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**LAW, SOCIETY AND INDIGENOUS WISDOM: EXPLORING
CULTURAL NARRATIVES FOR SUSTAINABLE JUSTICE**

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Abstract

This paper examines the dynamic interface between law, society and indigenous wisdom, analysing how customary legal systems, cultural narratives and moral jurisprudence contribute to sustainable justice. It explores India's plural legal framework, where statutory, religious and customary norms coexist and evaluates constitutional and international recognition of indigenous governance. Drawing on the *Durga Saptashati* as a moral-legal allegory, the study highlights restorative justice, gender equity and proportionality. It further assesses the role of indigenous knowledge in environment governance, climate policy and sustainable development in a rapidly modernising, technology-driven world.

I. Introduction

The evolution of the modern jurisprudence has long been dominated by a monistic, state-centric conception of law that frequently marginalizes alternative normative frameworks. However, contemporary legal challenges ranging from systematic gender-based inequalities to accelerating ecological crisis increasingly demand a shift towards legal pluralism and interdisciplinary problem-solving. This paper explores the critical intersection of statutory law, social structures and indigenous wisdom, arguing that ancient cultural narratives and customary legal systems offer profound, untapped paradigms for achieving sustainable and restorative justice. By evaluating the co-existence of state legislations and long standing tribal governance structures in India, alongside a jurisprudence- focused examination of moral allegories within the *Durga Saptashati*, this study demonstrates how integrating

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traditional knowledge can bridge the gap between rigid legal positivism and culturally sensitive, equitable governance in a modernizing world.

II. Indigenous Legal Systems: Restorative Justice and Community-Centred Accountability

Customary law Constitutes one of the earliest and most enduring normative systems regulating social life within indigenous and tribal communities. It comprises socially accepted rules customs, believes and practises that acquire binding force through longstanding and continuous observance by a particular community. Unlike state enacted or codified laws customary law derives legitimacy from collective recognition rather than sovereign authority. *“Indigenous people have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practises and in the cases where they exist Juridical systems or customs, in accordance with international human rights standards.”*²In societies lacking formal written legal systems, customary law performs a central governance function by prescribing norms of behaviour and facilitating accountability through restorative rather than purely punitive mechanisms.

A defining characteristic of a customary legal system is their collective orientation wherein legal authority is embedded within community institutions rather than imposed by a centralised political structure. Although customary laws have undergone modifications in response to social change a persistent jurisdiction debate continues as to whether custom should be treated as an autonomous source of law or as subordinate to formal public law. The recognition of indigenous legal system is significantly shaped by cultural narratives that emphasise historical continuity collective identity and the intrinsic relationship between indigenous communities and their land and resources. Contemporary legal systems are gradually acknowledging indigenous world views in an attempt to reconcile colonial legal framework with restorative models of Justice rooted in community participation and social harmony. However, the recognition of customary law continues to raise normative concerns, particularly where customary practises intersect with constitutional values and International human rights standards.

²“THE ACTIVITIES OF THE UNITED NATIONS FOR THE RIGHT TO EDUCATION FOR INDIGENOUS CHILDREN,” *Proceedings of SOCIOINT 2021- 8th International Conference on Education and Education of Social Sciences* (International Organization Center of Academic Research 2021) <<https://doi.org/10.46529/socioint.202131>> accessed June 24, 2026.

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At the international level, the United Nations declaration on the rights of indigenous peoples 2007 provides normative legitimacy to indigenous customary laws and governance system. Article 34 affirms the right of indigenous people to maintain and develop their distinct customs, traditions, institutional structures and judicial systems subject to compliance with the international human rights norms.³

In India, despite aspirations towards a unified legal system tribal communities in the Northeast continue to preserve their distinct identity through customary laws governing both civil and criminal matters⁴. Among several tribes particularly the Nagas, Customary Courts remain primary forums for dispute resolution. The conventional distinction between civil and criminal wrongs is often blurred with emphasis placed on restitution reconciliation and communal accountability rather than adversarial adjudication. Such practises reflect indigenous approaches to restorative justice that prioritise social cohesion over formal punishment.

