

ABHIDHVAJ LAW JOURNAL

[www.abhidhvajlawjournal.com]

The goal of Abhidhvaj Law Journal is to offer an open-access platform where anyone involved in the legal profession can contribute their research on any legal topic and aid in building a quality platform that anyone can use to advance their legal knowledge and experience.

Editor In chief – Assistant Professor Mr. Janmejay Singh

Publisher & Founder – Vaibhav Sangam Mishra

Frequency – Quarterly (4 Issue Per year)

ISSN: 2583-6323 (Online)

Copyright © 2024 - 25

THE INDIAN MYTHOLOGY AND THE INDIAN LEGISLATIONS: AN ANALYTICAL DISCOURSE

AUTHOR'S NAME – Dr. Amitesh Anand, Associate Professor.

CO- AUTHOR NAME - Dr. Ashutesh Anand, Assistant Professor.

AFFILIATION OF AUTHORS – College of Law IIMT University Meerut U.P. PIN 250001

ABSTRACT:

Today the mythological texts of the world are the manuals having universal values and wisdom, hence reflect as a mirror of society and provide norms to live a virtuous peaceful, and harmonious life and as such will inspire in the future also. In India Indian mythology is an assemblage including the Vedas, the Smritis, the Puranas, the epics, the Arthashastra, and many more are universal scriptures created by Indian sages who today also have a significant and diverse impact on the nation's socio-cultural composite culture. The mythology in relation to the law states the study of how influence of mythical legends, texts, and characters on legal concepts, moral reasoning, and the Indian legislative system development because today these texts have taken a huge part in the administrative, statutory, and legal system, etc.[1] Similarly, the Indian judiciary also has the effects of these mythological texts in their pronouncements. In this way, these also have a significant and diverse influence on the functioning of states in their statutory works, various laws, and justice. India's composite culture fundamentally reflects the Indian Constitution's concept of "unity in diversity." In this background this paper attempts to examine, the Indian composite culture, the national legislations, and judicial interpretations of Indian courts and how the courts have tried to explain the Constitution and other legislations. Besides efforts also have been made to discuss in depth how the court uses these mythological texts in adjudicating cases mainly related to Hinduism and Constitutional secularism.

ABHIDHVAJ LAW JOURNAL

KEYWORDS:

Mythology, Indian Composite Culture, Indian Legislation, Indian Judiciary, Unity in Diversity.

1. INTRODUCTION:

A mythology in general is a body of stories or myths related to persons, religion, civilization, or other general faith. Even though most people don't believe in mythology but treat it with

[1] Sanjithgurikar, Mythic Jurisprudence: Unravelling the gap between law and mythology, legalserviceindia, (July. 28, 2024, 7:20 PM), https://www.legalserviceindia.com/legal/article-11796-mythic-jurisprudence-unravelling-the-gap-between-law-and-mythology.html

The goal of Abhidhvaj Law Journal is to offer an open-access platform where anyone involved in the legal profession can contribute their research on any legal topic and aid in building a quality platform that anyone can use to advance their legal knowledge and experience.

respect. A myth focuses on collective human wisdom, a universal cultural narrative in relation to birth and death, life after death, when life began on earth, and universal concepts of humanity. Therefore the jurisprudence of mythology deals with the study of how mythical legends, texts, and characters influence legal concepts, moral reasoning, and the development of legal systems.[2] Studying mythological jurisprudence pushes all of us to learn more about the symbolic, moral, and cultural elements that influence the legal systems. Since these myths and legends are associated with almost every religion and culture, hence need not be limited to any particular faith or community. Introducing mythology into the legal arena raises awareness about historical and cultural related to jus, morals, and social ideals. *In India,* Indian mythology has had a major influence on the nation's socio-cultural composite culture. It includes mythological literature, including the Vedas or Shrutis that which is heard, the Smritis or that which is remembered, the Puranas, Upanishads, the Sutras and Shastras, the epics of the Ramayana, and the Mahabharata, the Bhagavad Gita, the Arthashastra, Nyay, Mahabhashya, Charak Sanhita, the poetical literature or kavya, the Bhasyas, and numerous Nibandhas (digests) covering politics, ethics, culture, arts, and society and many more are universal scriptures created by sages such as Manu, Yajnavalkaya, Narad, Brihapati, Kautilya and many more etc. through self-realization which cannot be perished for ages. Similarly, this is also true of other traditional religious myths and legends such as Christian myths, the Islamic theology influenced by mystical stories. In this way, India's composite culture is an assemblage made of many threads of history, religion, language, food, art, and customs that celebrate the diversity, adaptability, tolerance, resilience, inclusivity, and creativity of its people. They have had a significant and diverse impact on the Indian legislative, administrative, and judicial spheres. It also highlights the mutually beneficial nature of Indian civilization, which sets it apart from other civilizations. It has undergone a process of acculturation, assimilation, and adaptation over thousands of years to evolve. As a result represents the blending of native customs with influences from the centuries-long migration, trade, and conquest of the Indian subcontinent.

