
LAW AND SPIRITUALITY: “EXPLORING THE BONDS”

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ABSTRACT

"Law" and "spirituality" refer to large areas, in particular, each component aimed at openness and independence. If we look closely, these words show that they are beautiful amorphous and resist certain meanings. Individually, in the current common use, especially in today's era linking these two terms, such as "legal and spiritual," covers this ambiguity. The ancient roots of these two terms, the complexity of the meaning associated with their use of cultural diversity, and, above all, the problematic understanding of “modern society” they place on some of the challenges that make it difficult to analyze their connections.

The purpose of qualitative paper is to begin the translation work in a critical way in order to examine the bonds between law and spirituality in context with life, constitutional morality, justice, legal interpretations, present day family jurisprudence and criminal jurisprudence. This paper wants to seek attention of reader between spirituality and law by showing some potential connection with legal implications and is autonomous from religion and morality. Further it elaborates the negative and positive values of spirituality and tell us about its reform, reorient, renew, and to reimagine it in all aspect.

The broader concept of spirituality with traid of love, attractions and realizations in terms of legal traid in form of justice, constitutional morality and existing laws. These objectives are attained with chronological methods of explanation in all dimensions. In this context, paper elaborate how law is influenced by spiritualization which leads to dematerialization in the ongoing legal system. There is also some testimony of practicing lawyers about what they feel in choice of superiority bet law and spiritualization. It enlightened the hegemony of both bonds and how they are influencing on the mind of society.

We interpret that law and spirituality both are influence by the individual, with collective intentions. And cultural values are the main source of linkage between these bonds. This paper further discuss the concept of legal bodies and spirituality that has been essential for the wellbeing of humanity from the starting of recorded history in whole world. To put more focus on spirituality it still underpin our legal system and our jurisprudence. It is

important to note from the outset that this relationship is smooth and, in a sense, has fundamental flaws. Historically, there has been a close, growing connection between ownership, law and spirituality in many societies. Moreover, the connection between structure and history between law and spiritualization continues to be modern. This connection suggests that the legal concept as natural is irrational and should be taken with great suspicion and criticism.

This research subjects having prolonged history of controversy. In this view, this paper aims at to discuss the, link between spirituality with legal point next it light some current controversies on choice of law and spiritualization and concludes with a discussion about what to choice between law and spirituality at what time.

Keywords: law, spirituality, legislative, constitution and jurisprudence

Introduction

The concept of law is a cognitive function that requires the analyst to enter into a legal understanding that focuses on the practices, behaviors and actions of those in the middle of the practice as well as having a legal concept of a broader concept. This type of controversy separately choose the concept of law that works in our political system. can be seen this concept as descriptive.

The talk addresses the concept of social and legal structure in a simple way in terms of spirituality. Now, to talk about the word "spirituality" in the simplest sense is a worldview and life is based on the belief that there is something living beyond the experience of the senses, more of a mindless mechanic, who knows more than the brain and more of our existence than the body and its need. It usually includes the belief in supernatural powers or the ability to rule the universe and the afterlife. Spirituality is a means of satisfying one's thirst for purpose, peace, and truth. Contemporary law and spirituality are indispensable social and economic segment.

These segments are covered by a veil. They both have a desire to build, or at least bound a human knowledge. Appropriately, they both are cohesive, contradictory and simultaneous sources of law, judgment and execution. Both contain compliance, responsibilities, leadership, and legal opinion.

As a basis of their availability and preservice depending upon the concrete structure of the orders law and spirituality are introduced in form of written and oral ideas from generational.

Like contemporary law and spirituality it builds a strong institutional gaps in technology, community and mobilization are political power holders. They live in this colony, and are identified by the colony of political power. Therefore, as we shall see it in various cases to challenge, to maintain and to build political power and a combination of this multifaceted communication bet law and spirit is needed to dug into its volume.

To deserve a special attention from readers because of their great social significance. This article aims to show a variety of challenges to understand and to connect their bond. These concepts should be applied to the cases that considered socially related.

Spirituality, Life and Law¹

Spirituality is that broad concept of a belief which is something beyond the itself. It should involve spirituality traditions centering on the idea during a higher power, but it may involve a holistic belief in a private connection to others and to the globe as an entire.

