

## **Recorded Society Class 13**

**1st July, 2024 at 9:00 AM**

**THE CLASS STARTED (IN CONTINUATION) AT: (09:05 AM):**

**UNIFORM CIVIL CODE (UCC): (09:07 AM):**

- **Pros of UCC:**
  - a) It will create grounds for women's empowerment.
  - b) Uniformity in-laws will reduce the legal burden.
  - c) Possibility used as a tool in vote bank politics.
  - d) Uniformity can also reduce the incidences of social conflict.
  - e) Overall social cohesion or national integration.
  - f) It will reduce the ambiguity concerning the interpretation
  - g) It will generate fiscal space to invest in the social infrastructure.
  - h) It might repeal the unequal laws e.g. w.r.t Uttarakhand's UCC ban on polygamy, bigamy, Halala, and child marriage, etc.
- **Cons of UCC:**
  - a) It goes against the essence of the Salad Bowl theory of multiculturalism.
  - b) Currently, there is a lack of a blueprint concerning UCC which might generate apprehension among minorities that it is the imposition of a majoritarian culture.
  - c) The politicization of the issue along with the lack of emotional intelligence among the people to view the UCC from the lens of uniformity, empowerment, justice, etc. instead it is only viewed from the prism of religious differences.
  - d) It might create ground for the imposition of cultural hegemony which in turn creates a situation for social conflict.
  - e) There exists a cultural lag as a result any change concerning the core belief might take time to be accepted by society.
- **According to the 21st Law Commission:**
  - a) UCC is neither necessary nor desirable.
  - b) Equality within the community is required rather than between the communities.
  - c) That the urge for uniformity threatens territorial integrity.
  - d) The objective of women's empowerment might be perceived as an exaggerated vision since inheritance rights have not resulted in any significant change concerning women's ownership of assets.
  - e) Threat concerning the policy of assimilation of tribals.

- f) Even if the idea is accepted it may create challenges at the levels of implementation e.g. in the context of Uttarakhand's UCC it is criticized w.r.t provisions related to live-in relationships.
- For example, some said it is against the right to privacy, the act of moral policing, a bureaucratic burden, or the potential for social stigma and discrimination.
- g) Democracies can be established in multicultural societies however, efforts should be made to reduce cultural exclusion.
- h) National cohesion does not require the imposition of a common identity but the accommodation of diversity.
- Hence, the UCC should be implemented only after the popular consensus.
- Therefore, the 22nd Law Commission has asked to table the UCC on various public platforms for deliberations, discussions, debates, etc.
- Question:
- 1) What challenges does the government face in implementing the UCC? (10 marks/150 words).

## **DOCTRINE OF ESSENTIAL RELIGIOUS PRACTICES (ERP) & JUDICIOPAPISM: (09:46 AM):**

- **Judiciopapism: Over interference of the judiciary in religious matters.**
- **The ERP doctrine is defined as the legal principle developed by the honorable Supreme Court through various judicial pronouncements.**
- **The ERP are those rituals and customs that are integral to the religion and should be adhered to by those who follow that religion.**
- **This idea was put forward in the Shirur Mutt Case in 1984 e.g. w.r.t Santhara Rajasthan High Court banned the practice for 2 reasons:**
  - **a) Equated with suicide.**
  - **b) Not considered as ERP.**
- **However, the SC lifted the ban and observed that the High Court did not take the opinion of Jain practitioners and its an act of Judiciopapism.**
- **In the Church of God vs. KKR Majestic Colony Case the court observed that offering prayers is an ERP but with the help of a loudspeaker is not essential.**
- **In the Dr. Noorjahan vs. State of Maharashtra case, the court observed that the exclusion of women from Dargah is not an ERP hence women were permitted to enter the Haji Ali.**
- **In the Shayra Bano Case, instantaneous Triple Talaq was criminalized.**
- **Sabarimala Case:**
  - **The entry of women (in the menstrual age group of 10-50 years).**
  - **Arguments in favor:**
    - **a) Banning the entry is derogatory to the dignity of the women.**
    - **b) Individual rights cannot be at the mercy of the mob.**
    - **c) Patriarchy in the religion cannot supersede the right to freedom of religion.**
    - **d) Any kind of ban based on physiological attributes is a manifestation of untouchability (under Article 17).**
  - **The dissenting judge contests the untouchability point by stating that Article 17 is w.r.t caste and not gender.**
  - **However, the majority of judges argued by referring to the constitution to be based on the doctrine of a living tree.**
  - **Since it is not an ERP hence not be protected.**
- **Counter Opinion:**
  - **a) Diversity should not be confused with discrimination.**

- b) Prohibition was not an act of patriarchy but the origin has a historical significance to celebrate the celibate nature of God.
- c) Entertaining PILs challenging various religious practices in a pluralistic society can cause damage to the diverse fabric of India.
- Question:
- 1) What are the challenges to our cultural practices in the name of secularism? (10 marks/150 words).
- Points:
- a) Is the pressure for cultural practices to confirm secularism which might dilute the rich diversities of customs, and traditions.
- b) It creates ground for the state interventions which might be perceived as an act of cultural marginalization by the affected communities.
- c) It can also lead to the loss of cultural identity.
- d) 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 traditions.
- e) Politicization of secularism can result in the selective enforcement of secular policies which can disproportionately affect the religious communities.