However, it is not easy to analyze the incorporation of Indian mythological literature in Indian legislation since it involves examining the nexus of law, culture, and tradition. For example, when we read and study the great Hindu epic Ramayana and observe the conduct of Lord Ram, Mahabharata is related to Lord Krishna, which talks about Dharmyug i.e. absolute justice

[2] Id, at 1661.

The goal of Abhidhvaj Law Journal is to offer an open-access platform where anyone involved in the legal profession can contribute their research on any legal topic and aid in building a quality platform that anyone can use to advance their legal knowledge and experience.

which means goodness, happiness, and welfare of the society. Similarly, other characters of Mahabharata, Yudhishthira, and Vidura have vast interpretations that were to ensure justice, their stories from the Mahabharata provide us with a reliable understanding of the laws governing the interpretation of statutes. Much additional information is available in the classic works of Viduraneeti and Yakshaprashna to ensure a comprehensive understanding of these ideas.[3] Similar to how these myths, which also constitute a significant part of our culture, can provide support for delicate issues like same-sex marriage and the legalization of prostitution. Moreover, Lord Ram's story inspires the virtues of effective leadership and administration in the epic Ramayana. In the same vein, the tales of Duryodhana, Ravana, and Kansa admonish the populace about what constitutes a crime. While the ethical, moral, and philosophical ideas included in these writings may not have directly influenced statute law, they nevertheless influenced the Indian legal system's ethos. The way in which they have been integrated into legal frameworks demonstrates how India's legal system uniquely combines modernity with tradition.[4]Therefore this study efforts to analyze the core principles of Vedas, the Smritis, the Puranas, and the epics, and how through them the Indian administration and judiciary functioned in the ancient era. In India supreme law of the land i.e. the Constitution of India establishes the fundamental principles for government and is the ultimate law of the land.[5] It promotes the values of religious plurality and secularism, requiring the separation of church and state while preserving the right to practice one's own faith. Even though it is a modern work, the authors i.e. the Constitution makers were influenced by a number of things, such as Indian mythology-infused history, philosophy, and culture. So the Indian Constitution's concept of "unity in diversity" fundamentally reflects India's composite culture that has evolved over time, which is evidence of the harmonious character of Indian civilization and the people's determination, flexibility, and ingenuity. Centuries of cohabitation, integration, and interchange between diverse cultural, ethnic, and religious groups are reflected in this complex tapestry. In the same way is possible to gain insight into the legal applications of Indian mythological literature by analyzing particular legislative enactments that make explicit references to or rely on them. For example, regulations pertaining to inheritance, marriage, and religious customs sometimes draw inspiration from mythology. Further, these mythological

[3] See Menski, 'From Dharma to Law and Back? Postmodern Hindu law in a Global World'.
[4] Id. at 1662.
[5] gktoday, https://www.gktoday.in/why-is-the-indian-constitution-called-as-the-fundamental-law-of-the-land/, (last visited June. 27, 2024).

