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# **WOMEN ARE PROHIBITED FROM ENTERING THE TEMPLES AND MOSQUES**

**BY AYUSHI YADAV  
BY HARDIK DHINGRA**

## **ABSTRACT**

This research paper talks about the how the women are being prohibited from entering the temples and mosques even in the 21<sup>st</sup> century. There are still many misconceptions and misunderstandings concerning religion. In the midst of all of this, the most astounding thing is that no one has ever attempted to transcend religion and acquire the true essence of human life; instead, they continue to adhere to the laws that made individuals human as a vital element of obtaining God's favor. Consider religious fire when it is related with women's status in the world. The research report, on the other hand, will focus on the issue of women having difficulty entering temples and churches. This will be followed by keywords, an abstract, a quick introduction, a discussion of the issue, an in-depth study of the author, references, and a brief biographical sketch by the author.

## **INTRODUCTION**

The prohibition on women entering places of religious worship is now a major topic of the day. This is not a new case; such practices have existed in India from time immemorial; nevertheless, public awareness and movements across the country have recently raised these concerns, prompting multiple petitions and appeals to be filed before High Courts and the Supreme Court. In a secular democracy such as India, everyone has the right to freedom of religion and to freely practice and propagate it, subject to reasonable restrictions imposed by the constitution. One of the aspects of the constitution<sup>1</sup> is ensuring gender equality, and who would have imagined that the right to pray would be something to debate? Cases like the Sabarimala temple in Kerala, the Shani Shingnapur temple in Maharashtra, and the Haji Ali Dargah, in which women were refused admission to the inner shrine, have brought this topic to the forefront of public debate. Moving with the wind and promoting the trend, courts have recognized women's rights to equality and religious freedom, attempting to terminate the year's old custom and closing down the constraints placed. The Maharashtra Hindu Places of

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<sup>1</sup> Indian constitution Art 15

Public Worship (Entry Authorization) Act, 1956<sup>2</sup>, forbids blocking a class of Hindus from entering places of worship. In 2016, the Bombay High Court issued a landmark verdict allowing women to enter the sanctum sanctorum at the Haji Ali Dargah<sup>3</sup>, ruling that the ban on admission was unconstitutional. The Bombay High Court rejected the state's protectionist approach to gender equality, superseding many constitutional norms and legislation. This denial of admission into the temple does not apply to all women; only women between the ages of 10 and 50 have been barred entry to Sabarimala for more than 60 years. The women's entry prohibition was challenged in 1991 before the Kerala High Court, which upheld the ban. The India Young Lawyers Association has petitioned the Supreme Court for a review of the issue, claiming that the prohibition breaches women's rights to equality, non-discrimination, and religious freedom. The petition presents an excellent chance for the Supreme Court to pave the way for equal religious rights for women. The BMMA<sup>4</sup> petitioned the courts, requesting that the restriction be lifted and pointing out that even saints were born from wombs. So dismissing the fruit of the womb is equivalent to denying the mother's piety and dignity. Three years later, the hard legal battle was nearing to a close, with the Mumbai high court poised to issue its decision on January 18th.

Men and women have equal access to worship only in churches in India. Discrimination is routinely practiced in temples and mosques. Mount Athos in Greece is one such area where women are not permitted admission. Female animals, in addition to women, are not permitted. Approximately 2,000 Russian and Greek monks live in orthodox monasteries on Mount Athos. The same approach of prohibiting women is used on Mount Omine in Japan. "No women admitted," it says at the door. However, UNESCO<sup>5</sup> has listed it as a World Heritage Site.

## **CASE LAWS**

### **Goolrukh Gupta vs Burjur Pardiwala<sup>6</sup>**

Goolrukh contractor Gupta filed the suit in 2010 because a friend named Dilbar Valvi, who was also a Parsi woman married to a Hindu male, was denied entry to the Tower of Silence during her friend's mother's dying rites.

