

**LEXKHOJ RESEARCH JOURNAL  
OF LAW AND SOCIO-ECONOMIC  
ISSUES**

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**(VOL I ISSUE I)**

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## **EDITORIAL NOTE**

LEXKHOJ is delighted to announce its first edition of the *Lexkhoz Research Journal of Law and Socio-Economic Issues* which is a peer reviewed international journal, publishing critical approaches to socio-legal study and multi-disciplinary analysis of issues related to law and socio-economic. The journal will strive to combine academic excellence with professional relevance and a practical focus by publishing wide varieties of research papers, insightful reviews, essays and articles by students, established scholars and professionals as well as by both domestic and international authors. Authors should confirm that the manuscript has not been, and will not be, submitted elsewhere at the same time.

The Journal provides a forum for in-depth analysis of problems of legal, social, economic, cultural and environmental transformation taking place in the country and world-wide. It welcomes articles with rigorous reasoning, supported by proper documentation. The Journal would particularly encourage inter-disciplinary articles that are accessible to a wider group of Social activist, economist, Researcher, policy makers, Professionals and students.

This quarterly issue of the journal would like to encourage and welcome more and more writers to get their work published. The papers will be selected by our editorial board that would rely upon the vibrant skills and knowledge immersed in the paper.

*Needless to say, any papers that you wish to submit, either individually or collaboratively, are much appreciated and will make a substantial contribution to the early development and success of the journal. Best wishes and thank you in advance for your contribution to the Lexkhoz Research Journal of Law and Socio-Economic Issues.*

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**GENDER EQUALITY: ACCESS TO WORSHIP PLACE**

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**ABSTRACT**

*Gender equality is the most common topic debated in today's world. Despite the existence of laws and treaties around the world, the rights of the women are violated. There are many reasons related to it.*

*The constitution gave right to gender equality in the 1950s itself. Yet 69 years after independence, we are struggling against gender divide. At many places of worship only men are allowed, and women are not allowed. We are fighting for gender equality in every sphere. It is a different thing that this agitation has started from a temple.*

*The article consists of the following issues: (1) the reasons which are related to restrict access of women to worship place*

*(2) The reasons are valid enough to restrict women to go religious place*

*(3) Equality – The Fundamental Right: right to equality, equal opportunity for women to access at worship place should be applied here*

## INTRODUCTION

*“There is no chance for the welfare of the world unless the condition of woman is improved. It is not possible for a bird to fly on only one wing.”<sup>1</sup>*

- Swami Vivekananda

Gender means a word which distinguishes between man and woman, but unfortunately it is not merely it, gender shows the superiority over the other.

We are in 21<sup>st</sup> century and still gender equality is the most top listed issue. Women face inequality from the time of their birth. Our society doesn't want to accept girls as investing on them is considered a waste. It starts from their houses to their workplaces. There is no field left in which women has not exceled, braked all the barriers and proven herself but still there are some “society made parameter” which is set to tell that she is inferior.

The “society made parameter” is nothing but just a face of patriarchy. The male dominating world doesn't want women to lead in any sense, they fear for their superiority. They have no reason but has made some rules with no sense which follows the society norms leading patriarchy.

History has got evidence that women without men is nothing but – more powerful. Example of Queen Elizabeth is very obvious. But it is not about power it is about ‘equality’.

Swami Vivekananda considered men and women as two wings of a bird, and it is not possible for a bird to fly on only one wing. There is no chance for welfare of the world unless the condition of women is improved. Just like birds require two wings to reach their destination equality is required to reach all round development of the nation.

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<sup>1</sup> <http://www.iostjournals.org/iosr-jef/papers/Vol5-Issue5/G0554044.pdf>

India is a land of morals and customs. We believe more in our thousands year old customs made by our ancestors than accepting the required changes according to the time. This article is to point out the reasons behind gender inequality face by women in worship places. We need to understand the need which evolved these customs for that we need to look at some of the points which are linked to the relation between women and their restrictions to worship places.

### **REASONS FOR RESTRICTIONS**

#### **RELIGION**

##### **HINDU RELIGION**

If we look up at Hindu religion we will get to know that in Hinduism hygiene has greater importance. Earlier there were no proper means to maintain hygiene. The place of worship should be pure and clean. It didn't mean that a woman is impure. In fact, during menstruation, many women undergo pains called Dysmenorrhea and sometimes, it will be excruciating. It was advised that a lady should not do anything during her menstruation.