It gives that there's something that connects all human to every other and to the whole itself. This proposes that ongoing existence after death and to answer questions about the meaning of life and other mysteries of human existence.

Spirituality plays an awfully role in personal life. First of all, it helps to control what's right and wrong in life. Many of the selections that make an everyday, it believe there are an on the spot results of spirituality in life. For as long because it remember that what are raised to believe and the way should we live our life the way God would want me to measure it. Therefore, whenever we've to require a call with sense of spirituality, it should consider, what's right? And what's wrong? Second of all, it also helps us to feel safer about what is going to happen to my spirit once my life here on earth is over.

This type of believe that there's an improved place for our spirits once we leave this earth. The link of spirituality with life also make the less chance of law breaker so as to contain good life after death. The spirituality make the sense of fear within the life. as an example the person

¹ <http://www.jameskimmeljr.com/law/law-and-spirituality/>

who believe the spirit of god would likely to kill the person because he/she knew the actual fact that if he/she kill the person they unable to measure good life after death.

If one checked out the law and its process from these lines, then one realizes that it's no different from what the notion of Karma is within the spiritual sphere. Spirituality is that the very basis of human life which isn't just following a belief but it's also a the way of living because the followers of a specific spirituality follows a precise quite livelihood and with this moral duty of following certain rules the spirituality made the boundary of law an individual which is made to follow. Hence it's very evident that the law and spirituality are obsessed with one another because before the concept of state or democracy, people were sure to follow the spirituality duties and may claim spirituality rights. Thus during this way spirituality was playing a really vital role of maintaining law and order in ancient societies at different parts of the globe.²

Spirituality and Legal Interpretations

These two words may be broadly understood as speculative sciences, practical arts and rituals. Spirituality and law are systems within the sense that both are constituted by a group of interacting procedures, interdependent principles and connected ritual elements. As systems, law and spirituality demand that each one new elements from outside should be received into the system in accordance with its own language.³

Both law and spirituality constitute arts within the classical sense of experience-based practice. As arts, law and spirituality involve practical understanding and classification rules, definitions, divisions of universal things, not only pure accumulation of individual experiences. Roman jurist Juventius Celsus⁴ defined the law the art of goodness and fairness, that spirituality is the art of oneness and love. But law and spirituality also are creative intuition and speculative seeking first principles and causes this broader and of science as understanding, law and spirituality constitute ultimately a science: the science of law, traditionally called jurisprudential, and the science of spirituality, traditionally called, within the culture, pneumatology, spirituality.⁵

² <http://www.elizabethbader.com/elizabethbadersblog/law-and-spirituality-a-lawyers-path/>

³ <http://www.legalservicesindia.com/article/1852/Law-and-Religion.html>

⁴ Legal Pluralism', *Law & Society Review*, 22(5), pp. 869–96

⁵ <https://academic.oup.com/ojlr/article-abstract/8/2/326/5531251?redirectedFrom=fulltext>

The laws in our country result the Constitution of India, which contains and embodies the essential principles of secularism into vary provisions of the Constitution. There blend of secular and spirituality elements within the text of the Constitution. The defends and determine of secularism to be acted upon by the State and the spirituality freedom to be exercised by individuals and communities in India. The Supreme Court has in last 63 years decided many cases to enforce right to freedom of spirituality. In an exceedingly secular country like India it's very difficult for the Courts to strike a balance in society within which all spirituality's have equal respect subject to public order morality and health, with certain exception in Clause (2) of Art.25. The Courts have decided cases spreading the secular and temporal activities in spirituality practices and in regulating the customs and traditions of the spirituality's in such a fashion that they are doing not offend others. The Supreme Court has followed the principle of peaceful co-existence and respect for all spirituality's because the underlying principle in interpreting right to freedom of spirituality. The liberty of 1 cannot enter an analogous freedom belonging to other persons. This principle was kept in mind in punishing forcible or fraudulent conversion as against voluntary conversion.

