

Society Class 12

20th August, 2024 at 12:30 PM

SECULARISATION (12:35 PM)

- **Concept:**
- It is defined as a process by which religions' thinking, institutions, and practices lose their significance.
- **Manifestations:**
- Decline in religious participation;
- Decline in religious significance;
- Individualisation;
- Freedom of thought;
- For example, the Modern Education System, Urbanisation, Technological advancement, etc.

Dimensions of Secularisation:

- **Differentiation:**
- Religion will be confined to being a matter of faith and not governing social, political, or economic spheres.
- **Privatization:**
- Religion will be confined to private space.
- **Decline in Social Significance:**
- The education system has become exoteric and content is secular.

To what extent Indian society is secularised?:

- **Arguments for:**
- Society especially youth is becoming secular with respect to commensality, accommodation, marriages, etc.
- Urbanization leading to Urbanism.
- Adoption of Secularism where the sphere of politics and religion is separated.
- Industrialization is leading to caste-neutral job opportunities.
- Different judicial pronouncements with respect to non-essential religious practices.
- The desacralization of marriage.
- Capitalism has led to consumerism which also goes against many religious beliefs.
- Deliberation and discussion on Uniform Civil Code.

- Globalization leading to the homogenization of culture.
- Technological advancements and their application, for example, Medical Termination of Pregnancy, Assistive reproductive technology, etc.

Arguments against:

- Prevalence of caste system and caste-based division of labor.
- Communal conflicts.
- Counter reaction to the process of Sanskritisation.
- Identity politics.
- Religious revivalism.
- Not recognizing the Right to marriage or having a child with respect to the third gender.
- Going back to the traditions with respect to marriage, birth, death, etc.

CONTEMPORARY ISSUES (01:13 PM)

UNIFORM CIVIL CODE

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FOR	AGAINST
Uniformity in laws will reduce the legal burden	It goes against the essence of the salad bowl theory of multi-culturalism
Easy administration due to reduction in ambiguity concerning the interpretation of laws	There is no blueprint regarding UCC which might generate apprehension among minorities that it is the imposition of majoritarian culture. Even if the idea is accepted it may create challenges at the level of implementation. For example, Uttarakhand UCC is criticised with respect to provisions on live-in relationships (it is the denial of the right to privacy, the act of moral policing, and bureaucratic burden, it may lead to social stigma and discrimination)
It will create grounds for women's empowerment	Politicisation of UCC along with lack of emotional intelligence to view UCC from the lens of uniformity, empowerment, justice, etc instead it will only be viewed from the prism of religious differences
It will reduce the incidences of social conflict which in turn will promote unity and integrity	It threatens the policy of integration with respect to tribals
It will repeal unequal laws, for example, Uttarakhand's UCC bans polygamy, bigamy, Nikah halala, Child marriage, etc	There exists a cultural lag, hence, acceptance of UCC might take some time

It might reduce the possibility of using UCC as a tool for vote bank politics

It might create grounds for the imposition of cultural hegemony which creates the situation for social conflict.

According to the 21st Law Commission, "UCC is neither necessary nor it is desirable". Equality within the religious community is required rather than between the community. The urge to ensure uniformity might also threaten territorial integrity.

The clause about women's empowerment might be an exaggerated vision since the guarantee of inheritance rights have not resulted in any significant change concerning ownership of assets.

- Any decision on UCC should be taken only after popular consensus, hence, the 22nd Law Commission had asked to table UCC on various platforms for three Ds (deliberation, Discussion, and Debate).

The doctrine of ERP (Essential Religious Practices) versus Judiciopapism:

- **Judiciopapism:**
- Overinterference of the judiciary in religious matters.
- **ERP:**
- There are certain rituals, and practices which are integral to the religion and they should be followed by those who adhere to the religion.
- The state can intervene if it's not an ERP.
- In the *Shirur Math Case (1954)*, the court held that the state can intervene in religious issues that are not ERP.
- The judiciary will decide what is ERP or not.
- For example, in *Doctor Noor Jahan versus State of Maharashtra case 2016*, the High Court observed that the exclusion of women from Dargah is not an ERP, hence, women are permitted to enter Haji Ali.

- In the Shayara Bano case 2017, Talaq-e-bidder was banned, in the Church of God versus KKR Majestic colony case 2000, the court observed that offering prayer is an ERP but not on loudspeaker.
- Similarly, with respect to Santhara, the Supreme Court lifted the ban and observed that the High Court did not take the opinion of Jain Practitioners and it is an act of Judiciopapism.

SABARIMALA ISSUE (01:46 PM)

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ARGUMENTS IN FAVOUR

Banning the entry is derogatory to the dignity of women

Individual rights can not be at the mercy of the mob

Patriarchy in the religion cannot supersede the right to freedom of religion

Any ban based on physiological attributes is a manifestation of untouchability under Article 17.

***This point was contested by the dissenting judge on the grounds that Article 17 is with respect to caste and not gender. To which it was replied that our constitution is not a static document but based on the Doctrine of Living Tree**

ARGUMENTS AGAINST

Diversity should not be confused with discrimination

Prohibition was not an act of patriarchy but its origin had historical significance in celebrating the celibate nature of god

Entertaining PILs challenging various religious practices can cause damage to the diverse fabric of India

The Pressure to conform to secularism might dilute the rich diversity of customs and traditions. It can also lead to the loss of cultural identity.

It might create a perception in society that the laws have primacy over religious

morality. It creates ground for the state's intervention which might be perceived as an act of cultural marginalisation by the affected community.

In the name of secularism, there is a risk of cultural appropriation where certain cultural practices are misrepresented for political gains. This can lead to distortion of the original significance of cultural tradition.

Politicisation of secularism can result in the selective enforcement of secular policies which can disproportionately affect the religious communities.

THE TOPIC TO BE DISCUSSED IN THE NEXT CLASS- Population and associated issues