Despite India being home to one of the largest indigenous populations of nearly a 100 million comprising of 8.2% Of the total population of the country⁵, the term “indigenous” remains largely absent from official legal terminology. Nevertheless, its increasing usage in judicial discourse signals an evolving recognition of legal pluralism and indigenous identity within the Indian legal system This evolution underscores the continued relevance of customary and indigenous legal systems as instruments of restorative justice community governance and culturally grounded accountability. From an evidentiary standpoint customary law test treated as a mixed question of law and fact the Indian Evidence Act, 1872 facilitates the proof of customs through evidence of longstanding usage recognition by the community and consistent observance. Section 13⁶ permits evidence home transactions and instances affirming the existence of custom while section 48 allows opinion evidence from persons familiar with local customs even in the absence of formal expertisecustomary law receives further constitutional protection through article 244, 244A, 371-A and 371-G which safeguard tribal autonomy and continued application of customary practises. These

³Ragnhild L. Muriaas, “Dilemmas Connected to Recognising Customary Law and Courts in South Africa” (2003) 9 Human Rights in Development Online 205.

⁴Richard W Thomas, Quintard Taylor and Norm Rice, “The Forging of a Black Community: Seattle’s Central District from 1870 Through the Civil Rights Era.” (1996) 101 The American Historical Review 580.

⁵Census of India, *Census of India 2001* (2001) <http://www.censusindia.net/> accessed June 24, 2026

⁶See of the Indian Evidence Act, 1872, s. 13.

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provisions recognize customary law as a defining feature of tribal identity and a legitimate mechanism of community governance.⁷ The customary courts and village chiefs are presumed to know their own customary laws and practises.⁸

III. Legal Pluralism in India: Interplay of Statutory, Customary and Religious Norms

Legal Pluralism in India reflects a legal culture that transcends the monistic conception of law dominant in western positivist jurisprudence. Rather than viewing law solely as an expression of sovereign authority, the Indian legal system operates through the simultaneous existence of multiple normative orders including statutory enactments, customary practises and religious legal traditions. These systems function within a shared social legal space deriving authority not only from formal legal recognition but also from longstanding social acceptance and cultural legitimacy. Consequently, law in India must be understood as the product of its intersection with broader social model and cultural institutions. Customary and religious norms have historically regulated social conduct in India and continue to exert influence alongside codified state law this coexistence challenges the assumption that legal uniformity is either achievable or desirable in culturally diverse societies.⁹ Accordingly legal scholars must adopt an interdisciplinary approach that situates legal doctrine within its social and cultural context particularly when evaluating law's role in advancing social justice.

Dharmic law constitutes a central component of India's plural Legal order The concept of Dharma extends beyond enforceable rules to encompass moral duty justice social responsibility and ethical conduct. The Dharmasastra tradition provides a crucial concept bridge between indigenous legal thought and modern legal institution enabling continuity amidst Legal transformation. Despite extensive efforts at legal modernisation during the colonial and following independence, the Dharmic principles have persisted as normative influences, especially within the domain of personal law. Their endurance demonstrates that deeply embedded religious legal traditions cannot be entirely displaced by statutory reform. The sources of the Dharma illustrate the pluralistic nature of India's legal tradition. Dharma is

⁷Batuk Lal, *The Law of Evidence* (Central Law Agency 2000) 108.

⁸Subhash Singh, "Recognition of Naga Customary Law and Practices in Northeast India: Convergence or Conflict" (2025) 8 *International Journal of Law and Society* 83.

⁹Brajakishore Swain, *Dharmaśāstra: A Link Between Tradition and Modernity* (Chaukhamba Publications 2003).

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derived from a range of sources including the Vedas, Smritis, established customs, conduct of virtuous individuals and principles guided by good conscience. This multiplicity allowed for interpretative flexibility and contextual application of legal norms such framework accommodated social diversity by permitting varying understandings of appropriate conduct thereby reflecting a sophisticated and inclusive legal philosophy.¹⁰

In a globalised world marked by cultural diversity and transnational legal influences, legal pluralism has emerged as a significant analytical framework. India's experience demonstrates how statutory law can coexist with customary and religious norms while operating within a constitutional structure committed to equality, secularism and justice. Recognizing legal pluralism as an inherent feature of the legal system, rather than a transitional anomaly, enables development of more responsive and culturally sensitive legal institutions. This approach is particularly relevant post-colonial societies seeking to balance indigenous legal traditions with demand of modern governance.