In the leading cases in **Commissioner of H.R.E. v. Lakshmindra Thirtha Swamiar**⁶ the apex Court expressed its opinion that each person has fundamental right not only to the spirituality belief but also be approved by conscience to exhibit his belief and ideas in such acts as enjoined or stopped by his spirituality and to propagate views for the edification of others. The Constitution doesn't define 'spirituality'. It doesn't shed any light on how courts are to pander to the myriad questions that arise from the interaction between law and spirituality.

The apex court heard a batch of petitions on review of judgment that allowed the entry of women into temple. The court noted that there conflict in judicial opinion regarding the extent to which courts could interfere in matters of rituals . It also noted that three other cases pertaining before the Court. These related to:

Entry of Muslim Women into Dargahs

Entry into Agyaris by Parsi women who are married to non-Parsis

Practice of female genital mutilation in the Dawoodi Bohra community

⁶ 1954 AIR 282, 1954 SCR 1005

They have with their narrow and parochial objects turned the conflict between law and spirituality into a fight for supremacy.

Spirituality and Justice

All the constitutional provisions and legislative enactments referring to religion and spirituality rights and freedoms are applied and interpreted in various ways by the upper courts within the country. These decisions define the role of spirituality in country affairs and also the role of the country in spirituality affairs and laying down the policy of spirituality rights and freedoms of the communities and individuals.

The judiciary has been continuously involved in adjudicating spirituality affairs. Within the process of reviewing these affairs, it's resolved many spirituality disputes between the people and therefore the state on one hand, and between various communities, sects, and groups on the opposite.⁷

Among the main judicial rulings on religion and spirituality matters, those listed below within the nine sections of this Part deserve a special notice.

Justice is commonly identified with law because its achievement is that the primary goal of the law and legal systems. Justice is both an aspiration and an intrinsic aspect of all legal systems. As Augustine once said, a political community which isn't governed consistent with justice would be just a bunch of thieves. So as to justify any system, the law must be just; it must be created and applied in accordance to justice. Traditionally understood as giving to every his or her own, the very basic idea of justice is an object of great disagreement. It depends on the values accepted by a political community as fundamental and on the community's own historical experience.⁸

as John Rawls observed, a society could be a society when it is effectively regulated by a public conception of justice. this public conception of justice it is a culturally evolving phenomenon and constitutes the concrete social order. The Constitution of India guarantees the proper to free practice of rituals. This is also subject to many restrictions including morality, health, social reform and public order. Despite the textual limitations within the Constitution

⁷ <https://journals.openedition.org/samaj/4451>

⁸ <https://www.spiritualityandpractice.com/practices/alphabet/view/18/justice>

itself, the Supreme Court of India has tested the validity of spirituality practices not on the idea of those limitations, but on the idea of whether or not they are essential to a religion or not.

This has led judges to have interaction with questions of theology. This text argues that Indian law on the liberty of faith is flawed. The Supreme Court's judgement within the Sabarimala review petitions, which release the chance of a relevance a bigger bench, is bizarre and deeply problematic. The judgment could even be seen as a chance for a bigger bench to look at the complete gamut of jurisprudence on the connection between faith and also the judiciary.

The majority held that in sight of the conflict between the sooner pronouncements on the topic, it absolutely was "possible" that a bigger bench would must be constituted to adjudicate on these issues. The **Sabarimala**⁹ review petitions is kept pending as a bench took a final view about the extent of the Court's role in matters of rituals. The bench also formulated seven possible issues that the longer term bench "could" need to cater to. It is made to examining the right value of a judgment and to determine is it got damages from giving the omissions, a mistake or errors on the face of record.

The review court must examine the correctness of the judgment under review to establish if it suffers from glaring omissions, a patent mistake or grave errors apparent on the face of record. Petitions seeking review of judgments are allowed in rare instances. In **Chandra Kanta vs Sheikh Habib**¹⁰ the Court held that Article 137 wouldn't permit ordering of a fresh hearing by a bigger bench without scrutiny of judgment under review and without saying a grave error apparent on the face of record. None of this has been done by the bulk within the Sabarimala review judgment. Simply put, the bulk opinion is erroneous. The age old social and spirituality traditions have a very important role to play within the contemporary jurisprudential processes. On nowadays the traditions of doing away with spirituality processions on public streets continues despite the challenges of maintaining law and order and protecting public mobility. Despite judicial pronouncements, the traditions give license for committing nuisance whether or not it's against the law under the panel laws. The traditions and spirituality practice protect the correct of processionist to look at the spirituality practice

