement. Parliament passed *THE MUSLIM WOMEN (PROTECTION OF RIGHTS ON DIVORCE) ACT, 1986*¹¹. It limited divorced women's rights because of personal law instead of universal CrPC.
- ii. Triple Talaq- Also known as Talaq-e-Biddat, it allowed a Muslim man to instantly divorce his wife by uttering the word "talaq" three times¹². The man did not need to cite a reason for the divorce, and the wife did not need to be present¹³. which was declared unconstitutional by the Indian Supreme Court in 2017. The Indian Parliament then enacted the *Muslim Women (Protection of Rights on Marriage) Act, 2019*, to criminalize this practice, making it a non-bailable and cognizable offense punishable with imprisonment and fines¹⁴. It was declared unconstitutional in *SAYARA BANO V. UNION OF INDIA 2017*¹⁵

¹⁰ *Mohd. Ahmad Khan v. Shah Bano Begum AIR 1985 SC 945 (SC)*.

¹¹ *The Muslim Women (Protection of Rights on Divorce) Act, 1986* (Act No. 25 of 1986), India Code, (accessed 10 September 2025), <https://www.indiacode.nic.in/handle/123456789/15353>

¹² Supreme Court Observer, *Triple Talaq (Shayara Bano v. Union of India: Case Background)* (21 July 2022) <https://www.scobserver.in/cases/shayara-bano-union-india-triple-talaq-case-background/> (accessed 10 September 2025).

¹³ Press Information Bureau, *The Muslim Women (Protection of Rights on Marriage) Act, 2019* (Government of India, 4 November 2021) <https://www.pib.gov.in/FactsheetDetails.aspx?Id=148565> (accessed 10 September 2025).

¹⁴ "Supreme Court Sets Aside Instant 'Talaq'" (*The Hindu*, 3 December 2017) <https://www.thehindu.com/news/national/supreme-court-sets-aside-instant-talaq/article21255514.ece> (accessed 2 September 2025).

¹⁵ *Sayara Bano v. Union of India* (Supreme Court of India, 2017)

but still is practiced informally and in result it leaves many women vulnerable, helpless and leaves no choice for them but suicide.

- iii. Sabarimala verdict- *The Sabarimala case* has been a key event in the context of the religious, sentimental values of citizens. The 2018 case is responsible for igniting crucial conversations surrounding gender rights, religious practices, and individual liberties. The judgment of September 2018, which declared the prohibition on women's entry into the Sabarimala temple unconstitutional, brought hope for gender equality and inclusivity in religious spaces. It challenged age-old traditions and emphasized the importance of upholding fundamental rights, particularly the right to freedom of religion and the right to equality. The case's significance goes beyond the specific context of Sabarimala, extending to other issues such as Muslim women's rights to enter mosques, Parsi women's rights, and the practice of female genital mutilation in the Bohra community. The Sabarimala case has set a precedent for addressing discriminatory practices, promoting gender equality, and safeguarding individual rights within the realm of religion¹⁶. The court stood for human rights but society was against it. It's a clear example of how legal process does not automatically lead to social acceptance, the culture and religious laws do effect people's mindset and keep them attached to it.
- iv. LGBTQ+ rights- LGBTQ+ rights in India have gone through a series of stages to reach where it stands now and it still is not over yet many more rights are yet to be achieved. Starting from *NALSA V. UNION OF INDIA, 2014*¹⁷ here supremecourt recognized transgender as a third gender and affirmed their fundamental rights to self-identify their gender. The next *NAVTEJ SINGH JOHAR V. UNION OF INDIA, 2018*¹⁸ supremecourt decriminalized consensual homosexual intercourse. Later *TRANSGENDER PERSONS (PROTECTION OF RIGHTS) ACTS, 2019*¹⁹ was passed to provide legal recognition to transgender persons and prohibit discrimination against them in areas like education and employment. After a lot of recognition, the supreme court of India denied same-sex marriage but allowed them to stay together as live-in couple. These are all

¹⁶ Finology Legal, *Sabarimala Temple Case – The Question of Gender Equality* (Finology Blogs, 4 October 2021) <https://blog.finology.in/legal-news/sabarimala-temple-case> (accessed 10 September 2025).