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<sup>2</sup> <http://www.bareactslive.com/MAH/MH101.HTM>

<sup>3</sup> <https://thewire.in/rights/bombay-hc-womens-entry-haji-ali>

<sup>4</sup> Bharatiya Muslim Mahila Andolan.

<sup>5</sup> Taslima Nasreen 'Gods are male, they hate women: Why fighting for entry to temples is futile?' The print (27 October 2018)

<sup>6</sup> SPECIAL LEAVE PETITION (CIVIL) No. 18889/2012

Indira Jaising, lawyer for Goolrukh Gupta, argued in the Supreme Court that "is there an automatic change of religion in the case of marriage between a Parsi and a Hindu?" Counsel stated that the case "raised problems of gender justice."

In December 2017, a Bench comprising then-CJI Dipak Misra, Justices A K Sikri, Khanwilkar, Ashok Bhushan, and Chandrachud held that "DNA does not dissipate" when marrying outside religion, and that "a lady does not give up her affection for her father." According to the court, marriage under the Special Marriage Act was "only for the retention of original identity."

The HC supported the right of the Valsad Parsi to prevent a Parsi woman from entering the Tower of Silence to perform her father's last rituals after death.

The HC also upheld Parsi Anjuman's claim that marrying a non-Parsi violated The Hindu Marriage Act. Under the Special Marriage Act of 1954, a woman was no longer considered a Parsi and was instead assumed to have become Hindu.

### **Sabrimala temple case**<sup>7</sup>

In a 3:2 decision, the Supreme Court sent all review petitions to a bigger seven-judge bench. The court stated that prohibitions on women in religious places were not exclusive to Sabarimala and were common in other religions as well. Ranjan Gogoi, Chief Justice of India. Reading the judgement on behalf of himself and Justices A. M. Khanwilkar and Indu Malhotra, he stated that the larger bench will decide all religious matters concerning Sabarimala, women's access into mosques, and the practice of female genital mutilation in the Dawoodi Bohra group. The petitioners' goal, according to the CJI, was to spark debate about religion and faith. On September 28, 2018, the Supreme Court removed the prohibition that barred women and girls between the ages of 10 and 50 from entering the famed Taj Mahal. Ayyappa shrine in Kerala, claiming that this centuries-old Hindu religious practise was illegal and unconstitutional.

### **Sunita Tiwari vs Union of India**<sup>8</sup>

#### **Female genital mutilation among Dawoodi Bohras**

The petition, brought under Article 32<sup>9</sup>, questioned the legitimacy of female genital mutilation or female circumcision, which the petitioner said was unconstitutional. Carried out

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<sup>7</sup> 2018 SCC Online SC 1690

<sup>8</sup> Writ Petition(s)(Civil) No(s).286/2017

<sup>9</sup> Constitution of India, Art 32

on every Dawoodi Bohra girl. The petitioner claimed that the "archaic rite" of female genital mutilation was carried out without any medical justifications or reference in the Quran, and inflicted "atrocious, bodily anguish, inhumanity, and mental torture" on innocent women, which they were forced to bear for the rest of their lives.

The petition cited the UN Convention on the Rights of the Child and the Universal Declaration of Human Rights to claim that the practice violates the right to life and personal liberty (Article 21). It argued that Female Genital Mutation should be considered an offence under the IPC.

A counter-affidavit was also filed to oppose the petitioner's position, stating that the practice was almost thousands of years old and was an integral part of the religion of the Dawoodi Bohra community — and thus protected under Article 26 of the Indian Constitution, which states the right of religious groups to manage their own affairs. Both parties' counsel requested that the case be referred to a higher Bench, which the court granted. Both parties' counsel requested that the case be referred to a higher Bench, which the court granted.

