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# Analysis of the Sabarimala Judgment

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## ABSTRACT

*In India's legal and constitutional history, the Sabarimala Temple case is a seminal ruling that tackles the relationship between female equality and religious traditions. According to the Supreme Court, excluding women of menstrual age from attending the Sabarimala temple was a violation of their constitutionally guaranteed fundamental rights. The Indian Young Lawyers' Association brought the lawsuit, arguing that Rule 3(b) of the Kerala Hindu Places of Public Worship (Authorisation of Entry) Rules, 1965, was unconstitutional. The petitioners claimed that these limitations violated Articles 14, 15, 17, 21, and 25 of the Indian Constitution and were discriminatory. The majority finding that women's exclusion lacked the stature of an important religious practice prioritised constitutional values above traditions. While Justice Nariman reiterated that constitutional ideals must take precedence over regressive practices, Justice Chandrachud compared the practice to untouchability under Article 17. Justice Indu Malhotra, on the other hand, dissented, arguing that until a community itself questions its traditions, courts shouldn't become involved in religious affairs. Intense social and political discussions followed the ruling, which resulted in review petitions and the formation of a nine-judge bench to consider more general issues of religious freedom. This case will influence future law on fundamental religious practices by highlighting the constitutional conundrum of striking a balance between gender fairness and religious autonomy. The verdict, which upholds the idea that religious liberties in a diverse and democratic society must be interpreted in light of constitutional morality, continues to be a crucial point of reference in India's developing legal debate on religious rights and equality.*

**Keywords:** *Essential Religious Practices; Judicial Overreach; Denominational Autonomy; Constitutional Morality; Pluralism in Hinduism.*

## I. INTRODUCTION

One of the most acrimonious court cases in India's constitutional history is the Sabarimala Temple issue, which pits female equality against long-standing religious traditions. The case concerned the Sabarimala Temple in Kerala, which forbade women between the ages of 10 and 50 from entering. The temple administrators supported this policy by citing the celibate

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character of Lord Ayyappa, the deity worshipped there. But according to the petitioners, who were led by the Indian Young Lawyers' Association, these limitations went against the basic rights protected by the Indian Constitution.

Rule 3(b) of the Kerala Hindu Places of Public Worship (Authorisation of Entry) Rules, 1965, which forbade women from accessing the temple on the basis of gender and biological characteristics, was at the centre of the lawsuit. Articles 14 (right to equality), 15 (prohibition of discrimination), 17 (abolition of untouchability), 21 (right to dignity), and 25 (freedom of religion) were all allegedly violated by this provision, according to the petitioners. They said that excluding women only because of their biological roles was discriminatory against women and upheld patriarchal standards. In response, the respondents—which included religious organisations and temple officials—argued that the limitation was a "essential religious practice" that was required to preserve the deity's holiness.

In its 2018 ruling, the five-judge Constitution Bench of the Supreme Court ruled, 4:1, that the temple's practice was illegal. In their ruling, Chief Justice Dipak Misra and Justice A.M. Khanwilkar emphasised that equality before the law is guaranteed by Article 14 and held that religious practices cannot supersede constitutional ideals. Judge D.Y. Chandrachud strongly opposed the prohibition, noting that social change must bring religious traditions into line with constitutional values and drawing a comparison to untouchability under Article 17. Judge R.F. Nariman reaffirmed that denying women access would be a violation of their Article 25 right to freedom of religion.

Justice Indu Malhotra, however, dissented, contending that until religious norms are contested from within the society, courts shouldn't become involved. She underlined that tearing down traditions might create a risky precedent for religious liberty and that secularism is allowing different religious views to coexist without legal intervention. Many demonstrations broke out in Kerala after the verdict, with political parties and religious organisations calling for a re-examination of the ruling. In response to the criticism, the Supreme Court sent the case to a bigger bench for additional consideration in 2019. The nine-judge panel was assigned to investigate more general questions about religious freedom, such as the scope of court involvement in religious affairs.

The Sabarimala case brings up important legal and philosophical issues on how to strike a balance between gender equity and religious customs. It also emphasises how constitutional morality has changed throughout time, influencing how laws are interpreted today. The case highlights the judiciary's role in defending fundamental rights against strong cultural opposition

and continues to be a significant precedent for gender equality in religious organisations. The next section covers the opinions expressed by each Justice as well as their rationale.