The goal of Abhidhvaj Law Journal is to offer an open-access platform where anyone involved in the legal profession can contribute their research on any legal topic and aid in building a quality platform that anyone can use to advance their legal knowledge and experience.

literatures are also occasionally cited by judges in their interpretations of statutes or in their dispute resolutions in order to clarify moral or legal concepts. The criticisms and debates surrounding the use of Indian mythological texts in legislation should be taken into account in any consideration of this practice. Secularism, inclusion, and the possibility of prejudice or exclusion on the basis of religious convictions are all points of contention. Diverse cultural traditions were further enhanced by exchanges with Greek, Persian, Central Asian, and Arab civilizations, building upon the foundations laid by ancient civilizations such as the Mauryan Empire, the Indus Valley Civilization, and Vedic culture. India's cultural diversity was enhanced by later waves of immigration, which included the entry of Turks, Mughals, Europeans, and other people. Cultural syncretism, or the blending and influencing of several cultural traditions to create original hybrid forms of expression, is a defining feature of India's composite culture. Many facets of Indian culture, such as its religious, linguistic, architectural, musical, dancing, literary, festive, and cultural elements, reflect this collaboration. Within this framework, courts endeavor to uphold a secular position in their legal reasoning, guaranteeing that allusions to mythology do not violate the rights or convictions of persons from diverse religious or cultural origins. Today Mythologies are a big part of the Indian legislative & judicial system. This paper is an attempt to present a clear scenario of how efficiently these were used in the old Indian administration and in current times also they cannot be neglected. That's why they all play an important part in administration and governance. In the same way, the Indian judiciary incorporates mythological texts in the interpretation of constitutional principles, statutory laws, and judicial precedents and reflects a subtle strategy that makes a balance between cultural heritage with legal pragmatism, customary and modernity, and spirituality and secularism. Mythological references may supplement legal arguments or provide contextual understanding but are not determinative in themselves. Therefore the judges often extract broader ethical, moral, or philosophical principles to clarify legal concepts. This background study effort to demonstrate the different diversities of Indian composite culture, the Indian Constitution as well as other legislations about these texts, and the effect of Indian mythological texts on the legislations of India including the Constitution as well as other legislations. Similarly, our judiciary also has the effects of these mythological texts on Indian pronouncements. Moreover in the end also suggests some recommendations to sort out the apparent difficulties faced during their use.

The goal of Abhidhvaj Law Journal is to offer an open-access platform where anyone involved in the legal profession can contribute their research on any legal topic and aid in building a quality platform that anyone can use to advance their legal knowledge and experience.

1. THE INDIA AND THE INDIAN COMPOSITE CULTURE:

Indian composite culture is a symbol of unity in diversity. For the purpose of this research paper, it's almost impossible to understand Indian mythology without knowing India's composite culture. India's composite culture is a rich fabric woven from the diverse threads of diversity, tolerance, and inclusivity because of multiple religions, casts, arts, cultures, traditions, ethnic identities, languages, festivals, architecture**,** cuisines, etc. Furthermore, the diversity of our society's religions, classes, sects, cultures, traditions, festivals, music, and dances bring an abundance of color to the Indian spectrum. Thousands of years ago, our composite civilization issued a sound call "Vasudhava Kutumbakam." Our Constitution's article 51A, which calls on citizens to cherish this composite culture, highlights this diversity and variance. Besides the Article also states that every citizen duty to value and preserve the rich heritage of our composite culture.[6] At its core, India's composite culture embodies all these differences harmoniously. This cultural pluralism is very well-versed in the Constitution of India, to preserve and promote the diversity of its cultural heritage.[7]Let us understand all these under the following heads-

1.1 Religious Diversity- In *religious diversity,* different religions and their cultures and traditions such as Hinduism, Islam, Christianity, Sikhism, Buddhism, Jainism, and several indigenous faiths coexist harmoniously, influencing each other and contributing to the cultural landscape. This religious pluralism has fostered a spirit of acceptance and mutual respect, evident in festivals like Diwali, Eid, Christmas, Baisakhi, Holi, and Durga Puja are celebrated across the country with equal favor by people of different faiths transcending religious boundaries and fostering a sense of shared cultural identity. According to the 2011 census, 79.8% of the population of India practices Hinduism, 14.2% adheres to Islam, 2.3% adheres to Christianity, 1.7% adheres to Sikhism, 0.7% adheres to Buddhism and 0.4% adheres to Jainism.[8]

1.2 Linguistic Diversity- Further, India's composite culture is characterized by its *linguistic diversity*. With over 1,600 languages and dialects spoken across the country, all language carries with them the enriched cultural tapestry of the nation's peculiar heritage, literature, and cultural style clearly reflected in Indian society of literature, poetry, music, and cinema. Hindi in Devanagari script is declared by Article 343(1) of the Constitution as the

[6] INDIA CONST. art. amended by The Constitution 42nd Amendment Act, of 1976.
[7] Read Preamble of the Indian Constitution.
[8] Slife.org, https://slife.org/religion-in-india/, (last visited July. 6, 2024).

