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# Sabarimala: Why or Why Not Bar Women

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BOBBALA JYOTHIRMAI<sup>1</sup>

## ABSTRACT

*Sabarimala Temple, a Hindu temple dedicated to Ayyappan is situated in the Pathanamthitta District of Sabarimala, Kerala, India. In the past, menstruating-age female devotees were not allowed to worship here, this prohibition being said to be out of reverence for the deity's celibate role in this temple. A high-court Kerala judgment had legalized this interpretation and since 1991 barred women from entering the temple. In September 2018, a Supreme Court of India judgment ruled that all visitors, regardless of gender, including women in the menstruating age group, should be allowed to enter Sabarimala. This ruling of the supreme court led to several protests and the women belonging to said age group when tried to reach the Sanctum Sanctorium received many physical assault threats which led to several failed attempts. Be it because it was a custom since so many years, or people personally believing the reasons that prohibited women's entry previously, there are still many sections of people who are against the supreme court ruling. The author in the present paper goes deep into the history behind the prohibition of women's entry into Sabarimala and the possible reasons for the same. The various arguments that are and were put forward while talking in favour or against allowing women into Sabarimala are discussed in the course of the paper. The main aim of this paper is to throw a light on various aspects that are listed previously about the hot potato "entry of women into Sabarimala".*

## I. INTRODUCTION

Sabarimala, (deriving its name from Sabari, the epic sage known for her life of abstinence destined to attain the blessings of Rama), is topical for the verdict of the Supreme Court that lifted the ban on young women entering the temple of Ayyappa. A critical assessment of the current struggle in defence of women's constitutional rights requires a recollection of the shrine's past traditions.

Traditionally, women's entry was not restricted. As recently as 1991, the ban on the entry of women between the ages of 10 and 50 came through a judgment of the High Court. The tacit assumption behind the age limit is that menstruation precludes 41-day observance of abstinence, and that the Lord Ayyappa who's a celibate would not like young women.

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<sup>1</sup> Author is a student at Symbiosis Law School, Hyderabad, India.

This limitation does not have any religious sanctity or empirical basis. Though menstrual pollution was observed by upper caste families, menstruation was auspicious and symbolic of fertility for the tribal people. Tribal families flocked to the temple with women and children of all ages until the 1960s. And there is archival evidence that young women from the upper caste joined the temple until the 1980s.

Culturally uprooted masses clap their hands and with revolutionary hysteria yell "saranam" to preserve the "tradition" of Ayyappa. In reality, it is the fear of losing their status, rank and identity of savarna caste that brings them out on the streets. What they want to preserve and how, as tradition itself is re-invented from time to time, is not clear.

There exist many legends about Lord Ayyappa and as to the coming into being the temple. Here we'll talk about one of the most accepted one. It talks about the deity of sabarimala temple being Ayyappan, a celibate. When the evil demoness Mahushasuri was defeated by him, she transformed into a beautiful young woman. She was originally cursed to live a demon's life until she was killed in a war by the child born out of Shiva's union with Vishnu<sup>23</sup>. She could only be set free by Ayyappan defeating her in a battle.

It's After the war, that the young woman proposed marriage to Ayyappan, but he declined to tell her that he was ordained to go to the forest, live a brahmachari's life<sup>4</sup>, and answer devotees' prayers. The young woman, however, was persistent, so Ayyappan promised to marry her the day kanni-swamis (new devotees) will stop at Sabarimala visiting him. Unfortunately for the woman, Sabarimala was visited by kanni-swamis every year, and she was not able to marry Ayyappan. This woman is worshiped as goddess *Malikappurathamma* at a neighbouring temple<sup>5</sup>.

## II. THE TIMELINE OF EVENTS

- a. 1990 - In Kerala HC, S Mahendran files petition for a ban on women entering the temple.
- b. Apr 5, 1991 - Kerala HC upholds age old restriction on women of a certain age group entering the temple.

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<sup>2</sup> Gurucharan Das, What you might want to know about Sabarimala, *The Economic Times*, Oct. 18, 2018, <https://economictimes.indiatimes.com/news/et-explains/what-you-might-want-to-know-about-sabarimala/articleshow/66273712.cms?from=mdr>.

<sup>3</sup> Long, Jeffrey D, *Historical Dictionary of Hinduism* 516 (Scarecrow Press.ed., 1<sup>st</sup> ed. 2011).

<sup>4</sup> MA Deviah,, Here's why women are barred from Sabarimala; It is not because they are 'unclean' - Firstpost, FirstPost. (Oct. 15, 2019, 18:13 IST) <https://www.firstpost.com/india/why-women-are-barred-from-sabarimala-its-not-because-they-are-unclean-2583694.html>.

<sup>5</sup> Prabhask K Dutta, Legend of Sabarimala: Love story that kept women from Lord Ayyappa, *India Today*, Sept. 28, 2018, <https://www.indiatoday.in/india/story/sabarimala-legend-women-lord-ayyappa-1351674-2018-09-28>.