The history of Hindu religion is very vast, new threads are joined in this concept. Different places have got different beliefs and though their customs are different. Why women were not advised to enter sacred places during menstruation need a depth study.

Hinduism is a such a religion in which each practice and ritual have some hidden reason and logic behind it, but unfortunately many ignorant do not know about it and start accusing Hinduism about discrimination and illogical custom one such thing is why women's and females are not allowed in kitchens and in temples during periods and menstruation cycle. Below are some points that I have researched to answer these questions.

1. Temples are the places where people come to calm minds and set positive energy in hygienic environment. To maintain it, it is suggested not to enter temples.
2. Travelling on those days was very tough because travelling had to be done on foot or in bullock carts hence to save them physical stress and strain they were suggested not to go to the temples as many times temples were bit far if not near.
3. On those days everyone took bath in pond or river which was nearby temples and a location nearby was used as potable source of water as well as was also used for washing clothes, when a women in her menstruating cycle bathed in these ponds or rivers, the bloody discharge during periods increased the iron content in the water. This iron during periods in turn attracted bacteria's who loved iron resulting in significant increase their numbers in the water. This increase in bacteria tend to make pond water slimy and brown and unfit for drinking simultaneously it would stain any clothes which were washed there ,therefore, the women's were not allowed to take bath in these ponds during the most heavily menstruating days i.e. day1 through 3 as a result of it they were unclean and hence not allowed inside the temple.

## MUSLIM RELIGION

Even in Muslim religion they have higher demand for physical purity. They wash their hands and feet constantly or bath in daily routine.

### **Koran:**

**2:222** They question thee (O Muhammad) concerning menstruation. Say: It is an illness, so let women alone at such times and go not in unto them till they are cleansed. And when they have purified themselves, then go in unto them as Allah hath enjoined upon you. Truly Allah loveth those who turn unto Him, and loveth those who have a care for cleanness.

But here are the common practices in olden days (Note the word Practices vs Prescribed):

Though Women can pray during this time, they cannot touch the Holy Book of Koran. It is haraam for a menstruating woman to pay both obligatory and naafil prayers, and they are not

valid if she does them.

In al-Saheehayn it is also narrated from Umm ‘Atiyyah that she heard the Prophet (peace and blessings of Allaah be upon him) say: “Let the girls who have attained puberty, women in seclusion and menstruating women go out – i.e., to the Eid prayer – and witness good and the gathering of the believers. But let the menstruating women avoid the prayer place.”

### **VULNERABILITY**

Some believe that women are vulnerable and *prone to bad energies* when at this phase because they are closer to the state of Devi. Women are considered close to the state of Devi because their natural hormonal cycles are in harmony with the cycles of nature (prakrithi). Women in this state are not allowed to touch anything because they become living magnets for doshas in their state. Nature can absorb those doshas, but women being finite individuals, cannot. A temple environment is one in which your doshas are directed to flow towards the deity - one of the reasons why temple idols are constantly undergoing "abhishekam" is to cleanse the black stone and return those doshas to nature which can absorb them. If a menstruating woman is present, everyone's doshas will attach to her, as she is a living embodiment of that purity of the Goddess. Nature abhors a vacuum, as they say, and doshas will flow towards a void where there is an absence of doshas, to balance out the energy. This is the symbolism of Kali - she is black because she represents the great void (sink) and she is associated with blood because she absorbs the negative doshas - she has the capacity to be an infinite sink, because of her infinite nature. She cleanses the universe of negativity - she is called the great mother because like a mother she takes on the negativity of her children because she can bear it out of her infinite love/compassion. Motherhood is sacred/holy because women voluntarily take on the role of "bearing" for the sake of their children - one of the great sacrifices. Men do not typically have this honor.<sup>2</sup>

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<sup>2</sup> <https://mythispeaks.wordpress.com/2015/05/28/unearting-menstrual-wisdom-why-we-dont-go-to-the-temple/>



## **MENSTRUATION: EXCRETORY PROCESS**

It is believed that since menstruation is an excretory process or downward process women should not be allowed to enter temples. People don't go to temple when they have diarrhea. We clean ourselves after excretory process so does the theory applies here.