The goal of Abhidhvaj Law Journal is to offer an open-access platform where anyone involved in the legal profession can contribute their research on any legal topic and aid in building a quality platform that anyone can use to advance their legal knowledge and experience.

official language of the nation while several languages such as Bengali, Marathi, Tamil, Telugu, and Punjabi, are spoken by different ethnic groups developing pride as a result of the country's linguistic diversity.[9]

1.3 Diversity in Architecture - If we look at India it consists of a diverse history of art and architecture, such we have the ancient cave paintings of Ajanta and Ellora, the Meenashi temple of Madurai, the Vrihaddeshwar temple of Tanjore, Khajuraho Temples, of Mughal or Indo-Islamic architecture the Taj Mahal's, Qutub Minar, etc. the examples of this diversity. The country's architectural marvels, etc. symbolizing India's openness to cultural exchange and a blend of indigenous styles with foreign influences.

1.4 Classical and Artistic Diversity- The nation of India consists and is a home of several religious traditions. India's social structure and identity have been greatly influenced by its religious pluralism and traditions of Buddhism, Jainism, Sikhism, Islam, Christianity, and Hinduism. For instance, people of diverse religious backgrounds dwell peacefully in a rich heritage of tolerance and pluralism, which has been made possible by the diversity of religious views. Besides music Indian classical music incorporates influences from Persian, Arab, and Central Asian traditions. Likewise, Indian art, whether in the form of classical dance, music, painting, or sculpture, is a testament to the country's creative vitality and cultural synthesis.

1.5 Diversity in Culture and Cuisine - The lengthy history of the nation and the impact of the numerous civilizations and cultures that have lived in the area over the ages are the causes of this variety. The following are some of the major cultural components that add to India's rich cultural heritage: Indian music and dance such as Kathak, Manipuri Raas Leela, Bharatanatyam, etc. the folk dance styles and its classical dance forms. Similarly, India has diversity in their food *Cuisine* for eg. Mughlai delicacies of the North, and spicy flavors of South Indian cuisine, etc. Food here reflects diverse geographical, historical, and cultural influences of the nation fostering a sense of unity besides diversity reflects the country's diverse geography, history, and cultural influences. Etc.

In short, the Indian composite culture among its citizens is said to be a source of creativity and strength promoting mutual respect, unity, tolerance, etc. in a society. So to maintain it and to make composite culture stronger in this transitional time, there is a need to make a balance between innovation and preservation of heritage. India's national identity consists of a variance

[9] Drishtiias.com, https://www.drishtiias.com/mains-practice-question/question-1574, (last visited July. 6, 2024).

The goal of Abhidhvaj Law Journal is to offer an open-access platform where anyone involved in the legal profession can contribute their research on any legal topic and aid in building a quality platform that anyone can use to advance their legal knowledge and experience.

in culture, language, and religion and is a source of pride and admiration but then also has its own challenges. For eg. There are regular clashes of social, economic, and political factors such as communalism, castes, linguistic chauvinism, and religious fundamentalism with cultural dynamics aggravating disputes and tensions creating a danger to the inclusive ethos of Indian society. Besides, the waves of globalization have also brought together the opportunities and challenges to Indian composite culture which have facilitated homogenization and the erosion of traditional values and practices in India. In conclusion to sustain all this concerted efforts are needed to address the underlying challenges and promotion of an environment of discourse, mutual respect, and understanding.[10]

2. INDIAN CONSTITUTION AND THE INDIAN MYTHOLOGY:

The Indian Constitution, adopted on January 26, 1950, serves as the supreme law of the land, providing the foundational framework for governance, rights, and duties of citizens, and the structure of the Indian state.[11]While the Constitution is a modern legal document, it draws inspiration from various sources, including Indian history, philosophy, and culture, which encompass elements of Indian mythology.[12]From the very beginning the Preamble of the Indian Constitution does not explicitly reference Indian mythology, its emphasis on justice, liberty, and equality reflects the underlying principles of dharma (righteous duty) and social justice inherent in Indian philosophical traditions, including mythology. Further Part III of fundamental rights guarantees several rights such as the right to equality,[13] the right to freedom[14] right to exploitation,[15] religion[16] , and cultural and educational rights[17] to Indian citizens.[18] These rights are founded on the principles of justice, liberty, and equality, which find resonance in Indian mythology, particularly in texts like the Mahabharata and the Ramayana, which emphasize the importance of righteousness (dharma) and moral duty. The Indian Constitution embodies the principle of secularism, ensuring the separation of religion