IV. Cultural narratives and moral Jurisprudence

Moral and ethical dimensions profoundly influence the development of laws by reflecting society's core values and principles. These dimensions serve as a foundation establishing what is considered right or wrong within a given culture. Therefore, laws often embody prevailing moral standards shaping legal obligations and prohibitions. Cultural notions of fairness can also impact the legitimacy of legal decisions and the acceptance of laws. When legal outcome aligns with societal perceptions of justice compliance improves. Conversely disconnect between law and culturally rooted justice ideals can lead to disputes, protests or reforms. Recognising these perceptions is vital for understanding how law and culture interact in shaping legal frameworks.

Among the vast corpus of Hindu mythology, the Durga Saptashati also known as the Chandipath is a collection of 700 verses that celebrate the triumph of Goddess Durga over various demonic forces. Beyond its spiritual significance these mythological stories embody principles that resonate with modern legal framework, such as justice, morality and the protection of the weak. In legal terms, these stories can be seen as allegory for jurisprudence, providing a moral foundation that is essential for any functioning legal system. The

¹⁰Albrecht Wezler, "Dharma in the Veda and the Dharmaśāstras (2004) 32 Journal of Indian Philosophy 629.

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connection between mythology and law is not new, ancient texts have always served as moral compasses influencing legal precedents and statutory interpretations. These tales symbolise the victory of justice, righteousness and law over lawlessness tyranny and chaos. The narratives from the Durga Saptha Shati can solve contemporary legal issues from gender-based violence to questions of governance and justice.¹¹

V. Gender, caste and equity in Indigenous legal practises

The battle between goddess Durga and the Demon brothers Shumba and Nishumbha offers crucial insights into gender equality and the empowerment of women, both in mythological and legal contexts. The narrative underscores the concept of *Nemo datquod non habet*, suggesting that power cannot be best owned upon those unworthy or unjust. Durga's assertion of her right to fight back, despite the social norms of time reflects the ongoing legal battle for gender equality and the protection of women's right in modern law. This resonates with constitutional mandates for gender equality under Article 15 of the Indian Constitution and international legal frameworks such as the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). Through Durga's actions, the mythological text reinforces the importance of individual agency and autonomy principles that are essential for achieving substantive equality in today's legal landscape.¹² The sexual harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, commonly known as the POSH Act, empowers women by providing a legal mechanism to address sexual harassment in the workplace. By creating a safe environment for women and ensuring their right to work with dignity, the law echoes the triumph of Durga over the oppressive forces of Shumba and Nishumbha.

The narrative highlights the principle of *Lex Talionis* which can be juxtaposed with modern legal principles of proportionality and reformation. In the modern legal context, the retributive theory of justice is often debated particularly concerning the death penalty and other forms of capital punishment.¹³ Durga's eventual solution, through the assistance of Kali, illustrates the necessity of innovative legal approaches to break cycles of violence and crime, such as the story of justice programmes that aim to the habitat offenders rather than

¹¹A. Gopal, "Mythology and Law: The Intersection of Ancient Texts and Modern Legal Thought" [2020] *Journal of Legal Studies*.

¹² Iyer, K. (2019). "Gender and Justice: Lessons from Mythology." *Gender Studies Journal*.

¹³ Gupta, T. (2023). "Mythology and Modern Law: Bridging the Gap." *Journal of Legal Ethics*.

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perpetuate a punitive cycle, the story urges legal practitioners to seek not just punitive measures but solutions that addresses the root causes of criminal behaviour.¹⁴

The maxim *ex aequo et bono* applies in such cases, where the courts may exercise discretion to ensure that justice is done in a manner that addresses the root cause of the issue, rather than exacerbating it.¹⁵ In the story Durga realises that conventional methods of combat are ineffective against Raktabija and calls upon Kali her fierce manifestation to drink the demon's blood before it touches the ground, thereby preventing his regeneration. This innovative solution reflects the role of judicial discretion in finding creative and effective remedies in morally complex situations. Similarly, the judiciary must sometimes adopt unconventional approaches to resolve entrenched societal problems. Like Durga's summoning of Kali, the court found an innovative solution that preserved justice while addressing the legal challenge at hand. The use of discretion in such cases is guided by the principle of *jus dicere, non jus dare*. Judges are not meant to create laws but interpret and apply them in ways that uphold justice specially when facing moral dilemmas. The Raktabija conundrum in this sense, serves as a metaphor for the challenges that arise when legal systems must evolve to meet the needs of a changing society.¹⁶