## II. OPINIONS OF CHIEF JUSTICE DIPAK MISRA AND JUSTICE A.M. KHANWILKAR

The Supreme Court declared through its Sabarimala temple entry case ruling that Chief Justice Dipak Misra alongside Justice A.M. Khanwilkar delivered a powerful judicial statement that women should never receive substandard treatment from men under the Constitution<sup>3</sup>. Through this ruling the court formally rejected all traditional religious practices limiting women's participation in religious spaces because religion should never serve as grounds for gender discrimination. The court emphasized that religious traditions show a clear paradox by treating women as holy deities while denying them their religious freedom rights. Social reform must take place to achieve equality between men and women in religion because of the Court's identification of these inconsistent practices. The Court determined that Article 14 of the Constitution establishes equality before the law so this practice became unlawful. The court declared that temple admission bans based on natural bodily functions should be classified as discriminatory practices. The Court depended on previous cases like *Deepak Sibal v. The Punjab University*<sup>4</sup> declared that any practice which prevents equal opportunity stands against the constitution. Similarly, in *Shayara Bano v. Union of India*<sup>5</sup> case served as an example during the hearing to demonstrate how the Supreme Court eliminated the practice of triple talaq through its progressive approach to protect fundamental rights. The judgment put special emphasis on Article 21 because it protects both personal liberty and the right to life. The Court established that preventing women from Sabarimala entry violated their independence and dignity through references to *National Legal Services Authority (NALSA) v. Union of India*<sup>6</sup> and *Justice K. S. Puttaswamy (Retd.) and Anr. vs Union Of India And Ors*<sup>7</sup>. used two previous cases to establish that all people possess fundamental rights to personal respect and freedom. The decision established that women have unrestricted access to worship and that traditional patriarchal practices need immediate elimination.

The Kerala Hindu Places of Public Worship (Authorisation of Entry) Rules, 1965 lost its constitutional validity because it infringed upon Article 25(1) rights for religious practice,

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<sup>3</sup> Choudhary AA and India TO, "SC Bulldozes Gender Barrier at Sabarimala Temple, Opens Its Gate for Women Devotees of All Age Group" *The Times of India* (September 28, 2018) <<https://timesofindia.indiatimes.com/india/supreme-court-bulldozes-gender-barrier-at-sabarimala-temple-allows-entry-of-woman-devotees/articleshow/65990695.cms>>

<sup>4</sup> 1989 AIR 903

<sup>5</sup> AIR 2017 SUPREME COURT 4609

<sup>6</sup> 2014 INSC 275

<sup>7</sup> AIR 2017 SC 4161

professing, and propagation. According to the Court's decision, denying entry to Hindu women at Hindu temples because of their gender violated their religious freedom. The Indian Young Lawyers' Association together with its members acted as petitioners to claim that Sabarimala functions as part of Hinduism rather than operating as an independent religious sect. The religious services conducted by the Hindu temple through Hindu rituals demonstrate that it does not have an independent religious character which would enable gender discrimination. The Supreme Court used *S.P Mittal v. Union of India and Others*<sup>8</sup> to establish its argument. The Supreme Court declared in the Union of India decision that religious denominations need distinct identity along with distinctive rituals and specific members, who represent the group. The Supreme Court determined that Sabarimala fails to fulfil the established criteria so it cannot use Article 26 for gender restrictions. The vital aspect in this case focused on the "essential religious practices" doctrine that decides which customs stand as fundamental elements of religion. According to *The Commissioner, Hindu Religious Endowments, Madras v Shri Lakshmindar Tirtha Swamiyar of Shri Shirur Mutt*<sup>9</sup>, the Supreme Court determined that the Constitution protects only those religious practices which constitute essential components of faith. The Court determined that blocking women from Sabarimala entry lacks essential religious status because it represents a backward ritual that opposes Hinduism's fundamental beliefs. The court found that pilgrims seek divine blessings at Sabarimala rather than observing celibacy norms and women entering does not affect the sacredness of the temple. The Court rejected the notion that women might disrupt celibacy because this claim weakened the credibility of spiritual discipline. The decision made a distinction between principles that guide public conduct and those that establish constitutional values. The court explained Article 25 uses "morality" according to constitutional principles rather than individual religious perspectives. The Constitution stands above all other traditions which means its principles should govern over conventional customs. The Court used *Bijoe Emmanuel v. State of Kerala*<sup>10</sup> as one of its precedents during judgment where the State of Kerala supported Jehovah's Witnesses students' right to decline National Anthem singing through their religious freedom. The precedent established freedom of religion as an absolute right which includes unrestricted religious devotion. The Court applied similar logic to declare that women should not face denial of worship access at Sabarimala because of tradition. According to the court, the restriction at Sabarimala should not qualify as an essential religious practice because there is no widespread theological support for it. Women cannot find explicit scriptural limitations which would reject

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<sup>8</sup> 1 1983 SCR (1) 729

<sup>9</sup> 1954 AIR 282

<sup>10</sup> 1987 AIR 748

their access to the temple even though the temple's activities focus beyond celibacy. The Court determined that female exclusion from the temple was not required by faith principles yet it originated from social traditions that the constitution required reform.