[10] CULTURAL EROSION IN INDIA : CULTURAL LOSS AND A THREAT TO THE NATION'S TRADITIONS AND ETHNICITY, Senjuti Ghosh, 09, International Journal of Social Science and Economic Research, P.g 1092 - 1095, 2024, https://ijsser.org/2024files/ijsser_09__75.pdf
[11] Vide Preamble, Part III , IV & IV (A) of the Constitution of India.
[12] See Menski, 'From Dharma to Law and Back? Postmodern Hindu law in a Global World'.
[13] INDIA CONST. art. 14.
[14] INDIA CONST. art. 19.
[15] INDIA CONST. art. 23-24.
[16] INDIA CONST. art. 25-28.
[17] INDIA CONST. art 29&30.
[18] Part 3 of Indian Constitution.

The goal of Abhidhvaj Law Journal is to offer an open-access platform where anyone involved in the legal profession can contribute their research on any legal topic and aid in building a quality platform that anyone can use to advance their legal knowledge and experience.

from state affairs. While India is a land of diverse religious beliefs, the state remains neutral and impartial in matters of religion, treating all religions equally. This secular ethos is reflected in the Constitution's commitment to religious freedom and equality before the law, ensuring that Indian mythology, while culturally significant, does not dictate state policy or governance. Further Part IV of the Constitution enunciates Directive Principles of State Policy, which are guidelines for the state to strive towards achieving social and economic justice.[19] These principles include provisions for securing just and humane conditions of work, promoting the welfare of the people, and protecting monuments of national importance. While not enforceable by courts, these principles draw upon the ethos of Indian mythology, which emphasizes the welfare of society and the duty of rulers to govern with justice and compassion. In this way Part III and Part IV of the Constitution safeguard cultural and educational rights, ensuring the preservation and promotion of India's rich cultural heritage. While not explicitly referencing Indian mythology, these provisions recognize the importance of cultural diversity and the preservation of cultural heritage, including mythological traditions, as integral to the fabric of Indian society.[20]

In essence, while the Indian Constitution does not explicitly incorporate Indian mythology into its text, its underlying principles of justice, liberty, equality, and fraternity resonate with the moral and ethical values espoused in Indian mythological texts. Moreover, the Constitution's commitment to cultural diversity and secularism ensures that Indian mythology remains a part of India's cultural heritage without impinging upon the state's secular and democratic character.

3. SOME OTHER INDIAN LEGISLATIONS SUCH AS WHICH HAVE SPECIAL EFFECT ON MYTHOLOGICAL TEXT:

Several Indian legislations have modified altered and supplemented the textual Hindu law The Hindu Inheritance Act, 1928, Child Marriage Restraint Act, 1929, The Hindu Gains of Learning Act, 1930, The Hindu Marriage Act, 1955, The Hindu Succession Act, 1956, The Hindu Adoption and Maintenance Act, 1956, Hindu minority and guardianship Act, 1956, Hindu widow’s re-marriage act, 1856, The Special Marriage Act, 1872, The Indian Majority Act, 1875, etc. Further Indian legislations such as the Indian Penal Code, Personal Laws, and

[19] compass.rauias.com, https://compass.rauias.com/polity/understanding-the-constitution/, (last visited July. 6, 2024).
[20] indianculture.com, https://indianculture.com/the-power-of-mythology-in-indian-literature/, (last visited July. 6, 2024).

The goal of Abhidhvaj Law Journal is to offer an open-access platform where anyone involved in the legal profession can contribute their research on any legal topic and aid in building a quality platform that anyone can use to advance their legal knowledge and experience.

Transfer of Property Act, etc. also draw upon or are influenced by mythological texts in various ways and reflect the rich cultural heritage and the enduring influence of mythology on Indian society. Let's take a bird's view of them-

Indian Penal Code (IPC): While the IPC primarily deals with criminal offenses and their punishments, it also reflects broader societal values and moral principles, some of which are rooted in Indian mythology. For instance, concepts of justice, punishment, and societal norms, criminal offenses, such as those related to offenses against women or crimes of moral turpitude, of epics Mahabharata and the Ramayana often find resonance in IPC.

