

SEMINAR AT MIDS

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ADISESHIAH AUDITORIUM, MIDS

mids Madras
Institute of
Development
Studies

Hindu Temple **PRIESTHOOD**



and the Legal Rationality of **INDIAN JUDICIARY**

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This seminar will consider the legal rationalization deployed in legal justice interventions for the protection of religious freedom. It is argued that the granting of legal protection to the essential religious practices of the Hindu denominations goes against the realisation of social justice. The social justice initiatives of the Government of Tamil Nadu to appoint the non-hereditary and non-Brahmin priests in the Agamic temples have been continuously stalled since 1970s.

The legal interventions of the judiciary to protect the freedom of religion as legal justice have the overriding effect on the commitment to social justice. This should not be taken as the consequence of the precedence given to freedom of conscience over social equality, but as one of the possible results of legal-rationalization of juridical reasoning.

The legal rationalization used in finding religious essence from scriptures and other ritual texts finally resulted in the legitimization of 'texts' in imagining religions legally. A critical analysis of the particular procedural rationality of the legal order expressed by the courts demonstrates that law is not merely an instrument of politics, but is, rather constitutive of politics.

This positivisation of law makes the judiciary impervious to moral argumentation to reflect on social equality and justice in a society that is deeply rooted in caste hierarchy and discrimination.

ALL ARE WELCOME!

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