### III. OPINION OF JUSTICE D.Y. CHANDRACHUD

In the judgment Justice D.Y. Chandrachud stressed that Indian Constitutional values including justice along with equality and liberty and fraternity serve as the foundation of this particular case. According to his understanding, secularism appeared naturally in the Constitution but the 42nd Constitutional Amendment formally included it in the Preamble during 1976. According to him the prohibition of women from Sabarimala stands in direct opposition to what the Constitution stands for by protecting individual freedom and human dignity. Justice Chandrachud established a link between the temple's discriminatory behaviour and the constitutional ban on untouchability as stated in Article 17. The drafters of the Constitution chose not to define untouchability because their goal was to abolish every form of social segregation. The practice of blocking women during their periods at the temple transfers discriminatory principles from untouchability while enforcing outdated ideas about purity and pollution. Section 7 of the Protection of Civil Rights Act, 1955<sup>11</sup> defines untouchability status as unsupported by religious or philosophical or historical beliefs according to its explicit language. Justice Chandrachud decided that exclusion of women from Sabarimala represents systematic discrimination that violates the foundational rules of the constitution.

### IV. OPINION OF JUSTICE R.F. NARIMAN

During his judgment delivery Justice R.F. Nariman accepted the position which Chief Justice Dipak Misra and Justice A.M. Khanwilkar previously expressed. The petition brought forward critical issues regarding fundamental rights stated in Articles 25 and 28 of the Constitution according to him. The absolute restriction preventing women from entering restricts their right to practice religion according to Article 25. The argument received is supported through *Ratilal Panachand Gandhi v. State of Bombay*<sup>12</sup> which established through their ruling that Article 25 defends the religious practices which hold essential value for people's faith. Justice Nariman specified that religious freedom exists but states can enforce limitations to protect public order together with moral values and health standards. His argument used the American legal precedent as an example. In the case of *Davis v. Beason*<sup>13</sup>, the court established religion as both

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<sup>11</sup> ACT NO. 22 OF 1955

<sup>12</sup> 1954 AIR 388

<sup>13</sup> 133 U.S. 333 (1890)

a relationship between individuals and the divine force and the spiritual expressions of belief and practice. Religious freedom belongs to each individual in a personal manner but the state can only limit such personal beliefs when they violate constitutional foundations. Justice Nariman determined that the ban against women entering Sabarimala temple violates their religious freedom by restricting their spiritual worship at this important holy site. The *Sardar Syedna Taher Saifuddin Saheb v. State of Bombay*<sup>14</sup> case received examination from him. During the *Sardar Syedna Taher Saifuddin Saheb v. State of Bombay* case the courts discussed the boundaries of religious independence. Religious freedom, according to Article 25, extends to individuals not to religious groups as a whole. Inside religious communities each member maintains worship freedom although this freedom must not impede the rights of other community members. Justice Nariman stated in his decision that government authorities must take action to protect fundamental rights from interference by religious traditions. The court judge stated that constitutional morality should dominate any religious customs which cause exclusionary practices or discriminatory behaviour. The judicial body established separate categories for public moral standards and constitutional moral requirements. Article 25 mentions morality but the Court specified that such notions should be interpreted with Constitutional principles in mind instead of following personal religious guidelines. The Constitution stands as the highest legal document so its provisions supersede all traditional social customs. The Supreme Court applied this approach to Sabarimala and found that barring women did not pass constitutional standards regarding religious freedom limits. The Court rejected the claim that women's presence would break the celibacy of male devotees since spiritual discipline should not be so delicate to be affected by feminine presence alone

## V. OPINION OF JUSTICE INDU MALHOTRA

Justice Indu Malhotra presented in her separate opinion that equality rights clashed with Ayyappa devotees' religious freedoms. Article 25 providing freedom of worship remains untouchable according to her opinion because gender equality should not override it. Constitutional jurisprudence examines how essential religious practices link directly to what defines a religious organization. The evaluation determines which religious customs uphold the distinct character of worship spaces by being fundamental to their identity. At the Sabarimala temple visitors venerate Lord Ayyappa who exists as a celibate being according to the Sanskrit term '*Naishthika Brahmacharya*'<sup>15</sup>. Unlike other Ayyappa temples, where the deity may be