Personal Laws of Hindus: Hindu personal laws, governing matters of Hindus such as marriage, inheritance, succession, etc. incorporate principles and rituals from Hindu mythology into legal provisions governing marriage ceremonies, inheritance rights, and guardianship of minors. The Hindu Marriage Act, Hindu Succession Act, and Hindu Minority and Guardianship Act incorporate principles and rituals from Hindu mythology into legal provisions governing marriage ceremonies, inheritance rights, and guardianship of minors comprehensively have been drawn from Hindu mythological narratives such as those of Lord Shiva and Goddess Parvati, Lord Rama, and Goddess Sita, or Lord Krishna and his consorts, religious texts such as Vedas, Puranas, Smritis, and customs of Hindus and other related cultures etc.[21] may influence interpretations of laws and practices of customs related to Hindu personal laws.

Transfer of Property Act: This Act, which governs matters of immovable property transfer in India, broadly consists of laws indirectly influenced by mythological texts. The Act incorporates codification of laws and principles of transaction of property, cultural and customary practices of inheritance or land ownership having their roots in mythological traditions.

Customary Laws: In addition customary laws prevalent in Indian societies govern different aspects of social and religious life related to marriage, inheritance, and dispute resolution based on mythological texts. These customary practices, in the beginning not have any statutory authority and hence were not recognized in statutory law, but as soon the law recognized them as customary law became statuary law.

[21] Ashpreet Kaur, All you need to know about Hindu Minority and Guardianship Act,1956, blog.ipleaders.in, (July. 27, 2024, 9:29 PM), https://blog.ipleaders.in/hindu-minority-and-guardianship-act/

The goal of Abhidhvaj Law Journal is to offer an open-access platform where anyone involved in the legal profession can contribute their research on any legal topic and aid in building a quality platform that anyone can use to advance their legal knowledge and experience.

In summary, though the Indian legislation does not clearly reference mythological texts their actual practices often follow the imprint of India's rich mythological heritage. In this way, these mythological texts, their narratives, symbols, and cultural practices still today are shaping the social norms, and values of Indian society.

4. INDIAN MYTHOLOGICAL TEXTS AND THE COURTS OF INDIA

The interpretation of mythological texts according to Indian courts and their views about nowadays use: The Indian courts assess and analyze these texts in their judicial interpretations and provide their relevance and applicability in contemporary legal discourse. We are the land of Dharma hence have a clear print of spiritual thoughts and scriptures on our grown personality. The Indian children commonly listen to tales and stories generally related to Lord Rama, Lord Krishna, the Pandavas- Kauravas, and other many mythical legends from their grandparents, parents, teachers, and others. When we grow up we always want doubt on their truthfulness. However, the answer we have is somewhat unambiguous but then also these stories are frequently lay out certain foundations of the legal system and societal structure of that time an inspiration for the modern legal system. This type of approach could be influential in understanding complex legal problems and principles enshrined under Article 142 of the Constitution of India.[22]They recognize that societal norms, values, and legal principles evolve over time and may not always align perfectly with ancient texts. Therefore, while mythological insights may offer valuable perspectives, courts prioritize the application of contemporary legal norms to address present-day challenges and concerns. To embark on this analysis, it's essential to explore several key aspects: Beyond the strict confines of the law, the use of Indian mythological texts in legislation also has broader cultural implications. It reflects the enduring significance of these narratives in Indian society and underscores the interconnectedness of law and culture. Indian courts demonstrate sensitivity to the diverse religious and cultural beliefs of the population when considering references to mythological texts. [23]While Hindu mythology may be more commonly cited, courts remain inclusive and receptive to arguments drawing from other religious or cultural traditions, ensuring that legal interpretations do not unduly

[22] Article 142 empowers the Supreme Court to pass any decree or order necessary for doing complete justice in any case or matter pending before it. These decrees or orders are enforceable across India's territory, making them significant tools for judicial intervention.

[23] Dhavan and Nariman, 'The Supreme Court and Group Life: Religious Freedom, Minority Groups, and Disadvantaged Communities', 263.