The overarching theme of the Durga Saptashati is a societal transformation through the destruction of evil forces. The modern context law serves as the tool for societal transformation tasked with the protection of rights and the imposition of justice.¹⁷ The text emphasis on the destruction of adharma echoes the constitutional principle of *Salus Populi Supreme Lex*. Legal systems worldwide strike to eradicate injustice and promote societal welfare much like Durga's role in restoring cosmic balance. The Durga's Saptashati emphasis on moral justice encourages the legal community to continually adapt and evolve in the pursuit of fairness and equity.¹⁸ By integrating the lessons from these mythological narratives with Legal Maxims and principles, Modern legal systems can bridge the gap between moral imperatives and judicial reasoning, thus fostering a more just and equitable society. The

¹⁴P Sharma, "Theorising Restorative Justice in Criminal Justice," *Reimagining Restorative Justice* (Hart Publishing 2017) <<https://doi.org/10.5040/9781509901074.ch-003>> accessed June 24, 2026.

¹⁵K Iyer, "Gender and Justice: Lessons from Mythology" [2019] *Gender Studies Journal*.

¹⁶T Gupta, "Mythology and Modern Law: Bridging the Gap" [2023] *Journal of Legal Ethics*.

¹⁷N Bhat, 'The Role of Mythology in Developing Legal Ethics: Reflections on Durga Saptashati' (2021) 22 *Journal of Law and Society* 245.

¹⁸R Nanda, 'Law and Societal Change: A Historical Overview' [2016] *Journal of Constitutional Law*.

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timeless relevance of these stories demonstrates that ancient wisdom can still guide the contemporary legal frameworks in addressing the complexities of the modern world.

VI. Impact Of cultural narratives on legal interpretation and Judiciary Decisions

Judicial bias arising from cultural narratives can lead to disparities in case ruling especially in morally or ethically complex issues. A judge's cultural background may influence their interpretation of cultural norms, impacting adherence to universal legal principles. This dynamic highlights the importance of awareness and training within the judiciary. Moreover, cultural narratives sometimes inspire judicial activism where decisions are guided by societal values and cultural shifts rather than strict legal Text Fulstone. This can foster progressive change or alternatively introduce subjective biases. Overall, the impact of cultural narratives underscores the need for balancing cultural influences with legal objectivity in Judiciary decisions. Legal adaptations will increasingly involve balancing traditional cultural beliefs with modern human rights standards. Courts and policymakers must navigate complex intersections of cultural identity and legal principles. This process promotes a more equitable application of justice. Technological advances and Global Interconnectedness will accelerate the dissemination of new cultural narratives. These influences may challenge existing legal doctrines promoting reforms that incorporate diverse perspectives. Collaboration across Jurisdictions could support cohesive global legal standards respecting cultural nuances.

VII. Modernization technology and indigenous knowledge

Indigenous knowledge encompasses A richness of expertise regarding ecosystems biodiversity traditional medicine, cultural history and sustainable living. It is frequently passed down through generations via oral traditions, rituals and practises. However, because of things like modernisation globalisation and environmental changes this priceless knowledge is becoming more and more vulnerable. The preservation and promotion of indigenous knowledge are of crucial importance for maintaining cultural diversity and sustainability. The use of artificial intelligence presents an opportunity to preserve and promote indigenous knowledge in innovative ways that can benefit both indigenous communities and the global economy.

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According to a report by United Nations Development Programme Indigenous knowledge can contribute to sustainable development practises and the global economy.¹⁹ Indigenous communities have developed unique knowledge and practises over centuries of living in closed relationships with their environment.²⁰ For example, indigenous communities' traditional methods of agriculture can offer sustainable and regenerative farming techniques that promote biodiversity and soil health.²¹ The foregoing has laid the groundwork for a voyage into the Nexus of traditional wisdom and contemporary technology where safeguarding indigenous knowledge becomes a dynamic partnership between past, present and future generations rather than just a duty.

While AI has great potential in preserving indigenous knowledge there can be challenges in implementing ai waste solutions. One of the challenges is the lack of digitise data and language resources for indigenous languages which can limit the development of AI models that can analyse and understand indigenous knowledge. Another challenge is the potential for ai models to perpetuate Biases and stereotypes which can lead to Misrepresentation and misinterpretation of indigenous knowledge.