### **Yasmeen Zuber Ahmad Peerzade & Anr. vs Union of India**<sup>10</sup>

#### **Muslim women's entry into mosques and dargahs**

In April 2019, a woman from Pune, Yasmeen Zuber Ahmad Peerzade, and her husband, Zuber Ahmad Nazir Ahmad Peerzade, petitioned the Supreme Court for assistance from governments and Muslim organizations in allowing Muslim women to enter mosques through the main door and to have the Islamic right to visual access to the main prayer area. According to the petition, "there is nothing in the Quran and Hadith that demands gender separation." The petition also stated that "the act of prohibiting women from entering the Mosque is unconstitutional and void because these practises are not only unacceptable to the dignity of a woman as an individual but also violate the fundamental rights under articles 14, 15 and 25 of the Indian Constitution."

A three-judge bench heard the case on November 5th, less than ten days before the Sabarimala decision. On that day, the bench adjourned the hearing for ten days without providing any explanation.

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<sup>10</sup> Writ Petition(s) (Civil) No(s). 472/2019 | 05-11-2019 YASMEEN ZUBER AHMAD PEERZADE & ANR v. UNION OF INDIA & ORS

## HYPOCRISY OF THE INDIAN SOCIETY

In India, where women are revered on certain festivals, women are even forbidden from entering temples and mosques. Many questions develop in the minds of women, leading them to believe that they are inferior to males in many ways<sup>11</sup>. This causes people to doubt their talents and quit up easily due to poor support. The Indian society views bleeding women to be dirty, and it is only because of this mindset that they have taken away many of women's rights. Making them feel inadequate One of the worst stereotypes that Indian society has followed for centuries is that menstruating makes a woman dirty. A woman menstruates to give birth to humanity, and instead of treating them with dignity, society has made them feel embarrassed in their own eyes, as if they chose to bleed or did something truly wicked and were punished for it. Menstruation is a period procedure that every woman must go through. The culture considers bleeding women to be dirty, and if the same lady does not bleed and is unable to bear children, the community does not back down from pointing fingers at them. A lady should be regarded as the most courageous being. She is the one who handles the house, endures so much suffering, and makes so many sacrifices for her family. A woman contributes so much to society, but what does society give her in return? When a girl starts bleeding, she is not permitted to enter temples, and in some families, she is not even allowed to enter the kitchen. She is forced to sleep on the floor, is not allowed to touch anything, and many other ill-beliefs are practiced.

What a woman needs during her menstrual flow is her family's love and care, because she has to go through a lot of pain, unplanned and undesired mood changes that she has no understanding why is occurring, and yet she gathers all her bravery and stands on her feet for her family. A woman didn't even tell her family what she was going through; her mental and physical health were deteriorating, but she said nothing.

A girl of 13-14 years old enters puberty and her period begins, at such a young age when she is not even mature enough to think or understand such things as what is happening to her, why is this happening to her, she bleeds, but they are made to follow such ill-beliefs and are even taught to teach the same to their girl child. In an instant, the girl's entire life is turned upside down.

## **RELIGIOUS PLACES WHERE WOMEN ARE NOT ALLOWED**<sup>12</sup>

1. **Lord Ayappa Temple, Sabarimala**- This temple is located in Sabarimala, Lord Ayappa, and women are not permitted to enter. The fundamental reason for denying women permission is menstruation. This method has been used for millennia. According to India's highest court, these practices undermine gender equality in our society.
2. **New Delhi's Nizamuddin Dargah**- Women are not permitted to enter the Nizamuddin Dargah in New Delhi. Authorities in the dargah have made it quite clear that, while the Haji Ali Dargah of Mumbai may have been forced to open its doors, they will never do so.
3. **Pushkar's Lord Kartikeya Temple**- It is said that women who dare to visit Pushkar's Lord Kartikeya Temple will be cursed and not blessed. This is why the ban has remained in place until now.
4. **Patbausi Satra, Assam**-Women are not permitted to attend the Patbausi Satra temple in Assam because they believe the shrine will become impure. The temple authorities believe that menstruation women are unclean. In 2010, JB Patnaik, the then-Governor of Assam, and other ladies broke the rule by entering the temple. However, the ban was revoked following that incident.
5. **The Jama Masjid** in Delhi, which also happens to be the largest of its kind in the country, does not allow women to enter after sunset prayers, known as Maghrib.