- c. 2006 - A petition challenging the ban was filed in the Supreme Court by Indian Young Lawyers Association on the grounds that the rule violates the freedom to follow and propagate religion, listed in Article 25 of the Indian Constitution
- d. Nov, 2007 - The LDF government favours the PIL ban on women's entry
- e. Jan 11, 2016 - The SC bench of two judges questions the forbidding of women from entering the temple
- f. Feb 6 - The UDF government taking U-turn, told SC that it is the responsibility to "protect the right of these devotees to practice their religion"
- g. Apr 21 – pleas are filed in support of women's entry by Hind Navotthana Pratishtan and Narayanashrama Tapovanam
- h. Nov 7, 2016 - The LDF administration tells the high court that it favours entry of women of all ages
- i. Oct 13, 2017 - A SC Judicial Bench is assigned to the case
- j. Oct 27 - Plea brought t SC for gender equal bench to hear the case
- k. July 27, 2018 – hearing starts by a five – judge constitution bench
- l. Jan, 2018 - Temple authorities make it compulsory for female devotees to provide proof of their age if they visit. The action came after a number of women were detained when they entered Sabarimala from the barred age group.
- m. July 24 - SC made it clear that constitutional ethics" would test the ban on women's entry
- n. July 26 - SC made it clear that the ban on women's entry would be checked on. The Pandalam Royal Family challenged the petition seeking women's entry into the temple, describing it as "mischievous" because it was against Hindu faith practices. The counsel appearing on their behalf had told the court that the temple deity Lord Ayyappa, is a celestial celibate and therefore menstruating-age women should not be allowed into the premises.
- o. August 1, 2018 - Upon hearing the case for eight days, the five-judge constitutional bench reserved its judgment on the petitions challenging the ban.
- p. Sept 28, 2018 - SC requires women to enter the temple from all age groups stating that Art 25 (Clause 1) and Rule 3(b) of Kerala Hindu Places of Worship violate the practice of barring women.

### THE VERDICT OF KERELA HIGH COURT

In 1990, a petition was launched by S Mahendran claiming that young women were visiting Sabarimala <sup>6</sup>. In 1991, Justices K. Paripoornan and K came to the decision on the petition. The Kerala High Court's Balanarayana Marar prohibited women between the ages of 10 and 50 from offering worship at Sabarimala, arguing that such prohibition was compatible with long-term use. However, the high court additionally also directed Kerala's government to use the police force to enforce the order to ban women from entering the temple <sup>7</sup>. Thus, the court of law has observed <sup>8</sup> :

*Such restriction (restriction of women entry) imposed by the Devaswom Board is not violative of Articles 15, 25 and 26 of the Constitution of India. Such restriction is also not violative of the provisions of Hindu Place of Public Worship (Authorisation of Entry) Act, 1965 since there is no restriction between one section and another section or between one class and another class among the Hindus in the matter of entry to a temple whereas the prohibition is only in respect of women of a particular age group and not women as a class.*

### THE VERDICT OF THE SUPREME COURT

Six women, members of the Indian Young Lawyers ' Association, petitioned India's Supreme Court in 2006 to lift the ban on entering the Sabarimala temple against women between the ages of 10 and 50. They claimed that the practice violated their constitutional rights and questioned the validity of the 1965 Kerala Hindu Places of Public Worship (Authorization of Entry) Rules Act enabling it <sup>9</sup>.

The Supreme Court ruled in September 2018 that women of all ages could enter the temple of Sabarimala <sup>10</sup>.

*We have no hesitation in saying that such an exclusionary practice violates the right of women to visit and enter a temple to freely practice Hindu religion and to exhibit her devotion towards Lord Ayyappa. The denial of this right to women significantly denudes them of their right to worship.*

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<sup>6</sup>S. Mahendran vs The Secretary, Travancore, AIR 1993 Ker 42 (India).

<sup>7</sup> S. Mahendran vs The Secretary, Travancore, AIR 1993 Ker 42 (India).

<sup>8</sup>S. Mahendran vs The Secretary, Travancore, AIR 1993 Ker 42 (India).

<sup>9</sup> Jani Allan, Sabarimala controversy: women lawyers move Supreme Court, *The Hindu*, July 31, 2006, at B16.

<sup>10</sup> A.Vaidyanathan, *Women Of All Ages Can Enter Sabarimala Temple, Says Top Court, Ending Ban*, NDTV, Sept. 28, 2018, <https://www.ndtv.com/india-news/keralas-sabarimala-temple-must-allow-women-of-all-ages-says-supreme-court-ending-restriction-1923556>.

