

CUSTOM: A DETAILED EXPLANATION

1. Introduction to Custom

Custom is a habitual practice or tradition that people follow voluntarily and uniformly over a long period. It is one of the earliest sources of law and plays a significant role in shaping human behavior in society. Before written laws and judicial decisions, customs regulated social conduct. However, as societies developed, customs started losing their importance, and legislation (laws made by governments) and judicial precedents (court decisions) became the primary sources of law.

A custom is formed when people repeatedly follow a particular rule or behavior because they find it useful and acceptable. Over time, if it is widely accepted, it gains authority and may even become a law. This type of law is known as **customary law**.

2. Meaning of Custom

The word *custom* originates from different languages:

- **Old French:** *Coustume*
- **Latin:** *Consuetudo* or *Consuescere* (meaning "to become accustomed")
- **Hindi:** *Reeti*, *Vyavahar*, *Rasm*, or *Riwaj*

The term "custom" is used in various ways. It can mean:

- A **habitual practice** followed by many people in a particular place or class.
- A **long-established practice** that is considered an unwritten law.
- A **tradition** passed from one generation to another.
- A **routine behavior** followed over time.

For example:

- Shaking hands while greeting is a common custom in Western countries.
- In India, touching elders' feet as a mark of respect is a traditional custom.

3. Characteristics of Custom

A custom has several key characteristics:

1. **Repetition:** It is formed through the repeated practice of a particular behavior.
2. **Acceptance by Society:** A custom must be widely followed by people in a community.
3. **Long-standing Nature:** A practice must be continued for a long time to be considered a custom.
4. **Uniformity:** It must be followed consistently without major changes.
5. **Binding Nature:** Over time, customs become so strong that people follow them as if they were laws.

For example, in some Indian communities, dowry was a custom for centuries. However, laws were later made to stop this practice because it led to social problems.

4. How Custom is Formed?

Socio Views Introreader Custom

Christian G. Meyer



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