All of this demonstrates that our country still adheres to mediaeval practises and ideas. From a human standpoint, these traditions that prohibit women from entering temples do so because women are considered filthy and unclean.

Many of the institutions mentioned have been disobeying numerous government orders, which is highly concerning because it is a matter of law and order that they refuse to follow. When there is a religious occasion, people come together, but these institutions create barriers and divisions. In our democratic and secular country, everyone has the right to pray.

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<sup>12</sup> Thehindu.com [shivani vij] [UPDATED: MARCH 29, 2021 00:44 IST]

## **ILLITERACY IS A MAJOR CAUSE**

The majority of Indians are not literate enough to understand the significance and causes for menstruation. They are narrow-minded and have been following so many useless rules and traditions, causing a significant problem for the women in such a horrible situation. People have been following rules such as restricting women from entering temples, mosques, and many holy religious places; women are not even allowed to touch puja items or enter their own puja room; in some places, women are made to sleep on the floor, not enter the kitchen, or touch some perishable foods; and many other things stating that the women is impure during her menstruating days.

These stereotypes have been followed primarily in rural regions, but there are many such conservative households in metropolitan areas as well. It is apparent that they have never questioned what they have been doing for so long without having a valid cause. When asked about the stereotype, the same people will be unable to provide a reasonable explanation. They think that if their forefathers established a rule, it must be followed without exception. Every woman in the world bleeds to give birth to a new life<sup>13</sup>.

She is in so much pain, and instead of receiving assistance and care, she is given a set of rules to obey. Periods are something that no woman would choose, but people still consider the menstrual period to be dirty and one of the society's worst taboos. Education is really vital for women to deny. Following such pointless rules People in India do not even talk about it properly because they are embarrassed to do so. People in India do not even talk about it adequately because they are embarrassed to do so. A female feels awkward discussing her periods in front of male members of their family or society because they have been taught that it is impure and bad and should not be discussed openly. Education can assist such females in opening up and sharing their grief. There are times when women experience severe pain during their periods, and if no other women are present, they believe that suffering from the agony is preferable to expressing the misery to guys. Literacy is vital because it helps people comprehend that menstruation is far more than their lousy mindsets and prejudices, but the question is if literacy is enough to make people understand that menstruation is a normal part of a woman's life and not a taboo. NO, being read enough but failing to grasp what a woman goes through will always be called illiteracy. Children learn and study about the menstrual process in their school textbooks and are well aware of

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<sup>13</sup> Adv.Chithranjali.R.Nair (BA.LLB,LLM) [women fighting to enter temples and mosques] (www.probonoindia.in December 14, 2020)

everything linked to it, but they still misbehave with the girls by passing comments and doing other things that make them uncomfortable and humiliated. As a result, being literate is not enough; a woman expects the society around her to be educated enough to comprehend women and the anguish they experience.

## **CONCLUSION**

It's wonderful that we're asking these questions now. Men and women should have equal opportunities at work, in social situations, and in general. We complain about how unfair it is. The author believes that the changes will occur during our lifetime. In order to advance social justice, courts have played an important role in removing discriminatory religious practices. However, by the employment of the basic religious practices test, the courts have been able to restrict down religion to its conception of what it should be. Respecting customs is difficult because they are rooted in mediaeval darkness and intolerance. The clock should not be rewound to a time when women were not free. By granting women access, the state and the courts will send a message that they will say "No" to a toxic worldview that believes men and women are not equal. Women should not have to wait any longer, my Lord, women should not have to wait any longer. When the constitution guarantees fundamental rights, they must be enjoyed equally by all citizens. This includes the right to pray and all of the privileges of the constitution's Art 21. The above-mentioned taboo, which was still in effect in the country, is a blatant violation of Articles 14 (right to equality) and 15 (right to life) (right to justice between men and women). Change is unavoidable as we advance as a young nation founded on historic cultural norms. Slow-moving phase, We progress steadily and continuously through rules, campaigns, and trials.