

Movements for opening of public places of worship for women

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Manifest Pedagogy

Inductive Learning

Inductive learning is the clubbing of similar issue, finding common themes and generalizing them to make a broad topic. Religion as an issue has made its presence in many issues like Sabarimala, Anand Marg Sect, Female Genital Mutilation and section 377. All can be clubbed together as all issues have one common theme *Societal Morality Vs Constitutional Morality* and hence it was asked as an essay topic in Mains-2018, **Customary Morality cannot be guide to modern life.**

In news

In recent times there have been movements for opening the public places of worship for women like Sabarimala temple, Haji Ali Dargah and Shani Signapur.

Placing it in syllabus

INDIAN SOCIETY- ROLE OF WOMEN AND WOMEN ORGANISATION

1. Diversity
2. Social Empowerment

INDIAN POLITY AND GOVERNANCE

1. Social justice
2. State and religion-specifically Judiciary and religion
3. Fundamental Rights- Concepts + secularism

Static dimensions

1. Concept of secularism in India-positive secularism and its importance
2. Article 25-28 and their interpretation
3. Social Movements in India- specific to the issue of women movements

Current dimensions

1. Women's movement for opening of places of worship
2. Indian state and its role in religion (positive secularism)
3. Concepts of Essential Religious Practices
4. Judiciary and Religion
5. State interference in religion and threat to diversity

Content

Places of worship are 'public' and hence must be accessible to all without disturbing the essentials of the religion which are determined case by case basis by the judiciary to preserve both an integrated religion and an integrated society.

Social reform as a project shall remain incomplete if it stops at being caste inclusive and not gender inclusive. Recently there have been movements in this regard demanding women entry at various worship places like Haji Ali Dargah, Shani Shignapur and Sabarimala Temple along with a petition with respect to the latter being taken up by the Supreme Court.

Arguments for the ban on entry

- Ban on the entry is part of the age long tradition, culture and belief systems which will get disturbed.
- It is in consonance with the nature of deity as Ayappa is a 'Naishtik Brahmin' hence only menstruating women in the age between 10 and 50 are barred.

- It is protected under laws, like rule 3(b) of the Kerala Hindu Places of Public Worship (Authorization of Entry) Rules 1965, allows a 'religious denomination' to ban women in the menstruating age group.
- State intervention to change anything in this regard would be too much of an intrusion.
- It is an Essential Religious Practice and hence any attempt to change will affect the fundamentals of the religion.
- Women themselves who believe in these customs do not want the revocation.

Counter Arguments

- Traditions, culture and belief system need to be based on principles of humanism and gender parity is the basic principle of humanism.
- Nature of deity being argued goes against the fundamental understanding of God as an entity who is all encompassing and universal.
- Women being allowed in other temples of the same deity and not this temple is basing too much on the physical form and not the essential oneness.
- Laws are subject to judicial scrutiny, which determines their validity on the basis of 'reasonableness' which is further informed by human progress and modernity and laws violating Fundamental Rights, in this case Article 15, are subject to judicial scrutiny.
- India follows the model of positive secularism and under Article 25(2)(b), State can make laws with respect to religion and temples for 'social reform'.
- Allowing women won't stop the cult of deity but will rather reinforce it and hence it cannot be an Essential Religious Practice.
- Women who believe in this practice are a product of social conditioning of patriarchy which makes them believe that it is for their good.

Need of the Hour:

With the petition lying with the judiciary it can take two stands:

1. A conservative reading, where in it might test the constitutionality of the laws like Rule 3(b) and read it down.
2. A progressive reading where in along with constitutionality of laws, it deals with questions of Religion, patriarchy and Role of State. What is required is the second reading which will take the movement beyond symbolic importance.

Essential Religious Practices (ERP)

Concept of ERP has been in news for months. SC' decision that "Tandava" dance is not an essential religious Practice of Anand Margis, issues like whether Female Genital Mutilation constitutes an ERP. Mosques are part of ERP of Islam, as ban on women entry into public places is an ERP has made ERP an important issue.

ERP- these are practices followed by a religion which are considered essential for the existence of the religion.

There is no agreement as to who determines what ERP of a particular religion is. The religious heads say it is decided by the people who follow it. But, recent SC judgments have proved that it is the state or specifically Judiciary which determines what is ERP. And when the SC is determining what constitutes ERP, it is basing its decisions on constitutional principles and values which is termed the "constitutional morality" by Dr. Ambedkar. So in all the above issues it is basically a tussle between Constitutional Morality and Customary Morality (Hence the essay on this topic!)

If a practice violates constitutional morality it is struck down.

State or Judiciary in such case has the constitutional mandate to intervene.

1. Article 25(2) (b)
2. Judiciary as the guardian of the constitution

There are criticisms that state intervention in issues like temple entry are harming the diversity of India. But, diversity has value when it is based on principles of equality and liberty. When equal opportunities are denied to a group it may lead to violent social movements. Hence, diversity becomes a strength if it is managed well and it is the responsibility of State and Judiciary. The recent SC judgment on Sabarimala sends a message that though we are diverse groups in terms of culture, we are united by a document of consensus called the Constitution of India.

Test Yourself: Mould Your Thoughts

1. What is an Essential Religious Practice? Do you think it strengthens diversity of India? Substantiate your argument with recent issues in news.