
CASE COMMENT: INDIAN YOUNG LAWYERS ASSOCIATION & ORS. V. STATE OF KERALA & ORS. (2019 11 SCC 1)

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ABSTRACT

The Supreme Court's judgment in *Indian Young Lawyers Association & Ors. v. State of Kerala & Ors.* (2018), popularly known as the Sabarimala case, represents a significant moment in Indian constitutional jurisprudence concerning the interface between religious freedom, gender equality, and constitutional morality. The case arose from a writ petition filed in 2006 by a non-governmental organisation challenging the long-standing prohibition on the entry of women between the ages of ten and fifty into the Sabarimala Temple dedicated to Lord Ayyappa in Kerala. The exclusion was justified as a religious custom linked to the celibate nature of the deity and defended as an essential religious practice.

By a majority of four to one, the Supreme Court invalidated the practice, holding that it violated the fundamental rights to equality, dignity, and freedom of religion under Articles 14, 15, 21, and 25 of the Constitution. Drawing upon feminist jurisprudence and the transformative vision of the Constitution, the Court emphasised that practices grounded in biological distinctions and notions of ritual purity cannot override constitutional guarantees. The judgment foregrounded constitutional morality as a guiding principle, requiring customs and traditions to conform to the values of individual autonomy and substantive equality.

The decision also triggered widespread public opposition and national debate, with critics characterising it as an instance of judicial overreach and an encroachment upon religious autonomy. This commentary situates the controversy within India's distinctive model of secularism, which does not mandate strict separation between religion and State, but instead demands a principled distance that balances religious freedom, celebratory neutrality, and reformatory justice. The paper argues that while the verdict marks a decisive advance for gender justice, it simultaneously exposes enduring tensions surrounding judicial intervention in religious matters within a pluralistic constitutional democracy.

I. Primary Details of the Case

Case No.	:	Writ Petition (Civil) No. 373 of 2006
Jurisdiction	:	The Supreme Court of India
Case Decided On	:	September 28, 2018
Judges	:	Justice Dipak Misra, Justice A. M. Khanwilkar, Justice Rohinton Fali Nariman, Justice Dr. D.Y. Chandrachud, Justice Indu Malhotra
Legal Provisions Involved	:	Constitution of India, Articles 14, 15, 17, 25, 26 Kerala Hindu Places of Public Worship (Authorization of Entry) Rules, 1965, Rule 3(b).
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III. Brief Facts of the Case

The Sabarimala Temple, located within the Periyar Tiger Reserve in Kerala's Pathanamthitta district, is a prominent Hindu pilgrimage site dedicated to Lord Ayyappa, who is revered as a *Naishtika Brahmachari* (eternal celibate). The pilgrimage is marked by rigorous spiritual discipline, including a mandatory 41-day period of fasting, abstinence, and self-restraint, symbolising the deity's ideals of celibacy, renunciation, and self-discipline. Every year, millions of devotees undertake this arduous journey to the temple atop the Sannidhanam hill in the Western Ghats.

For centuries, women between the ages of 10 and 50 were prohibited from entering the temple. This restriction was justified on religious grounds, rooted in the belief that the presence of women of menstruating age would violate the celibate nature of the deity. Traditional notions of ritual purity associated menstruation with impurity, leading to the exclusion of women in their reproductive years from the pilgrimage and worship.

The practice received judicial approval in 1991, when the Kerala High Court upheld the ban, holding it to be an essential religious practice protected under Article 26 of the Constitution. The court accepted the argument that permitting women of menstruating age would disrupt the sanctity of the temple and offend the religious sentiments of devotees.

Over time, however, the restriction faced constitutional scrutiny. Women's rights activists

challenged the practice as discriminatory, arguing that it violated Articles 14, 15, 17, and 25 of the Constitution by denying equality, dignity, and the freedom to practice religion. The matter reached the Supreme Court through a petition filed by five women lawyers, who contended that Sabarimala was a public place of worship and not the exclusive domain of a religious denomination.

The case sparked nationwide debate, foregrounding the tension between religious traditions and constitutional morality, and raising fundamental questions about gender justice, equality, and the limits of religious autonomy in a constitutional democracy.

IV. Issues for consideration

A. Does the exclusion of women from entry amount to a violation of the constitutional principle of gender equality and constitute discriminatory treatment based on sex? Does this practice violate Articles 14, 15, and 17?

B. Whether the temple possesses a distinct denominational status?

C. Whether Rule 3 of the Kerala Hindu Places of Public Worship Rules allows a religious denomination to restrict the entry of women aged 10 to 50 years? If so, does such a restriction amount to a breach of Articles 14 and 15(1) of the Constitution by discriminating on the ground of sex?

D. Whether the said practice qualifies as an essential component of religion under Article 25, and if so, can the religious institution claim the right to regulate its internal religious affairs on that basis?

V. Legal Aspect Involved in the Case

The legal aspects involved in the case are as follows:

Article 14¹- Article 14 guarantees equality before law and equal protection of law. But in Sabarimala temple women of age group 10 to 50 were not treated equally as others.

¹ INDIA CONST art.14

Article 15² – Article 15 prohibits discrimination on the grounds of religion, race, caste, sex, or place of birth. In the present case, the petitioners contended that the restriction on the entry of women of menstruating age into the Sabarimala Temple amounts to discrimination on the basis of sex, as the exclusion is founded on biological considerations alone. Such a practice, according to them, undermines the constitutional guarantee of equality.

Article 25³ – Article 25 guarantees freedom of conscience and the right to profess, practise, and propagate religion. The petitioners argued that the right to worship is an individual right and that exclusionary practices cannot be justified when they infringe upon constitutional values of dignity and equality.

