

October 20th, 2018 Sample Current Affairs

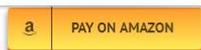
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1. Sabarimala case: Why India's women need a uniform civil code

- Why does preventing women's entry to the temple discriminatory in nature?**
- What did supreme court judgement say about the prohibition of women's entry to the temple?**
- Why the court ruling is triumph of constitutional morality?**
- Why this ruling has created dilemma among religious groups?**
- Why India's women need a uniform civil code?**

GS paper 2 (Indian polity)

What is the context about?

- The shameful spectacle is unfolding at Sabarimala.**
- Women are being assaulted by violent mobs, just a handful moving up to the temple in riot gear and body armour only to be forced back.**
- This tells you that when it comes to entrenched sexism, even the Supreme Court is not feared.**
- Modern India is telling its women: you can be fighter jet pilots, sail around the world, lead corporations, fight terrorism or break world records. But your menstrual cycle still makes you less than equal. It is an abomination.**

Why does preventing women's entry to the temple discriminatory in nature?

Preventing women's entry to the Sabarimala temple with an irrational and obsolete notion of "purity" clearly offends the equality clauses in the Constitution. In any civilised society, gender equality is to be treated as one of the core values.

- ✓ It denotes a patriarchal and partisan approach.
- ✓ The entry prohibition takes away the woman's right against discrimination guaranteed under Article 15(1) of the Constitution.
- ✓ It curtails her religious freedom assured by Article 25(1).
- ✓ Prohibition of women's entry to the shrine solely on the basis of womanhood and the biological features associated with womanhood is derogatory to women, which Article 51A (e) aims to renounce.
- ✓ The classification based on age is an act of discrimination based on sex.

What did supreme court judgement say about the prohibition of women's entry to the temple?

- Supreme Court delivered a 4:1 verdict, in *Indian Young Lawyers Association v. State of Kerala*, throwing open the doors of the Sabarimala temple to women of all ages.
- With this, the Supreme Court set aside a 27-year-old Kerala High Court judgment that upheld the prohibition.

- ❑ The High Court had pointed out that the ‘Naisthik Brahmachari’ nature of the deity was “a vital reason for imposing the restriction on young women”.
- ❑ However, Supreme Court condemned the prohibition as “hegemonic patriarchy“. Patriarchy cannot trump freedom to practice religion
- ❑ The Court said that it amounts to discrimination based on a biological factor exclusive to gender. It was violative of the right to equality and dignity of women.

Why the court ruling is triumph of constitutional morality?

- ❑ The court ruling is triumph of constitutional morality because :
- ❑ The prohibition of women due to their physiology is based on the paternalistic mind-set of the society and is against the right of equality enshrine under article 14
- ❑ The constitution allow all to practise the religion of their choice but In sabarimala by refusing entry of women the temple board is taking away their fundamental right given under article 25
- ❑ The practise is based on the notion of purity and impurity and thus form of untouchability which is prohibited under the Article 17 of the constitution which is a regressive social practise

- ❑ It also confer that prohibition of women entry cannot be constitute as essential practise of religion and thus individual rights under article 25 are given precedence over group rights under article 26 thus making society more liberal.

Why this ruling has created dilemma among religious groups?

- ❑ The constitution itself allows religious groups to manage their own affairs under article 26 while court ruling is encroaching in their freedom and thus contravening it .
- ❑ The determination of what constituted an essential practice in a religion should not be decided by judges on the basis of their personal viewpoints and should have religious backing
- ❑ Under article 25 Constitution in a pluralistic society gave freedom to practice even irrational or illogical customs and usages.

Why India's women need a uniform civil code?

- ❑ Muslim women are now moving court for the right of entry to all mosques. They are also fighting for women to become imams.
- ❑ Parsi women have petitioned the court against a custom that bars them from their parents' last rites if they marry outside the community.

- ❑ And Christian women have been battling the antiquated personal divorce laws. Hindu, Sikh, Muslim, Christian or Parsi, personal laws and customs have always discriminated against women.
- ❑ It is time to change that fundamentally. The only solution is a uniform civil code; a directive principle in the Constitution that has either been woefully politicised or entirely ignored.