



Mains Marathon

Day 41: Case Studies

Yashodhara is a senior forest official who was just sent to a forest range that is both a popular trekking destination and a sacred location for native tribal people. Unfortunately, the trekking destination is only accessible to men since indigenous tribal culture prohibits women from approaching the hill location that houses their deity.

The State High Court recently overturned this unofficial ban on women, and there has been pressure from women's groups to open the trekking site to everyone, but the local tribal group is opposing. You are concerned that opening the site may spark tribal protests, jeopardizing law and order and jeopardizing the safety of trekkers to the site.

(A) What are the options open to Yashodhara in this scenario? Discuss along with their merits and demerits?

(B) Which would be the most appropriate action that Yashodhara would take in this situation and why? (250 words)

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Approach / Explanation / Answer

- Specify the parties, principles involved in the incident, and applicable laws and norms. In the opening, describe the ethical concern inherent in the issue.
- Describe the many accessible alternatives, as well as their benefits and drawbacks.
- Provide reasons for selecting certain response from the given alternatives.

Answer:

Stakeholders: Tribal community, Women, NGO groups promoting the idea of gender equality, Government (executive and law and order machinery) for ensuring the rule of law and implementing constitutional right of equality

Values involved: Equality, Preservation of tribal culture, right to freedom of movement, Sense of duty of civil servants to promote public interest

Law /Rules/ Rights involved: Equality before law (Article 14), Equality of access to public places (Article 15), Right to conserve distinct Language, Script or Culture (Art. 350: -tribal rights), cultural or linguistic minority has right to conserve its language or culture (Art.29).

Ethical Dilemma: Tribal Rights versus Value of Gender Equality.

As a Senior Forest official and public servant there I have a duty and obligation to implement the judgment of the High Court. However, as tribal culture does not allow women to visit pilgrimage centers there is a possibility of protest which may turn violent endangering life and property. Again, it is my duty to protect life and property in the forest by ensuring that women get entry without protests.

Available options along with their merits and demerits

Option 1: Discourage women from going in close proximity to pilgrimage sites to ensure peace in the area, and respect towards tribal culture.

Merits:

- Peace in the area will be maintained.
- I will be able to discharge my duty of protecting life and property under my jurisdiction.
- Tribals will not be alienated as their cultural beliefs are respected and protected.

Demerits:

- This alternative will be against the constitutional values of gender equality.
- This will be against the court order.

Option 2: Issue a stern warning to tribals to not oppose the women entry at any point in the entire region, with dire consequences if they disturb the peace or women safety in the region.

Merits:

- This action is in accordance with the spirit of law and my call of duty.
- It is also according to the constitutional value of gender equality.
- It will also save me from the moral dilemma of going against my personal moral value of gender equality.
- Through this option, the High Court order would stand obeyed.

Demerits:

- Tribal culture's sanctity is being disturbed.
- The possibility of escalation of conflict as tribal communities may see it as an attack on their cultural values.
- The possibility of life and material loss and disturbance in the area.
- May impact tourism in the long run due to disturbance in the area, affecting the local economy.

Option 3: Setting up meetings with tribal elders and convincing them about the need for women entry at the same time ensuring tight security measures.

Merits:

- Persuasion through peaceful discussion is likely to mellow down tribal opposition without antagonizing them further.
- It will have a better chance of maintaining peace in the area thus protecting life and property.
- It will help in promoting the goal of women empowerment by making tribal communities understand the rationale behind the court's ruling.
- It will be in line to constitutional values of gender equality and High Court directives.
- It will meet the goals of performing duty conscientiously and sensitively.

Demerit:

- Trying to manage tribal discontent may not bear results in the short term and there may still be possibility of protest and conflict, for which needed security measures have to be in place. It also

runs the risk of compromising on tribal rights and minority rights (article 25). However, in the long run this would be the most appropriate approach.

Most appropriate action and reason for adopting it

- I will choose option 3 as the most desirable option because the merits of this option far outweigh the demerits.
- This option satisfies my duty as a public servant and adherence to constitutional values. It also promotes rule of law.

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