Four of the world's major religions Hinduism, Buddhism, Jainism, and Sikhism - were founded in India. It's also the most important constitutional democracy within the world. The framers

⁹ (2017) 9 SCC 1

¹⁰ 1975 AIR 1500, 1975 SCC (4) 457

of the Constitution were tasked with arising with a framework wherein liberal constitutionalism and spirituality pluralism could co-exist. Secularism was among the last issues to be debated by the Constituent Assembly. When the Preamble was preoccupied for discussion.

Shefali Jha discusses, "the positions which spelt out on secularism on it show up clearly the lines of difference which made been developing on issue during the Constituent Assembly debates." As Faizan Mustafa view on his 4th Dr. Asgar Ali Engineer Memorial Lecture, they came up with a standard agreement that a secular state which was the inevitable foundation of our a liberal democracy. Despite this clarity, the foremost troubling issue was of the sort of secularism that was to be inculcated. Would secularism mean a whole separation of state from religion with no overlaps at all? Or given the Indian context, would fostering equal respect for all religions be better suited?¹¹

Spirituality and Constitutional Morality

The laws of India are the proof that Courts established the Constitution and its application by providing new doctrines and tests. While integrating the changing aspirations and interest of society Constitutional morality governing principles is emphasizing the necessity to take care of the trust of the people in democratic institutions which permit people to cooperate and communicate in pursuit of Constitutional aspirations. Constitutional Morality influence and alter the continued character like abolishing of Sati's legal practice, right to dignity and health was passed on to widows which affected latter the perception in society that recognizes the variety of society in order that it make people and community more involved in working constantly by providing a measure of change. The term we are talking about constitutional morality could be a definition of judgement and its expression. Like in **Navteq Singh Johar vs. UOI**¹² SC has provided framework to confirm the rights of LGBTQ community and every one non-sexiest people in their dignity, health, identity and freedom. The doctrine of examination of important spiritual practice arose where it absolutely was applied by D.Y Chandrachuds view that held the trial as flawless and elevated the constitutional morality character.

¹¹ <https://www.spiritualityandpractice.com/practices/alphabet/view/18/justice>

¹² AIR 2018 SC 4321; W. P. (Crl.) No. 76 of 2016

Undoubtedly spirituality is that the basic system of beliefs or those that profess that religion for the spiritual wellbeing and in conducive manner. As we are aware that Constitution of India not only protect or guarantees our freedom of faith but it also act in implementation of same.

The question of the supremacy of Constitutional morality over spirituality arises in **H.S.E vs Sri Lakshmindra Thirtha Swaminar**¹³ of Sri Shirur Mutt where a mismanagement of mutt funds comes from an agent appointed by the Hindu Endowment board where during this case applicants requested that there's a violence of Article 19 (1) (f) and Article 26 In this regard, two questions are raised Article 25 of the constitution on whether this text seeks to guard individual spirituality freedom and may also apply to spirituality programs. And another question was associated with Article 26 on whether a mutt falls within the definition of a selected religion and if it does then whether it includes its right to administer its affairs. Answering to the above raised issues The Supreme Court cited various foreign cases defining the name of the faith and gave it a broader sense. Regarding questions on whether Article 25 is accessible through spirituality denominations. The Supreme Court has ruled that the question doesn't matter because the mutt isn't a united, spiritually-minded organization and is bound by the responsibility to evangelize, practice, and propagate spirituality principles. The court further stated: If there's a law that prohibits him from spreading his religion it'd be a violation of Article 25.

The Supreme Court answered the second question well that Article 26 subsection (b) is placed at a special level than the opposite two subsequent sections made in accordance with the enacted law.

It's now clear that administrative duties don't have anything to try and do with spirituality matters and may therefore be enforced by law by a competent authority. In concluding one should say that in support of constitutional morality, constitutional mechanisms should be wont to achieve social and economic goals. Commitment to the principles and aspirations of the Constitution should be there and moreover the general public must be told of their constitutional rights. Constitutional morality could be a feeling that has to be instilled within the minds of a responsible citizen. Maintaining the integrity of the constitution isn't just a matter for the judges or the country but also for people.

