



SABARIMALA TEMPLE CASE: GENDER EQUALITY AND THE RIGHT TO WORSHIP*

Abstract

The case of Sabarimala Temple marks a remember moment in the reference of gender justice, constitutional morality, and religious freedom in India. The Supreme Court's 2018 judgment in *Indian Young Lawyers Association v. State of Kerala* declared unconstitutional the old practice prohibiting the entry of women of age (10–50 years) into the Sabarimala temple in Kerala. The Court held that the practice violated Articles 14, 15, 19, and 25 of the Indian Constitution, emphasizing the principles of equality, non-discrimination, and the right to freedom of religion. The case reflects the evolving constitutional interpretation of religious practices vis-à-vis fundamental rights and continues to evoke debates about faith, tradition, and gender equality.

Key words : Gender Equality, Right to Worship, Religious Freedom, Constitutional Morality, Women's Rights, Article 25, Sabarimala.

Introduction

In the Pathanamthitta the Sabarimala Temple, located district of Kerala, is dedicated to Lord Ayyappa, a deity revered as a 'Naishtika Brahmachari' Traditionally, women aged between 10 and 50 years were denied entry into the temple, based on the belief that their presence would violate the celibacy of the deity. This custom was codified under **Rule 3(b)** of the **Kerala Hindu Places of Public Worship (Authorization of Entry) Rules, 1965**, which restricted women's entry.

The **Indian Young Lawyers Association**, along with other petitioners, challenged this exclusionary practice before the Supreme Court, arguing that it contravened the fundamental rights of women under the Indian Constitution.

Issues Raised

1. Whether the exclusion of women of menstruating age from Sabarimala temple violates Articles 14 (Equality), 15 (Non-discrimination), and 25 (Freedom of Religion) of the Constitution.
2. Whether the Sabarimala temple and its devotees constitute a separate religious denomination under Article 26.
3. Whether the practice of exclusion forms an essential religious practice protected under Article 25.

* Prof, Dr.V.K.Shrama, School Of Legal Studies Sangam University Bhilwara.

Arguments

Petitioners' Arguments:

- The practice of excluding women was **discriminatory** and violated the **right to equality and dignity** under Articles 14 and 15.
- The custom was **not an essential religious practice** and therefore not protected under Article 25.
- Religion cannot be used as a shield to deny women their fundamental rights.
- The **Kerala Hindu Places of Public Worship Act, 1965** guarantees that all Hindus, irrespective of gender, have the right to enter temples.

Respondents' Arguments

- The **Ayyappa devotees** form a distinct religious denomination entitled to protection under **Article 26(b)**.
- The restriction was an **essential practice** to preserve the deity's celibate character.
- Judicial interference in religious customs would violate the principle of secularism and religious autonomy.

Judgment (2018)

In a **4:1 majority**, the Supreme Court struck down the exclusionary practice.

Majority Opinion (CJI Dipak Misra, Justices R.F. Nariman, A.M. Khanwilkar, and D.Y. Chandrachud):

- The ban violated **Articles 14, 15, 19(1)(d), and 25(1)** of the Constitution.
- The **devotees of Lord Ayyappa** do not constitute a separate religious denomination.
- Excluding women based on menstruation is a form of **untouchability** and gender discrimination.
- The principle of **constitutional morality** must prevail over **religious customs**.

Dissenting Opinion (Justice Indu Malhotra):

- Matters of deep religious faith cannot be examined through the lens of rationality.
- The Court should not interfere in essential religious practices unless they violate public order, morality, or health.
- The devotees of Lord Ayyappa form a separate religious denomination with the right to manage their own affairs.

Aftermath and Developments

The judgment triggered widespread debate and protests across Kerala and India. Despite the verdict, implementation faced resistance from devotees and religious groups. In 2019, the Supreme Court referred the matter to a **larger bench of seven judges** to review the scope of judicial intervention in religious practices and the concept of essential religious practices.

Critical Analysis

The Sabarimala judgment reflects a progressive interpretation of constitutional rights, aligning religious practices with **gender justice** and **human dignity**. The decision underscores the supremacy of constitutional morality over societal norms. However, it also highlights the **tension between faith and fundamental rights**, raising questions about the limits of judicial activism in matters of religion.

While the majority judgment champions equality, the dissent reminds us of India's pluralistic ethos where religious autonomy is also protected. The ultimate challenge lies in harmonizing these competing values without alienating communities or undermining faith.

Way Forward

To ensure that the spirit of the Sabarimala judgment translates into social reality, several measures must be adopted:

1. **Public Awareness and Sensitization:**

Continuous efforts must be made to promote awareness about gender equality and constitutional morality. Educational institutions, religious organizations, and media should collaborate to challenge patriarchal norms disguised as religious customs.

2. **Dialogue between Faith and Law:**

Constructive engagement between religious leaders, legal scholars, and social activists can bridge the gap between tradition and modern constitutional values. Reform must emerge from within the community, not merely through judicial mandates.

3. **Legislative Reforms:**

The government should review and amend laws that perpetuate gender-based exclusion in religious institutions, ensuring compliance with Articles 14 and 25.

4. **Implementation Mechanisms:**

The State and temple authorities must frame clear guidelines to ensure safe and non-discriminatory access for women while maintaining religious decorum.

5. **Respect for Diverse Opinions:**

While ensuring gender equality, society must also respect genuine expressions of faith. Reconciliation between constitutional values and faith traditions should be pursued through mutual respect rather than confrontation.

The Sabarimala issue should thus be understood not as a conflict between religion and equality, but as an opportunity to faith in the light of justice and inclusivity.

Conclusion

The Sabarimala case represents a landmark in India’s constitutional journey toward **right of worships equality**. Its calls for a re-evaluate of customs that perpetuate exclusion and discrimination in the name of faith. As the matter is pending for reconsideration by a larger bench, the case continues to shape the discourse on **constitutional morality, secularism, and equal rights in India**.

References / Bibliography

1. *Indian Young Lawyers Association v. State of Kerala*, (2018) 10 SCC 1.
2. The Constitution of India, 1950.
3. The Kerala Hindu Places of Public Worship (Authorization of Entry) Act, 1965.
4. Chandrachud, D.Y. — “Constitutional Morality and the Role of Courts in India,” *Indian Law Review*, Vol. 5 (2019).
5. Seervai, H.M. — *Constitutional Law of India*, 4th Edition.
6. “Faith vs. Equality: The Sabarimala Debate,” *The Hindu*, 2018.