VIII. Role of indigenous knowledge in environmental law resource management, climate governance and global governance

Preserving indigenous knowledge is also essential for encouraging environmental care and biodiversity protection. Many indigenous tribes have extensive knowledge of the local ecosystems including strategies for conserving biodiversity. Sustainable harvesting methods and traditional land management practices stop this knowledge which results in naturally sustainable activities in line with ecological balance is frequently founded on centuries of observation, adaptation and living with nature. It may be preserved so that we can use its

¹⁹United Nations Development Programme, *Indigenous Knowledge and Practices for Sustainable Development* (UNDP 2010) <http://www.undp.org> accessed June 24, 2026.

²⁰IP Sharma and others, 'Indigenous Agricultural Practices: A Supreme Key to Maintaining Biodiversity' in *Microbiological Advancements for Higher Altitude Agro-Ecosystems & Sustainability* (Springer 2020) https://doi.org/10.1007/978-981-15-1902-4_6 accessed June 24, 2026.

²¹A Imoro and others, 'Harnessing Indigenous Technologies for Sustainable Management of Land, Water, and Food Resources Amidst Climate Change' (2021) 5 *Frontiers in Sustainable Food Systems* 691603 <https://doi.org/10.3389/fsufs.2021.691603> accessed June 24, 2026.

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abundance of ecological information to guide current conservation initiatives sustainable resource management plans and climate change adaptation plans.²²

Numerous global and national policy imperatives motivate the inculcation of indigenous knowledge and values into planning and decision making involving their lands and waters for instance the assessment report of the intergovernmental panel Climate change (IPCC) identifies indigenous and traditional knowledge as major resources for adapting to climate change.²³ Similarly, the Intergovernmental Export Body IPBES (Intergovernmental Science Policy platform on Biodiversity and Ecosystem Services) aims to promote effective engagement with indigenous and local knowledge holders in all relevant aspects of its work. This notion is reflected Agenda 21 (Section 6) and the 2007 United Nations declaration on the rights of indigenous people UNDRIP.²⁴ Respecting and including indigenous peoples right acknowledges admin consideration for implementation of the Kunming-Montreal Global Biodiversity Framework²⁵ including Through their full and effective participation in decision making in accordance with relevant national legislation International instruments including UNDRIP and Human Rights law.

IX. Conclusion

Ultimately the path towards more equitable and sustainable legal orders does not lie in the absolute enforcement of uniform, monistic state laws, but in the thoughtful embrace of legal pluralism. As demonstrated throughout this study, indigenous customary practices and traditional systems of governance offer invaluable, localised models of restorative justice, communal accountability and balanced environmental stewardship. Furthermore, interpreting cultural and mythological narratives through a modern legal lens reveals that core principles of gender equity, judicial discretion and proportional justice have deep foundational roots in ancient wisdom. In an era increasingly altered by rapid technological modernization and

²²I Teixidor-Toneu and others, 'Co-conserving Indigenous and Local Knowledge Systems with Seeds' (2023) 28 *Trends in Plant Science* 1370.

²³IPBES, *Indigenous and Local Knowledge in IPBES* (2017), as cited in Erik Löfmarck and Rolf Lidskog, 'Coping with Fragmentation: On the Role of Techno-Scientific Knowledge Within the Sámi Community' (2019) 32 *Society & Natural Resources* 1293 <https://doi.org/10.1080/08941920.2019.1633449> accessed June 24, 2026.

²⁴Valentin Schatz, 'The Incorporation of Indigenous and Local Knowledge into Central Arctic Ocean Fisheries Management' (2019) 10 *Arctic Review on Law and Politics* 130 <https://doi.org/10.23865/arctic.v10.1630> accessed June 24, 2026.

²⁵'Kunming-Montreal Global Biodiversity Framework: An Important Global Agenda for Biodiversity Conservation' (2023) 31 *Biodiversity Science* 23133.

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ecological distress, contemporary legal frameworks must look beyond rigid statutory positivism. By actively preserving indigenous knowledge, integrating historical narratives and respecting pluralistic legal traditions, modern legal systems can evolve past purely retributive structures fostering instead a holistic paradigm of justice that is deeply protective, culturally sensitive and enduringly sustainable.



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