¹³ 1954 AIR 282, 1954 SCR 1005

The preamble of the constitution clearly states the kind of society we wish to establish; where only good and constitutional conduct can become a reality

Spirituality and Criminal Jurisprudence

The Indian Democracy is one that comprises of several religions and yet it's harmonious. India, as defined by its Constitution could be a secular state and has no official religion but respects every culture. 'Secularism' was declared the essential structure of the Constitution by the Supreme Court within the case of **Kesavananda Bharati v. State of Kerala**¹⁴. Later, the 42nd Constitutional Amendment Act, 1976 explicitly introduced the word 'secular'. Going by history, we discover that the Indian system had a vertical division into four classes i.e. the Brahmins, the Kshatriyas, the Vaishyas, and also the Shudras. The Dalits (Shudras) were at the underside of this division and were maltreated considerably by the opposite three divisions. They were denied access to temples and basic amenities of life including health care and education. The Constitution of India aimed to bring an equal playground for all the communities and divisions of the society. Religion, over the years, has often been used as a weapon for galvanizing support against other communities, generally harming them.

The Macaulay commission seeing how vast India was and the way wide the spirituality practices, they felt the requirement to include offences associated with religion within the Indian legal code, 1860. Chapter XV lays down all the provisions and these are expanded on from sections 295-298. This chapter finds its foundation supported the principle that each man has the intrinsic freedom to follow his or her religion which no man is in law justified to insult the faith of another. It's pertinent to own mutual respect for someone following a distinct religion. Insulting or condemning someone for the faith he follows isn't tolerable and is an offence under the legal code. Therefore, when one purposely disrespects another's religion causing disruptions, insults, or annoyance of these acts are made punishable under the XV Chapter of the IPC.

Section 295-

Injuring or defiling place of worship with intent to insult the faith of any class When an area of worship or an object considered sacred to a collection of persons is destroyed, damaged or defiled, such an act is punishable with imprisonment or with fine or both. It should be noted

¹⁴ Writ Petition (Civil) 135 of 1970

that within the original draft of the Indian legal code, the punishment for destroying or defiling was more severe than it currently is.

Its makers prescribed for a harsher punishment of rigorous imprisonment for a term which could touch seven years for any class of persons. In the case of **Sheo Shankar v. Emperor**¹⁵, the accused destroyed a sacred thread worn by another person because he wasn't entitled to wear it as he belonged to the shudra caste, the court observed that it didn't amount to an insult because it was done by another Hindu and therefore as the shudra don't allow to wear the sacred thread, as it was the same act which done by a Christian or an atheist then for this section would apply in this regard.

Section 295A

Deliberate and malicious acts which intended to be outrage religious feelings of any rituals of any religion by insulting others religion or beliefs and This section was introduced within by section 2 of the legal code (Amendment) Ac, 1927.

This is often added as there was a desire to punish acts which were done out of vice and deliberately with malicious intent. Blasphemous words are punishable thanks to the tendency to endanger public order and peace and cause strife between the citizens. The constitutional validity of this section was challenged within the case of **Ramji Lal Mode v. State of UP**¹⁶, the petitioner, printer and publisher of a monthly magazine called (cow protector) was convicted for printing forbidden content. The challenge was made because he made the liberty of speech and expression under Article 19(1) (a) of the C.O.I. The Supreme Court said that section 295A is enacted within the interest of upholding public order and peace and it only penalizes the aggravated sort of insult to religion when it's done deliberately and maliciously.

Section 296

Disturbing spirituality assembly this section makes disturbing a spirituality assemble punishable with imprisonment upto 1 year or with fine or both. This was important so every religion can peacefully without disruptions enjoy performing their spirituality assembly. the most ingredients of this sections are that there must a voluntary disturbance caused to an assembly that was engaged in spirituality worship, Disturbance under this section doesn't mean

¹⁵ King Emperor vs Sheo Shanker Singh on 7 April, 1948

¹⁶ 1957 AIR 620, 1957 SCR 860

that worship of a spirituality assembly should be stopped or interrupted, instead it implies that the peace of the assembly mustn't be interfered with whether with loud noises or otherwise.