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<sup>14</sup> 1962 AIR 853

<sup>15</sup> Chandrashekar R and Chandrashekar R, "How Saviours of Ayyappa Are Gaslighting Women over Sabarimala" (*ThePrint*, January 11, 2019) <<https://theprint.in/opinion/how-saviours-of-ayappa-are-gaslighting-women-over->

worshipped in different forms, at Sabarimala, the deity is venerated as an ascetic Brahmachari, making the temple distinct in its practices. The concept of Brahmacharya (celibacy) in Hindu philosophy requires physical and psychological detachment from the opposite gender. Even from a layman's perspective, Brahmacharya is understood as a discipline of maintaining distance from the opposite sex to preserve spiritual focus. The restrictions at Sabarimala are, therefore, not about discrimination, but rather about maintaining the sanctity of the deity's celibate nature, which forms the foundation of the temple's spiritual identity. Historical scriptures and religious texts, particularly the *Bhutanatha Upakhyanam*, which provides the *Sthalapurana*, i.e., the history of the temple of Sabarimala<sup>16</sup>, explains that Lord Ayyappa himself declared his eternal celibacy, forming the foundation of the temple's practices. One of the central misconceptions propagated by the petitioners and media narratives was that the exclusion of women was linked to menstrual impurity. However, the legal arguments demonstrated that:

1. The restriction is not linked to menstruation but to reproductive capability.
2. The petitioners framed the issue incorrectly, assuming it was based on menstrual impurity, whereas the restriction was rooted in the deity's celibate nature.
3. The tradition is temple-specific and does not extend to all temples dedicated to Lord Ayyappa.

Puberty together with menopause represent biological processes happening inconsistently between individual bodies because some girls can reach puberty before age 10 yet some women may only experience menopause after their 50s or even sooner than that the temple authorities themselves did not establish this rigid age limit; rather, it was an administrative interpretation imposed by the state. The legal binding language should definitely establish "any woman capable of bearing children" as restricted because a generic age range illustrates an illogical basis against the established traditional norms, but since is very unlikely to establish this broad interpretative range. Hence, the age limit which is prescribed in the rules are specific and valid leaving no scope for interpretation.

## VI. FINAL VERDICT AND IMPLICATIONS

The Supreme Court denied recognition to the belief that customs at Sabarimala temple

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sabarimala/176320/> accessed March 4, 2025

<sup>16</sup> "Sri Bhutanatha Upakhyanam - Sanskrit - English | The Enchanting Story" (*Giri Trading Agency Private Limited*) <[https://giri.in/products/sri-bhutanatha-upakhyanam-sanskrit-english-the-enchanting-story-of-sabarimala-shastha?srltid=AfmBOorj4JpANycMYzTj\\_PwSuhCK-r\\_1XwFvRmlAKPvbtnP2OkqLCm8H](https://giri.in/products/sri-bhutanatha-upakhyanam-sanskrit-english-the-enchanting-story-of-sabarimala-shastha?srltid=AfmBOorj4JpANycMYzTj_PwSuhCK-r_1XwFvRmlAKPvbtnP2OkqLCm8H)> accessed March 4, 2025



represented fundamental religious practice. The ruling established those female exclusions from religious spaces amounted to a social tradition instead of religious doctrine and lost its protection under Article 25. The Court declared Rule 3(b) of the 1965 Kerala Regulations on Temple Entry unconstitutional because it violated Part III fundamental rights of the Constitution. The temple restriction that bars women from visiting violates Article 14 and Article 15(3) since both provisions ban gender discrimination and support equality rights. Through this ruling the courts established a major legal precedent which confirmed religious traditions need to respect constitutional rights. The court acknowledged religious freedom but ruled out the justification of discrimination through traditional religious practices. The Court decided to stop the exclusionary practice at Sabarimala through its decision because constitutional morality surpasses traditional customs that hinder progress. Through this judgment the court sought to match religious beliefs with fundamental rights so every individual irrespective of gender obtains equal access to holy sites. The Sabarimala judgment reinforced India's constitutional dedication to equality and justice and religious freedom and established strong legal guidance for future gender justice cases and religious autonomy matters in the country.