The goal of Abhidhvaj Law Journal is to offer an open-access platform where anyone involved in the legal profession can contribute their research on any legal topic and aid in building a quality platform that anyone can use to advance their legal knowledge and experience.

favor or exclude any particular religious group. Therefore, while mythological insights may offer valuable perspectives, courts prioritize the application of contemporary legal norms to address present-day challenges and concerns.

In India, The judicial and administrative systems concepts date back to the Vedic age. India maintains one of the world's oldest legal systems. An examination of the Smritis and Shastras written by different authors, including Manu, Narada, and Kautilya, reveals that India possesses one of the most advanced legal and administrative systems internationally. Their works involve the ruler's duties and powers to run the kingdom & the family system, penal system, tax system, succession, etc. Comparing the use of mythological texts in Indian legislation with similar practices in other jurisdictions can provide valuable insights into the universality or cultural specificity of this phenomenon. By delving into all these aspects, one can easily understand the role of Indian mythological texts in Indian legislation. Moreover, *other Indian mythological texts, such as the work of sage* Maharishi Valmiki *in Ramayana and the work of* Maharishi *Vyas in Mahabharata,* have influenced and left everlasting imprints on Indian laws. *The Ramayana*, narrates the life of Lord Rama, his ideals of righteousness, loyalty, and duty always are used by courts as a reference in legal judgments, where the matters involve a question of morality, familial relations, and property disputes. *Likewise, the* epic *Mahabharata* inherits in it dharma, justice-based Bhagavad Gita, a revered scripture of Hinduism set in the battle of Mahabharata in Kurukshetra, the Gita gives timeless wisdom and teaches karma yoga (the path of selfless action), dharma (righteous duty), and devotion of Indian thought and culture for centuries through the conversation between Lord Krishna and the Arjuna. guiding lawmakers, judges, and policymakers in drafting laws of moral values and societal norms and a code of conduct for public officials and judicial officers, strengthening integrity, impartiality, and accountability.[24] Similarly, *The Arthashastra,* of Kautilya (Chanakya), is also a book of state rules, governance, and economics in other words the administration, diplomacy, law enforcement, and taxation of around the state of 4th century BCE. Its concept of "dandaniti" influenced and guided the development of criminal law and judicial practices in India

[24] beautifulhindu.blogspot.com, https://beautifulhindu.blogspot.com/2017/07/bhagavad-gita-incredible-dialogue.html, (last visited July. 6, 2024)/ Note- The essence of the Upanishads is embodied in in Srimad Bhagabad Gita. It preaches the supreme truth and absolute reality of God; hence it is known as science of Brahma (Brahmavidya). It is a scripture of yoga, emphasizing on performing own duty without cherishing the consequence. Yoga is union with the Divine (Brahman).

The goal of Abhidhvaj Law Journal is to offer an open-access platform where anyone involved in the legal profession can contribute their research on any legal topic and aid in building a quality platform that anyone can use to advance their legal knowledge and experience.

Conclusively, Indian courts in legal interpretation of mythological texts show leniency towards balancing traditional cultural heritage and the modern principles of law. In their judgments, the courts uphold these constitutional principles, statutory laws, and judicial precedents in adjudicating legal disputes and advancing justice shaping Indian ethos and values in the diverse and pluralistic society of India. For example, the reformist tendencies that the state displays the provision in Article 25 in particular directly from the Constitution.[25] In a dissenting judgment,[26] Justices S.P. Bharucha and A.M.[27] Ahmadi held that when the majority of people of a particular community claim on any another religious worship place, to preserve public order for the state to 'acquire that place of worship' it is not permissible. In the same case, it was also decided by the Court that a 'mosque is not an essential part of the practice of Islam.'[28]

CONCLUSION:

In conclusion, it can be stated that understanding the historical background of Indian law and its roots in ancient texts is crucial. Currently, things are the opposite. India's legal and judicial institutions, as well as the country's history, were all shaped, controlled, and subject to religion. The judiciary interprets what the laws pertaining to the scope of religion say, mean, and demand in the secular India of today. The laws of the land determine the extent of religion in society. However, religious customs and beliefs still have a significant impact on Indian society today. The constantly growing body of government legislation and the Constitution both appropriately represent this religious component. Furthermore, it hasn't stayed outside the purview of the judicial activism that is typically seen in India. Secularism has always been sensitive to and harmonized with the ground realities of India, both in practice and interpretation. This sensitivity and reconciliation make India's religion-state ties both unusual and fascinating. There is a noticeable balance between religious and secular concerns when one examines