Section 297

This section finds its roots in section 295 and extends to places that are to be treated as sacred. It punishes an individual who commits trespass in an exceedingly place of worship, or a burial site or an area set apart for funeral rites. Any act of such an individual that supply indignity to any human corpse by causing disturbance during funeral ceremonies are punishable under this section. The most ingredients of this section are the accused should have intentionally attempted to wound the sensation or insult the faith of someone and he must have committed trespass or offered indignity or a personality's corpse or disturbed a funeral ceremony.

Section 298

Uttering, words, etc., with deliberate intent to wound the spirituality feelings of any person

In the case of **Chakra Behra v. Balkrushna Mohapatra**¹⁷, this section was used and it was held that whoever uttered words or made sounds in the hearing of a person with deliberate intention to hurt, insult or wound their spirituality feelings that would punishable with imprisonment for 1 year or with fine or both. The framers of the code wished to allow that spirituality discussions should thrive and one cannot insult the other or their beliefs by making noises or sounds. The main ingredients of this section are that the accused must have uttered words in the presence of that person, and done so intentionally to hurt the spirituality feelings on another. In the case of **Mir Chittan v. Emperor**¹⁸, the accused was held liable under this section as he killed a cow for a wedding feast in the presence of Hindus knowing it would offend their feelings.

In Conclusion, a chapter on offences against religion in a vast country like India was very important and is so even more today. It is the responsibility of the Justice system to uphold the spirituality freedom of its citizens. In India, where spirituality tolerance is suddenly changing faces it is important to cling to these sections that were drafted to protect and uphold our rights.

Spirituality and family jurisprudence

¹⁷ AIR 1963 Ori 23, 1963 CriLJ 212

¹⁸ AIR 1945 Cal 137

Legal reality has dominated court decisions in many areas of law. Family law however, indicates a non-compliance with the law real family experiences and relevant child science research in the child family development and relationships remedies that allow families to survive. This decision-making process should change if the law is legal in order to apply the welfare of families and children. A new family legal system can help decision makers to account for the realities of family life when determined family legal issues. Lack of legal truth in family law is problematic given the size of the court Involvement in the lives of families and children Focusing on decision-making in family law requires be the way government intervenes in family life, rather than the state should intervene, 'as the court's own involvement means state intervention. Of course the ultimate goal is to maintain and improve legitimacy a system that protects both as a unit with their rights and interest. Any drastic change in task or change in our society takes family law in new ways.

Various cases involving domestic matters is handled by family court where Common issues dealt

Divorce - If a person wants to end a marriage, he or she can apply to the family court to apply for a divorce decree. Marriages can be dissolved by divorce. Court can also issue a divorce, orders regarding property, maintenance, and child care, but parties remain legally married.

Child Identity- When a man wants to be called the father of a child, any parent can open a case and ask the family court to rule on the father. This permanently establishes the father of the child. Single parents can also apply to the court for final ordering, physical care, travel schedules, and child support.

Protection Orders against Domestic Violence- Victims of domestic violence can ask a family court to issue a protection order to keep their guardians from leaving.

Caution - Care includes deciding who will be responsible for the medical, personal, and financial decisions of a child or adult who cannot take care of themselves.

Termination of Parental Rights and Adoption - If there are serious reasons why a parent should not have a parent-child relationship (such as abandonment, neglect, abuse, etc.), the Family Court cannot revoke those parental rights. If the other person wants to be the legal parent of the child, the family court can grant adoption when the parent-child relationship is legal.

Exemption and Permission for Minor Marriages - Those under the age of 18 who wish to marry or who wish to be “freed from slavery” (that is, to be legally freed from the custody of their parents) can apply to the family court for approval. In most states, registering of marriages and divorces is not compulsory. There are separate laws governing Hindus, Muslims, Christians, Sikhs and followers of other religions. The exception to this rule is in the state of Goa, where a Portuguese uniform civil code is in place, in which all religions have a common law regarding marriages, divorces and adoption.