#### **POPULATION AND ASSOCIATED ISSUES: (10:30 AM):**

- The debate on population is w.r.t High Population growth is a liability or an asset.
- Demography: Concept, Types, Demographic Dividend.
- Factors Affecting Population Change fertility, mortality, and migration.
- Vulnerable section: Child, Old Age, PWDs, etc.
- Population policy.
- High Population (Liability):
- A high population thrives on limited resources combined with high demand.
- A lack of equitable distribution of resources and benefits can create relative deprivation.
- Such deprivation can foment a law and order situation which creates a social conflict and threatens SDG.
- It is a one-sided accentuation of reality as a high population if transformed into a human capital then it will act as an asset.
- Human Capital:
- It consists of knowledge, skills, and health that people accumulate over their lifetime enabling them to realize their potential and act as a productive asset for society.

- **Question:**
- **1) To what extent investment in human capital is the need of the hour? Discuss. (10 marks/150 words).**
- **Points:**
- **Individual: Opportunity of social mobility.**
- **Mental growth.**
- **Higher earnings.**
- **Family: Improved standards of living.**
- **Inter-generational benefits.**
- **Society: Enhancing social cohesion.**
- **Building of social capital.**
- **Society needs sufficient human capital to produce further human capital.**
- **Nation: Provides innovation.**
- **Drives sustainable growth & poverty reduction.**
- **Opportunity to reap the demographic dividend.**
- **Recent Initiatives: Ayushman Baharat.**
- **Question: In the backdrop of the prospect of human capital, discuss the challenges in achieving this goal. (10 marks/150 words).**
- **DEMOGRAPHY: (10:48 AM):**
- **It is referred to as trends and processes associated with the population e.g. birth rate, death rate, migration, sex ratio, age structures, and literacy rates.**
- **Question:**
- **There exists a stark north-south divide w.r.t demography. Discuss its impact on the policy formulation by the government.**
- **Demographic Dividend: It refers to monetary benefits due to a bulge in the working-age population.**
- **Currently, 62.5% of the population is in the age bracket of 15-59 years which is expected to increase to 65% by 2036.**
- **Youth have high risk-taking ability which creates an environment of innovation and entrepreneurship.**
- **It might have a Domino Effect e.g., increased FLFP which promotes economic growth and improves social indicators.**
- **It will create more space for domestic consumption as more earnings means more money at disposal.**

- The availability of the labor force will also help the nation in achieving its global aspirations.
- The government spending on the dependent population will reduce and it will create a fiscal space for investment in social infrastructure.
- The working class is the aspirational class and hence will create pressure on the government for better opportunities which in turn will create ground for industrialization and urbanization.
- A more independent population creates more labor force availability, which also leads to cheap labor.
- Since the working population is high on energy hence if channelized in a constructive direction it will have high prospects.
- It can contribute to economic growth through remittances.
- It can overall reduce the social conflicts in society.
- However, it is only a necessary condition and not sufficient as it depends upon:
  - a) Quality of workforce (skilled, educated, and healthy)
  - b) Availability of jobs.
- Question:
  - 1) "Demographic Dividend in India will remain only theoretical unless our manpower becomes more educated, aware, skilled, and creative." What measures have been taken by the government to enhance the capacity of our population to be more productive and employable? (15 marks/250 words).
  - 2) India's demographic dividend can turn into a demographic disaster." In light of this discuss why it is important for India to focus on demographic dividend. (10 marks/150 words).

- **Types of Demography:**
- **1) Formal Demography:** Statistical information related to characteristics of the population like TFR, Ratio, etc.
- **2) Social Demography:** Refers to the social analysis of statistical information like causes/consequences, or why the sex ratio is high in tribals.
- **Factors Affecting the population change:**
- **a) Fertility:** It is defined as the actual reproductive bearing of women in their reproductive age group.
- **Currently, according to the National Family Health Survey report number 5 the total fertility rate is 2 which is below the replacement level that is 2.1.**
- **However, 5 states are above the national average UP, Bihar, Jharkhand, Meghalaya, and Manipur.**
- **In light of the above data UP has released its population policy for 2021 to 2030 where the target is to reduce it to 2.1 by 2026 and 1.7 by 2030.**
- **Factors Responsible for High Population Growth:**
- **a) Poverty:** As more children are considered as more number of working hands.
- **b) High IMR/CMR:** They also lead to high fertility rates.
- **c) Lack of 4A w.r.t family planning i.e. Availability, Accessibility, Affordability, and Awareness.**
- **d) Due to patriarchy there exists Son-meta Preference.**
- **e) Illiteracy (education is the best contraceptive).**
- **f) taboo regarding contraceptives.**
- **g) Medical termination of pregnancy is still prohibited in some communities.**
- **h) Failure of government policies to control the population.**
- **i) Due to better health infrastructure more a decline in the death rate as compared to the birth rate.**
- **j) Joint family system.**
- **k) Universalization of the institution of marriage for reproduction.**
- **l) Lack of opportunities for recreation in the absence of awareness.**
- **Question:**
- **1) Critically examine whether the growing population is the cause of poverty OR poverty is the main cause of population increase in India. (10marks/150 words)**

**TOPICS OF THE NEXT CLASS:**Continuation of the Population and Related Issues, etc.