

SECTION 2: In the Court

Temple XYZ is located in Kerala. It did **not** allow women to enter. The Temple says that its custom of excluding women is very important: “It is essential”.

5. Some citizens went to court and complained that the Temple’s custom is unfair. They said, “our Constitution does **not** allow discrimination”. What kind of discrimination are they talking about? Discrimination on the basis of _____
 - a. Religion
 - b. Place of Birth
 - c. Caste
 - d. Gender

6. The Supreme Court is the highest Court in India. There are more than 20 judges who belong to the Supreme Court. How many of them are women? [Search the Supreme Court Observer website to find your answer]
 - a. 0
 - b. 3
 - c. 10
 - d. 17

7. The judge Indu Malhotra said, “the role of Courts in matters concerning religion and religious practices...is to afford protection...to those practices which are regarded as ‘essential’”¹. What would she say to the citizens from Question 5? They wanted the Court to stop Temple XYZ’s custom.
 - a. I agree with you – the custom is discriminatory and must be stopped
 - b. I disagree with you – the custom is discriminatory and must be stopped
 - c. I agree with you – the custom is “essential”, so it must continue
 - d. I disagree with you – the custom is “essential”, so it must continue

8. The judge Dipak Misra said, “The right to practice religion...is equally available to both men and women of all age groups professing the same religion.” Does the “right to practice religion”² include entering religious places like temples?
 - a. Yes
 - b. No

9. What do you think judge Dipak Misra would say to the citizens from Question 5?
 - a. I agree with you – the custom is discriminatory and must be stopped
 - b. I disagree with you – the custom is discriminatory and must be stopped
 - c. I agree with you – the custom is “essential”, so it must continue
 - d. I disagree with you – the custom is “essential”, so it must continue

¹ *Indian Young Lawyer Association & Ors. v. State of Kerala & Ors.* [2018] WP (C) 373/2006, [10]

² *Ibid.*, [101]