## **VII. POST-JUDGMENT DEVELOPMENTS**

The present case generated novel legal challenges that impacted several religious organizations thus compelling the Supreme Court to establish a nine-judge panel for handling comparable religious disputes like female mosque entry in Islam and female genital mutilation among Dawoodi Bohra members. The Supreme Court decided to send Sabarimala review petitions to a bigger panel of judges through a three-judge majority on November 14, 2019. The two Supreme Court Justices Nariman and Chandrachud expressed opposition to reviewing these cases and provided direct rejection of the review petitions. A larger constitutional bench should decide the proper extent of judicial involvement in religious matters according to the decision of Chief Justice Ranjan Gogoi and Justices A.M. Khanwilkar and Indu Malhotra. Chief Justice S.A. Bobde established a nine-judge bench during February 2020. Eight Supreme Court justices comprising R. Banumathi, Ashok Bhushan, L. Nageswara Rao, Mohan M. Shantanagoudar, S. Abdul Nazeer, R. Subhash Reddy, B.R. Gavai, and Surya Kant formed a bench to evaluate seven fundamental issues about the link between fundamental rights and religious freedoms. The questions examined Article 14 alongside Article 25 and Article 26 interactions as well as religious morality definitions and judicial authority in establishing essential religious practices. The Court also examined Article 25(2)(b) for Hindu religious sects' rights and the constitutional protection for religious denominations and the validity of Public Interest Litigations (PILs) filed

by non-community members. The core committee representing Sabarimala Temple sought a review of the 2018 decision yet Chief Justice Bobde stated the review would address constitutional questions exclusively without revising the 2018 decision.

A deep constitutional dispute was sparked by the Sabarimala ruling, in which the judges of the Supreme Court presented wildly differing opinions on how gender equality and religious autonomy interact. The lone opposing opinion emphasised the need to protect religious traditions from judicial overreach, while the majority stressed the importance of individual rights and constitutional morality. However, the decision did not put a stop to the discussion; rather, it ushered in a new phase in India's continuous battle to strike a balance between legal requirements and cultural identities. A further significant dilemma arose when the legal dispute gave rise to social and political repercussions: how can many religious traditions, which are intricately woven into India's heterogeneous fabric, coexist with the changing framework of constitutional principles? It is essential to look at the larger picture of religious diversity in Hindu temples and investigate the possibility of a peaceful reconciliation between faith and constitutional ideals in order to fully comprehend this junction.

## **VIII. CONCLUSION**

An important turning point in India's constitutional history, the Sabarimala case established a standard for gender equality in places of worship. The Supreme Court's 2018 decision upheld the temple's prohibition on women of menstrual age entering, reaffirming that basic rights cannot be subordinated to religious traditions. In order to maintain gender equity and individual liberty at the foundation of India's legal system, the ruling emphasised the idea that the Constitution must supersede outdated traditions.

Chief Justice Dipak Misra, Justice A.M. Khanwilkar, Justice D.Y. Chandrachud, and Justice R.F. Nariman all contributed to the majority decision, which stressed that the admittance limitation for women was a violation of Articles 14, 17, and 25 of the Constitution. The court stated that such practices must adhere to constitutional norms, strongly rejecting the claim that the restriction constituted an important religious practice. In particular, Justice Chandrachud compared the exclusion of women to untouchability under Article 17, contending that discriminatory practices cannot be excused on the pretext of religious freedom. Justice Nariman further emphasised that customs that uphold inequality should be superseded by constitutional morality.

However, in his dissenting opinion, Justice Indu Malhotra emphasised the value of religious liberty while warning against overzealous judicial meddling in religious matters. She argued

that religious variety should be respected when interpreting the constitution and that practices should alter within religious groups rather than as a result of laws. Despite being progressive, the verdict caused a great deal of social and political upheaval. Kerala saw widespread demonstrations when conservative groups and devotees saw the ruling as a violation of religious freedom. When review petitions were submitted, the legal battle grew more intense, and the Supreme Court decided to send the matter to a bigger bench. A nine-judge panel was established in 2019 to consider basic questions like gender equity, religious freedom, and judicial supervision in religious affairs.

The Sabarimala ruling has ramifications that go beyond this specific instance. It has sparked conversations on other gender-based restrictions in other places of worship, such the Dawoodi Bohra community's practice of female genital mutilation and women's access to mosques. The decision has also paved the way for a more thorough judicial examination of fundamental religious customs, raising concerns about the constitutionality of any tradition that targets a certain group of people. In the end, the Sabarimala ruling upholds India's dedication to constitutional morality and gender equity. In order to prevent discriminatory practices from undermining the values of equality and dignity, it states that religious customs must change in accordance with fundamental rights. Even though the case is still pending, it has unquestionably changed the way that India talks about religious freedom and established a groundbreaking standard for future decisions pertaining to gender equality and constitutional interpretation.

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