[25] Ayodhya caase i.e., *Ismail Faruqui v. Union of India* AIR 1977 SC 908., 641. The state supervises Wakf (Muslim endowment) boards via the Central Wakf Act, which was last amended in 1995. And in the famous case over the disputed site in Ayodhya caase i.e., *Ismail Faruqui v. Union of India*, a five- judge bench, while deciding on the legality of the acquisition of the Babri Masjid–Ram Janambhumi site, in a split verdict held that 'there can be no reason to hold that a mosque has a unique or special status, higher than that of the places of worship of other religions in secular India to make it immune from acquisition by exercise of the sovereign or prerogative power of the State.', see Rajeev Dhavan, 'The Ayodhya Judgment: Encoding Secularism in the Law'. For details of the Babri Masjid– Ramjanambhumi controversy, see Asghar Ali Engineer, *Babri-Masjid Ramjanambhumi Controversy*.

[26] Id, at 1671.

[27] Sen, R. (2009). The Indian Supreme Court and the quest for a 'rational' Hinduism. *South Asian History and Culture*, *1*(1), 86–104. https://doi.org/10.1080/19472490903387258

[28] Ayodhya caase i.e., *Ismail Faruqui v. Union of India* AIR 1977 SC 908., 641.

The goal of Abhidhvaj Law Journal is to offer an open-access platform where anyone involved in the legal profession can contribute their research on any legal topic and aid in building a quality platform that anyone can use to advance their legal knowledge and experience.

India's distinctive forms of secularism and religious liberty. Higher courts' rulings in religious disputes of all shapes and sizes typically demonstrate an impartial and objective mindset. Occasionally, there have been some lacunas that frequently indicate the devoted judges of existence affected by particular religion-political philosophies. Of course, legal critics and conscientious objectors are free to widely challenge such discrepancies, and they frequently have. The mythological texts of the world are the manuals having universal values and wisdom, hence reflecting as a mirror of society and providing norms to live a virtuous peaceful, and harmonious life.[29] In India, these Indian legal traditions have drawn from various sources such as Dharma Shastras, Smritis, and customary laws, many of which are intertwined with mythological narratives. So the Indian ancient scriptures heritage is subtle and symbolic in nature. By understanding and interpreting the concepts of dharma it can be easily deduced that dharma is not meant for communal, it is spiritual and universal. Both the epics and the Gita preach ahimsa everywhere. They are violent in nature. The war in the Gita and Mahabharata was meant to fulfill the Kshatriya dharma as a savior of dharma to protect the world from the reign of injustice.[30] It preaches maintaining equanimity in life battles and doing duty without carrying consequences. Furthermore, this incredible literature is regarded to be controversial in India due to ignorance, misinterpretation, misguided secularism, perverted liberalism, and vote-bank politics. Through their wisdom and ethics, the ancient, precious texts enlighten both individuals and society during times of trouble. Last but not least studying mythological jurisprudence pushes us to learn more about the symbolic, moral, and cultural elements that influence our legal systems. Therefore more and more Universities on the names of these mythological legends must be opened and some courses mandatorily must be part of the academic curriculum. For the students of various streams particularly law seminars, debates must be organised. In this way, we may raise the cultural and historical contexts awareness of justice, ethics, and social ideals that influence our perceptions in coming generations also.

[29] Dr. Frantonia Pollins, 10 Ways to Create More Peace and Harmony in Your Life, frantoniapollins.com, (July. 27, 2024, 9:29 PM), https://frantoniapollins.com/2012/02/01/10-ways-to-create-more-peace-and-harmony-in-your-life/

[30] Dhal, Pravat, Non-violence Education of the Bhagabad Gita and the Mahabharata (November 2, 2023). Available at SSRN: https://ssrn.com/abstract=4621309 or http://dx.doi.org/10.2139/ssrn.4621309

The goal of Abhidhvaj Law Journal is to offer an open-access platform where anyone involved in the legal profession can contribute their research on any legal topic and aid in building a quality platform that anyone can use to advance their legal knowledge and experience.