Some case laws related to family issue:

Shayara Bano v. Union of India and others¹⁹

The 2017 Supreme Court in a landmark and landmark ruling declared the "Triple Talaq" unconstitutional. The Apex court stated, “Given that a triple-stage approach is faster and more consistent, it does not have the scope of co-operation required to maintain the marital bond. It is clear, then, that this type of Talaq is characterized by a lack of thinking in the sense that the marital bond can be unreasonably and unintentionally violated by a Muslim without any efforts to unite us for salvation. The court enacted Section 2 of the Shariat Application Act, 1937 and even imposed the use of "talaq three times".

Sushil Kumari Dang v. Prem Kumar²⁰

Here, a request for restitution is made by the husband and the husband accuses his wife of adultery. He then filed another divorce application stating the sincerity and desire to keep his wife with him. Therefore, the Delhi Supreme Court has set aside the restitution decision made by the lower court.

Yousuf v. Sowramina²¹

It was held that in some cases, the decision on the question of whether the marriage should be dissolved or not was up to the courts. In some cases, the legislature sets a precedent for divorce and once that is determined, the courts have no alternative but to end the marriage.

¹⁹ (2017) 9 SCC 1 Writ Petition (C) No. 118 of 2016

²⁰ AIR 1976 Delhi 321, 13 (1977) DLT 279 b, 1976 RLR 487

²¹ AIR 1971 Ker 261

Good. Ahmed Khan vs Shah Bano Begum and Ors²²

It was a controversial case. In this case, the Supreme Court granted maintenance to a divorced Muslim woman regardless of a Muslim law. The Supreme Court ruled that Section 125 of the CrPc also applies to Muslims. The Supreme Court concluded that the Cr.P.C. state law and "there is no conflict between the provisions of section 125 and those of Islamic Law relating to the question of a Muslim husband's obligation to care for a divorced wife who is unable to support himself." A Muslim woman has the right to be detained even after the iddat period

A thorough analysis of the various ideas seen above ensures good and the solution is that Indian law should applied to all of them in democratic societies. Then the Judgmental decisions will go hand in hand by putting the personal rules of all religions under code is a daunting task. The legislature will eventually have to work hard to draft this Code.

Religion will have to comply with the law. Unity in India exists in its diversity. The times are gone forward, but personal laws did not keep pace. Indian courts perform Herculean work on solutions are presented in cases. Authorities and legislatures of the Indian government but now needs to contribute to providing much-needed solutions. In this system, of modern times, the path to progress must be carefully planned. As the largest

Democracy in the world, India has the opportunity to set an example in various aspects of the family rules. By, continuing to change amendments in some areas, and setting a good example.

Conclusion

This article outlines some of the areas of legal belief and spiritual supremacy such as invitations to religious studies to avoid producing the current independent, state-produced and government-enforced legal sensitivity, and national. The general understanding of law and spirituality is by contributing to the incomprehensibility of each other. On the contrary, the many historical connections, the continuous similarities of structure, and above all the ancestral relationships between law and spirituality suggest new ways of examining the duplicate relationship of these two important categories and their significance in both modern understanding.

²² 1985 SCR (3) 844

There is a time in a history of India where spirituality provided, regulates and fully regulates the legal and judicial system of country. The situation is different today, the law of the land determines religion in public, court of justice decides what rules are regarding the scope of spirituality state and what is required. Even in today's era spiritual values and customs too exist and have a strong influence in our society. This spiritual aspect is properly reflected in the Constitution and growing rapidly to a national legal framework. And is not possible without the desire of legal activism that too commonly witnessed.

Many legal and spiritual context are deeply entrenched and comprehensive explanations with clarification of legal and spiritual disciplinary action are made through the availability of multiple system.

The practice and interpretation of spirituality is from the original and had always been remain sensitive and reciprocating to world facts. This empathy and reconciliation does spiritual relations different and interesting. Research in special models of spiritual life and freedom reveals a reasonable balance of spiritual and secular interest. Above all the judgement of the Supreme Court in various spiritual cases, nature, species often indicates a state indifference as well as impartial. This trend show the conflict between spirituality and law, justice, life, constitution and different jurisprudence which can't be come to an end but modern ideas in society can balance with spirituality in all aspect of the law.