## **CONCEPT OF APANA VAYU**

Ayurveda is based on the tri-doshas (bio-energies) that govern the functions of the human body. Of the three types of doshas namely Vata, Pitta and Kapha, it is the Vata dosha that needs a closer look to explain menstruation. Or more precisely, the sub-type of Vata dosha called Apana Vayu.

Apana Vayu is responsible for the downward movement of materials out of the body, including excretory processes. The downward movement of Apana Vayu is what causes menstrual flow also. Any disruption in this natural downward flow of Apana will also affect the motions that it controls.

All spiritual activity is aimed at uplifting our energy upwards. It is one of the reasons why we are told to not eat anything before a puja or a visit to the temple. The process of digesting food and dispelling it outwards necessitates the downward flow of Apana. If we interfere with this through spiritual activity on a full stomach, both our excretory movement downwards and the upliftment of energy upwards will be affected. In some cases, people who engage in continuous chanting for 5-6 hours, experience difficulty in passing motions as the Apana is turned upward. Those pursuing the spiritual path are therefore recommended to have light and raw diet of fruits so that there is minimal interference with Apana.<sup>3</sup>

## **'RRRR' (Rest, Recuperation, Relaxation and Revival)**

The menstrual cycle is a powerful autonomous 28-day cycle and there is a period of 5-7 days where womb lining is purged and renewed which is being referred to as period of menses. There

<sup>3</sup><http://www.quora.com/Mythri-Speak-Blog>

is usually strong muscle contractions and cramps in abdomen as womb lining tissue is separated and purged, heavy hormonal activity, mood swings, heightened and erratic senses, blood loss, tissue loss and substantial discomfort. Intensity of the outcomes sometimes vary.

Prolonged discomfort can lead to irritable and harsh mood swings. Sensory perceptions can be sharp, unusual, unreliable, erratic, sensitive and irritable.

"Women have more nerve receptors than men. As an example, women have 34 nerve fibers per square centimeter of facial skin, while men average just 17. And in a 2005 study, women were found to report more pain throughout their lifetimes and, compared to men, they feel pain in more areas of their body and for longer durations."<sup>4</sup>

In this period, they are instructed to avoid worship processes as this may involve lot of standing, walking, bending, prostrating, bathing, strong sensory involvement and even fasting. Strenuous physical activity could very likely lead to more severe cramps. The real issue is more than personal hygiene. Even casual worship could lead to spike in emotions and sudden discomforts during the periods.

What is needed during this phase is to sit and lie down comfortably, follow RRRR, personal hygiene and let the autonomous process complete and fulfill its purpose of purging and renewal. It is definitely not for those who become dizzy at the first drop of blood and the faint-hearted.

As we have seen that there are positive as well as negative thoughts regarding it. Some of them are scientific and some of them are old custom.

But I have got my opinion, time has change though the people, the points are not much valid upon which we could decide to restrict women on entering worship places.

*"Whatever happened, happened for the good. Whatever is happening, is happening for the good. Whatever will happen, will also happen for the good.....change is the law of universe."*

- Bhagavada gita

<sup>4</sup> <http://www.livescience.com/54922-what-is-RRRR.html>

## **RIGHT TO EQUALITY**

Equality in the eyes of law, discarding any unfairness on grounds of caste, race, religion, place of birth, sex. It also includes equality of prospects in matters of employment, abolition of untouchability and abolition of titles.

The various article related are:

### **EQUALITY BEFORE LAW**

Equality before law is well defined under the Article 14 of the Constitution which ensures that every citizen shall be likewise protected by the laws of the country. It means that the State will not distinguish any of the Indian citizens on the basis of their gender, caste, creed, religion or even the place of birth. The state cannot refuse equality before the law and equal defense of the law to any person within the territory of India. In other words, this means that no person or groups of people can demand for any special privileges. This right not only applies to the citizens of India but also to all the people within the territory of India.

### **SOCIAL EQUALITY AND EQUAL ACCESS TO PUBLIC PLACE**

The right of Social Equality and Equal Access to Public Areas is clearly mentioned under the Article 15 of the Constitution of India stating that no person shall be shown favoritism on the basis of color, caste, creed language, etc. Every person shall have equal admittance to public places like public wells, bathing ghats, museums, temples etc. However, the State has the right to make any special arrangement for women and children or for the development of any socially or educationally backward class or scheduled castes or scheduled tribes. This article applies only to citizens of India.<sup>5</sup>

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<sup>5</sup> constitution-of-India/right-to-equality

### **RECENT JUDGEMENT**

The Bombay High Court ruled today that offering prayers at a temple "is the fundamental right of a woman and the government's fundamental duty to protect their (women) right."