¹⁷ *National Legal Services Authority v. Union of India* AIR 2014 SC.

¹⁸ *Navtej Singh Johar v. Union of India* AIR 2018 SC.

¹⁹ *Transgender Persons (Protection of Rights) Act, 2019* (Act No. 40 of 2019).

the steps taken by government but the society does not accept LGBTQ community at all they are opposing it on a large scale because of religious reasons people are not able to accept them.²⁰

- **Problem 3:** Psychological harm from rigid legal-religious systems

Along with external harms and exploitations like being oppressed because of stigma or facing discrimination because of traditional and ancient laws, all of this affects the mind of a person. Everything that happens physically with the person does affect them mentally and emotionally.

- i. Untouchability & Dalit oppression- Even though it is abolished to be practiced and people are prohibited from doing this under *ARTICLE 17 OF CONSTITUTION OF INDIA, 1950*,²¹ there are still people who continually stick to stigma and are oppressing Dalit community. All of this leads to depression, trauma and social inclusion. People who go through this prefer to stay alone rather than attending gatherings. Because of this inhumane act, people from lower caste face discrimination and their caste becomes the reason for not giving them opportunities & taking their own decision in their lives.
- ii. Blasphemy laws in certain countries- Blasphemy means saying offensive things about god or religion²². Blasphemy is not illegal in India but it criminalizes forms of insults towards religion under *SECTION 295A OF INDIAN PENAL CODE*²³. Blasphemy laws make it a crime to question or speak against god or religion. Many countries like Pakistan, Iran and Saudi Arabia have very strict blasphemy laws and punishment includes imprisonment and even death. The laws prevent human from freedom of speech and voicing their opinions, so, instead of protecting human rights they make it more rigid in the subject matter of legal-religious systems. The psychological toll of doing blasphemy is so much because of stigma, isolation, threats etc. Laws like these create fear rather than justice.

²⁰ *The Guardian*, "India's Supreme Court Declines to Recognize Same-Sex Marriage" (17 October 2023).

²¹ Constitution of India, art 17 (1950) <https://www.indiacode.nic.in/handle/123456789/15000> (accessed 2 September 2025).

²² Vocabulary.com, *Blasphemy — Definition, Meaning & Synonyms* <https://www.vocabulary.com/dictionary/blasphemy> (accessed 10 September 2025).

²³ *Section 295A, Indian Penal Code, 1860* <https://indiankanoon.org/doc/1803184/> (accessed 10 September 2025).

- iii. Hijab-burqa controversies- These controversies mean whether women should be allowed (or forced) to wear burqa or hijab in public places like office, schools and hospitals etc. For some women it is a matter of faith and they have religious beliefs of wearing a hijab. For others wearing hijab is forced because of patriarchy. It depends on the state for either banning it or enforcing it. There is an important *KARNATAKA HIJAB CASE 2022*²⁴, in this case Muslim girls were banned from wearing hijab in classroom in some colleges. High court upheld the ban saying it is not an essential religious practice in Islam. There was a lot of distress spread among Muslim girls who took hijab as a part of their identity. Then case went to supreme court which delivered a split verdict in 2022, one judge supported the ban and the other one opposed it and the case is still pending.
- iv. Criminalization of suicide- Under *SECTION 309 OF INDIAN PENAL CODE (IPC), 1860*,²⁵ attempting suicide was a criminal offence, punishable with imprisonment or fine. At that time there was religious logic behind this, that life is sacred and given by god which we can't end by ourselves because that's a sin. Here, law sided with tradition leaving psychological effects behind. A person who tried to end his/her life needed help but didn't get it instead they are punished, shamed and are made liable to face a lot of stigma. It created a huge mental toll on that person which leads to trauma, depression and other mental health illnesses. Later, India passed *MENTAL HEALTH CARE ACT, 2017*²⁶, which decriminalized suicide attempts and the focus shifted to professional help and treatment rather than to give punishment.

