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TRADITION VS. MODERN ETHICS

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“Men, their right, and nothing more; women their right, and nothing less”. A verdict that set an example to crush all the taboo that demoralize any part of society, in Article 14 of Indian Constitution a term ‘*person*’ means gender and transgender both, they are entitled to legal protection of laws in all the sphere of the state activity, including opportunities in different area, employment, health care, education as well as equal civil and citizenship rights, as enjoys by any other member as the citizen of the country.

An unreasonable restriction imposed on women only, that they cannot enter in the Temple of Sabrimala the bar on the entry of women into the popular temple was a kind of discrimination on the ground of sex and based on the assumption that menstruating women are “*polluted*”, which is totally unjustifiable and unreasonable. On the note of equality, It is the basic feature of the constitution any treatment of equals unequally or unequal as equals will be the violation of the basic structure of the Constitution of India.

Likewise, here putting bar on their entry into the temple is resulting in treating the women unequal only on the basis of physiological factor which is constitutionally invalid because it is a natural process which cannot be treated as the ground to make a differentiation. The basis of differentiation is an factor which inherent in a women (menstruation) which was given to her by nature and here the authorities of the temple on the ground that they were pollute the god at that time put the bar on the entry of the women inside in the temple but that menstruation restrictions were used as a means in the custom for providing rest to

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women, who otherwise indulged in physically demanding household tasks in the past, and who suffered from pain, stress, and discomfort during the menses. Therefore, the belief of menstruation as a period of rest that the women need, owing to stress and physical discomfort, is clearly recognized by Hinduism and some menstrual practices like preventing women from doing household work are aimed to serve that purpose.

The underlying purpose of Article 14 is to treat all persons similarly circumstanced unlike, both in privileges conferred and liabilities imposed. And here this classification must not be arbitrary but must be rational that is to say that it must not only be based on some inequalities or characteristics which are found in all the persons grouped together and not in others who are left out but those qualities and characteristics which must have reasonable relation to the object sought to be achieved.

Likewise, the object that has been claimed is to prevent the deity from being polluted, which, runs counter to the constitutional object of justice, liberty, equality and fraternity as enshrined in the Preamble to our Constitution. That apart has submitted that even if the classification based on menstruation may be intelligible, yet the object sought to be achieved being constitutionally invalid, the question of nexus need not be delved into.

DISCRIMINATING WOMEN'S ON THE GROUND OF MENSTRUATION AS AN IMPURITY LEADS TO TREATING WOMEN'S AS UNTOUCHABLES

Women who are in between the age of 10 to 50 are not allowed to enter in the Temple of Sabrimala on the ground that at the time of menstruation they were impure and they cannot worship the lord '*Ayyapa Swami*'(Ram). Treating women as such and prohibiting them

from entering into the temple leads to treat them as untouchable which is against the constitution because it is an physiological processes which is a part of their life which make them complete and given that untouchability is abolished from Sentara from a very long time ago this is violating the basic and most important aspect of the Constitution which is Article 17.

Women are the part of the society they do have all the rights which men have they both are the creations of god and all the physiological processes are also given by god or by nature to both of them, so why do god only gave one of their child to their right to worship and not to the others, So making any law which boycott the whole class of women from entering into any place whether it is of worship or of other on their biological problems which are not at all in her hands is clearly the violation of their fundamental right.

As it is a societal taboo which led to face women many discriminations in the society and here also this can be seen in form of barring women from entering into the temple on the ground of their physiological problem on the ground that it will led to disrupt the celibacy of the Lord "*Ayyapa Awami*", but how can a physiological process of the women who are creation of god can be a problem for them and this type of taboos in the society at this time will somewhere discourages women in the society as they were discriminated from entering in public place which shall be open to all but because of their physiological issues they can't enter this seems to be illogical and unreasonable and also a violation of their fundamental rights.

VIOLATION OF BASIC FUNDAMENTAL RIGHTS OF THE WOMEN BY RESTRICTING THEM TO MOVE FREELY THROUGHOUT IN THE TERRITORY OF INDIA

Constitution itself provide the rights to every person to move freely throughout the territory of India, in which person does includes the men, women and transgender. So by these laws women's have the rights to enter into the temple by their own choice and worship the Lord "*Ayyapa Swami*".

PUTTING RESTRICTION ON THE ENTRY OF WOMEN LEADS TO VIOLATION OF THEIR RIGHT TO LIFE AND PERSONAL LIBERTY

Women are the respected citizens of the society they do have right to enjoy their freedom without any restriction and to enjoy their privacy restricting them to enter into the temple only on their physiological factors will lead to violation of their basic fundamental rights. As today they were boycotted from entering to one place this will give a bad impression on the society that lowers down their position shows that they are lesser to men. They are very important part of the society irrespective of what is their physiological problem they do have all the right to enjoy their life and personal liberty it is irrelevant to bar them to enter in to temple. Living in a society is not just about a mere animal existence they do have right to enjoy their life it is their personal liberty that where they want to go they can go, restraining them to do so will led to violation of fundamental right provided under Article 21 of the Constitution of India. And hence the verdict respected the women's right and now no bars stop them to enter and worship Lord "*Ayyapa Swami*".