The Maharashtra government has said it will take all steps to comply with the order by enforcing a law that provides six months in prison for preventing anyone from entering a temple.

Hearing a PIL challenging the prohibition on women's entry to the shrine area at Shani Shingnapur temple in Ahmednagar district, the division bench of Chief Justice D H Waghela and Justice M S Sonak said: "You have to ensure their access. Provisions in law already allow this. Nothing prevents women from entering. Police and collector will have to act against those preventing their entry." It added that if men were granted entry to a place of worship, women should enjoy access too. <sup>6</sup>Women are not allowed to climb the platform of Shani Shingnapur temple on which the rock idol of Shani is installed. Senior advocate Neelima Vartak and activist Vidya Bal have filed a PIL in the high court, arguing that such prohibition is arbitrary, illegal and in violation of fundamental rights of citizens. They have sought implementation of the Maharashtra Hindu Places of Public Worship (entry Authorisation) Act, 1956. The Act says, "no Hindu of whatsoever section or class shall in any manner be prevented, obstructed or discouraged from entering such place of public worship or from worshipping or offering prayers, or performing a religious service...". As per the Act, prohibiting any person from entering a temple would attract six months in jail.

Referring to the Act, the court said: "It is your own law, you are obliged to uphold it."

Kalyani Tulankar, appearing for the petitioners, informed the court that one of the petitioners was prevented from climbing the platform when she recently visited the temple. "The petitioner also learnt that for the purpose of justifying this discrimination, the entry of men had also been disallowed. Although this had been done outwardly for the purpose of achieving this so-called

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<sup>6</sup> <http://indianexpress.com/article/india/india-news-india/women-cant-be-barred-from-entering-shani-shinganapur-temple-bombay-hc/#sthash.fnbWg6pX.dpuf>

equality, the real purpose of imposing the ban was under no circumstance to allow the women to have a darshan of the deity from the open side,” said Tulankar.

When Abhinandan Vagyani, representing the government, sought time to reply, the court said this meant the violation would continue. The bench finally agreed to give the government time till April 1 to file its reply.

As per a 400-year-old tradition, women were not allowed to enter the Shani temple. After mass awareness campaigns, their entry was allowed in 2011, but they were prohibited from climbing the shrine platform.

On January 26, women activists who resolved to climb the platform and offer prayers were detained at Supa village, about 70 km from the temple, and later released.

The Supreme Court is in the process of deciding whether to outlaw a ban on women of reproductive age at the popular Sabarimala Ayyappa temple in Kerala.<sup>7</sup>

### CONCLUSION

This paper focuses on reasons for gender inequality at worship places. The paper has covered the grounds for inequality. Different prospective respect to different religion.

The Vulnerability concept and Apana vayu concept are two scientific concepts of restriction on women entering in temple during menstrual cycle.

It is observed by the research that the concepts/theories are mostly the ‘positive’ reasons for restriction. In context of religion due to the great importance of hygiene and cleanliness women are not allowed to enter in temple. The other reasons are regarding the health of women, i.e.

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<sup>7</sup> <http://www.ndtv.com/mumbai-news/womens-right-to-pray-a-must-maharashtra-told-by-high-court-1292933>

women to take rest during those days. It is also considered as excretory process which prohibits to go to temples. However, in Vulnerability it is described as ‘honor’ with which men are deprived of.

Moreover, it is said that a women is like a goddess during those days. The theories or concept does not show any disrespect to women or any sign of impurity.

The conclusion is that the interpretation of these theories was taken negatively. It was taken as a tool of dominance over the other gender. The male gender has left no ground on which they want to show their dominance.

The other reason is that the society is not open about menstruation. It is considered something private, to shame on. However menstruation is just a metabolic activity like sweat and cough.

We need to understand that it is a normal process of which is gifted by nature and stop making fuss about menstruation.

Not just temples and other worship places women are discriminated in their work places, salary etc. there should be equal opportunity to everyone irrespective of gender caste, race, religion and place of birth.

*“The soul is above the differences of gender”*