INTEGRATIVE SOLUTIONS

- Multidisciplinary reforms: Multidisciplinary reforms in law involve integrating other fields of study like psychology, sociology, religious studies, technology, science, economics, philosophy and much more. Law should not operate in isolation it should

²⁴ *Karnataka hijab ban | Individual's belief matters in religious issues, agree judges* (The Hindu, 14 October 2022) <https://www.thehindu.com/news/national/essential-religious-practice-is-about-belief-of-believers-judges/article66007039.ece> (accessed 10 September 2025).

²⁵ *Section 309, Indian Penal Code, 1860* https://www.indiacode.nic.in/show-data?actid=AC_CEN_5_23_00037_186045_1523266765688&orderno=347§ionId=46074§ionno=309 (accessed 10 September 2025).

²⁶ *The Mental Healthcare Act, 2017* (Act No. 10 of 2017)

<https://www.indiacode.nic.in/handle/123456789/8814> (accessed 10 September 2025). (indiacode.nic.in)

collaborate with different subjects in drafting reforms for getting a more practical view of society's needs. Integrating diverse fields in legal studies provide a head start, more opportunities and a better-prepared workforce for future legal landscape. A multidisciplinary approach ensures that laws are not only enforceable but humane and socially relevant.²⁷

- Interfaith & Inter-culture dialogue: In the process of reinterpretation, instead of imposing reforms against religion or culture, engage new leaders who are religious scholars and cultural influencers who can create and reinterpret religious scriptures with gender equality and include human rights in it. Reforms should be made in all religious scriptures of Hinduism, Islam and Christianity so that resistance to laws can be reduced and constitutional & religious values both can go hand-in-hand.
- Cultural sensitivity in lawmaking: Cultural sensitivity in law making means acknowledging and respecting the diverse cultural perspectives throughout the entire legal process. This isn't just about being polite, it's about being fair, keeping laws equitable that actually seeks the needs of all people within a society²⁸. Not all cultural practices are harmful to society, law must distinguish between practices that enrich social identity and those lead to psychological harm and discrimination.
- Education & Awareness: Law alone cannot fix the wrongs in the society, all of the laws that are made reached the civilians through either education or awareness. Though many people are aware of the laws and rights that they have but the change in psychology of the society is yet to come which can only be brought through awareness and educational reforms. Literacy campaigns will empower communities to reconcile identity with human rights.

CONCLUSION

The intersections of law, religion, culture and psychology show us both strength and fragility of human society. Traditional beliefs that has given guidance to us in many ways but has also offered us rigid system that harms individual dignity and mental health. Law was born from these traditions as we have seen in the sources of Hindu and Muslim personal laws consist of ancient texts like Quran, Shrutis and Smritis etc, but they also contain parts of human ethics,

²⁷ Shukla B, *Multidisciplinary Approach and Entrepreneurship in Legal Education*, Amity International Journal of Juridical Sciences, Vol. 5 (2019) Amity University Uttar Pradesh <https://share.google/3gPo13uiL6i2iiI7n> (accessed 10 September 2025).

²⁸ Sustainability Directory, *Cultural Sensitivity Law* (Lifestyle Sustainability Directory, 5 May 2025) <https://lifestyle.sustainability-directory.com/term/cultural-sensitivity-law/> (accessed 10 September 2025).

justice, freedom, liberty and equality making sure no one's dignity is harmed or damaged. Law is made from these traditions but yet it holds the power to harmonize them. As *DR. BHIM RAO AMBEDKAR* rightly said – “Law and order are the medicine of the body politic and when the body gets sick medicine must be administered”. Medicine here is – “REFORM”, laws made from traditions does not exactly stay how they were in the first place but it changes with time, and that is called being reformed. The journey of law from custom to codification is also journey of humanity from tradition to justice. The true test of any legal system is not in preserving customs, but in ensuring that *EQUITY, JUSTICE & GOOD CONSCIENCE* remain the highest law of all.