Article 26⁴ – Article 26 provides religious denominations with the freedom to manage their religious affairs, subject to constitutional limitations. The petitioners maintained that this right cannot be exercised in a manner that violates fundamental rights.

The provisions of the Kerala Hindu Places of Public Worship Act, 1965, which were relied upon to support the restriction on women's entry, were challenged as unconstitutional and contrary to Articles 14, 15, 25, and 26.

The respondents, on the other hand, argued that there was no violation of Articles 15, 25, or 26, as the restriction applies only to women of a particular age group and not to women as a class. They contended that the exclusion is not based on gender discrimination but on long-standing religious beliefs associated with the celibate nature of Lord Ayyappa. The respondents further asserted that such practices are protected as essential religious practices and that the Kerala Hindu Places of Public Worship Act, 1965 recognises and preserves these customs, thereby rendering the restriction constitutionally valid.

VI. Judgement in Brief

In *Indian Young Lawyers Association & Ors. v. State of Kerala & Ors.* (2018), a Constitution Bench of the Supreme Court, by a majority of 4:1, held that the practice of excluding women between the ages of ten and fifty from entering the Sabarimala Temple was unconstitutional.

² INDIA CONST art.15

³ INDIA CONST art.25

⁴ INDIA CONST art.26

The Court held that the exclusion violated Article 14, as the classification of women based on menstruating age lacked a rational nexus with a legitimate constitutional objective. The practice was found to be founded on stereotypes rather than any intelligible differentia. Under Article 15, the Court ruled that denying women entry into a public place of worship amounted to discrimination on the ground of sex. The biological differences associated with menstruation were held to be an impermissible basis for restricting fundamental rights.

While examining Article 25, the Court clarified that the freedom of religion is subject to other fundamental rights and to the Constitution's reformatory mandate. The exclusionary practice was held not to constitute an essential religious practice and was therefore not protected under Article 25. The Court further relied on Article 25(2)(b), which expressly enables the State to introduce social reform within religious institutions.

With respect to Article 26, the majority rejected the claim that devotees of Lord Ayyappa form a separate religious denomination. Even assuming denominational status, the Court held that rights under Article 26 cannot override individual dignity and equality.

The Court also struck down Rule 3(b) of the Kerala Hindu Places of Public Worship Rules, 1965⁵ as ultra vires and unconstitutional which permitted Hindu religious denominations to deny women access to certain public places of worship where such exclusion was claimed to be justified by established customs and traditional practices.

The Court stated, "We are sure in saying that such practices is a threat for the rights of women to enter a temple and freely practice a religion".

"Devotion cannot be subjected to Gender Discrimination".

The Hon'ble Chief Justice of India, in his judgment, observed that religion forms an integral part of an individual's way of life and is closely connected to human dignity. He emphasised that patriarchal practices which exclude individuals on the basis of gender cannot be permitted to curtail or override the fundamental freedom to profess, practise, and follow one's religion and faith.

⁵ Kerala Hindu Places of Public Worship (Authorisation of Entry) Rules, 1965, r. 3(b) (India).

VI. COMMENTARY

The Sabarimala judgment stands as a landmark reaffirmation of the supremacy of the Constitution over discriminatory religious customs. By striking down the prohibition on the entry of women between the ages of ten and fifty, the Supreme Court held that exclusion based on biological factors such as menstruation is unconstitutional. The Court found that such practices violate the guarantees of equality under Articles 14 and 15 and infringe upon women's right to dignity. It further recognised that restrictions rooted in notions of purity and impurity stigmatise women and function as a form of social exclusion, reinforcing entrenched patriarchal norms.

A significant contribution of the judgment lies in its critique of hegemonic patriarchy and the manner in which discriminatory practices become normalised within society, sometimes even through internalised acceptance by women themselves. The Court clarified that devotees of Lord Ayyappa do not constitute a separate religious denomination and that the exclusion of women cannot be regarded as an essential religious practice. Emphasising constitutional morality, the Court reaffirmed that customs and personal laws must yield when they conflict with the foundational values of equality, liberty, and dignity enshrined in the Constitution.

Justice Indu Malhotra's dissent, however, highlighted the need for judicial restraint in matters of religion. She cautioned against courts adjudicating the essentiality of religious practices and underscored the protection afforded to religious freedom under Article 25. According to the dissent, judicial intervention is justified only when a practice is clearly oppressive or amounts to a social evil, reflecting the delicate balance between faith and constitutional adjudication.

Despite its progressive reasoning, the effectiveness of the Sabarimala judgment ultimately depends on its acceptance and implementation by society. A judicial pronouncement, however well-reasoned, cannot achieve its purpose unless it is embraced and acted upon by stakeholders, particularly women. While the decision has been widely appreciated legally and socially, concerns have been raised by certain groups who perceive it as judicial overreach or an intrusion into religious autonomy in a secular nation.

This raises important jurisprudential questions: if the beneficiaries of a judgment choose not to exercise the rights affirmed, does this amount to a waiver of those rights, and does it diminish the decision's normative value? In a pluralistic democracy like India, the courts cannot be

guided by appeasement but must remain committed to constitutional justice. Ultimately, the true spirit of the Sabarimala judgment lies in the willingness of society to reform its attitudes. Faith and tradition may influence social response, but constitutional values must guide social transformation in a modern democracy.

VII. IMPORTANT CASES REFERRED

- Deepak Sibal v. Punjab University (1989) AIR 903
- Shayra Bano v. Union of India (2017) 9 SCC 1
- Anuj Garg v. Hotel Association (1989) 2 SCC 145
- National Legal Services Authority v. Union of India and Others, (2014) 5 SCC 438
- S. Mahendran v. The Secretary, Travancore Devaswom Board & Ors, AIR 1993 Ker 42
- S.P. Mittal v. Union of India and Ors, (1983) 1 SCC