The verdict was passed by a majority of 4-1 where Chief Justice Dipak Misra, A. M. Khanwilkar, R. F. Nariman, and D. Y. Chandrachud supported allowing women to enter the temple whereas Indu Malhotra disagreed<sup>11</sup>. Indu Malhotra said that, regardless of whether the practice is rational or logical, each person should be allowed to practice their faith. The Supreme Court observed that in violation of Article 25 (Clause 1) and Rule 3(b) of Kerala Hindu Places of Worship, the practice of barring women. It was Young Indian Lawyers Association that filed this petition which gave out this one of most controversial verdict in the Indian history<sup>12</sup>.

### III. ARGUMENTS IN FAVOUR OF BAN ON ENTRY OF WOMEN OF AGE GROUP 10-50 FROM ENTERING SABARIMALA

Though there are numerous reasons given as to why women of the age group of 10 – 50 are not allowed into Sabarimala. The ones that are widely accepted by masses are picked up for the purpose. The ones are discussed further.

It so happens that Many women choose not to join the temple because they feel it would be an insult to the love and sacrifice of Malikappurathamma<sup>13</sup>.

Many claim that Ayyappan himself imposed restrictions on women entering the temple because he chose to be celibate, and he would be annoyed by the presence of women in the reproductive age group<sup>14 15 16</sup>.

Many believe in the taboo that menstruation is impure (hence also impurity of menstruating age women), and that visiting a Hindu god while they are impure is a sin<sup>17</sup>.

Others simply cite the reason as it being a practice of the at least 500-year-old tradition<sup>18</sup>.

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<sup>11</sup> Rautray Samanwaya, Women of all ages can enter Sabarimala Temple, rules Supreme Court, *The Economic Times*, Sept. 29, 2018, at 25.

<sup>12</sup> Indian Young Lawyers Association vs The State Of Kerala, 2018 SCC Online SC 1690 (India)

<sup>13</sup> Prabhaskar K Dutta, Legend of Sabarimala: Love story that kept women from Lord Ayyappa, *India Today*, Sept. 28, 2018, <https://www.indiatoday.in/india/story/sabarimala-legend-women-lord-ayyappa-1351674-2018-09-28>.

<sup>14</sup> Harikrishnan Charmy, Why women should have the right to enter Sabarimala, *The Economic Times*, Sept 4, 2016, <https://economictimes.indiatimes.com/news/politics-and-nation/why-women-should-have-the-right-to-enter-sabarimala/articleshow/53996201.cms>.

<sup>15</sup> MA Deviah, Here's why women are barred from Sabarimala; It is not because they are 'unclean', *FirstPost*. (Oct. 15, 2019, 18:13 IST) <https://www.firstpost.com/india/why-women-are-barred-from-sabarimala-its-not-because-they-are-unclean-2583694.html>.

<sup>16</sup> S Yogesh, Celibacy of Ayyappa is an Excuse to Oppress Women, *NewsClick*, Oct. 14, 2018, <https://www.newsclick.in/celibacy-ayyappa-excuse-oppress-women>.

<sup>17</sup> SV Vikas, Why are menstruating women not allowed in Sabarimala Temple? Centuries old beliefs and customs, *Oneindia* (Sept. 28, 2018, 8:01 IST), <https://www.oneindia.com/india/why-are-menstruating-women-not-allowed-sabarimala-temple-centuries-old-beliefs-and-customs-2784065.html>.

<sup>18</sup> Raju P Nair, Sabarimala row: If women's humanity is not our culture, we should make it so, *The News Minute* (Nov. 6, 2016, 20:34 IST), <https://www.thenewsminute.com/article/sabarimala-row-if-womens-humanity-not->

Some people pointed out the practical difficulties of climbing Sabarimala for women. The temple of Sabarimala is situated on the top of a hill surrounded by mountains and dense forests that some consider women to be physically challenging to traverse<sup>19</sup>.

A Sabarimala official pointed out that women would lack adequate sanitation facilities, making their journey difficult. Also the services of hospitals are scarce.<sup>20</sup>

A cardiologist based in the US pointed out that menstruating women were discouraged from attending temples because it can lead to endometriosis, but her claims were later rejected as pseudoscientific<sup>21 22</sup>.

The president of the Travancore Dewaswom Board said allowing women to enter the temple would lead to 'immoral activities' and make the place 'a spot for sex tourism like Thailand'.<sup>23</sup>

Sai Deepak, a lawyer representing few women's groups and a sangam of devotees in the case of the Supreme Court, argued that the deity Ayyappan should be treated as an individual and that the fundamental right to privacy under Article 21 should be granted, thus preventing women of menstruating age from visiting him at his own will<sup>24</sup>.

#### **IV. ARGUMENTS FAVOURING THE ENTRY OF WOMEN OF AGE GROUP 10 – 50 TO SABARIMALA**

Though the arguments in favour of women's entry to Sabarimala are less compared to the ones contrary to them, they are strong enough which led to the verdict to SC ruling in their favour. Some of the most heard arguments are mentioned below.

Those in favor of allowing women to enter the temple of Sabarimala argue "that menstruation

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our-culture-we-should-make-it-so-52483.

<sup>19</sup> Pauline Job, Sabarimala issue: Faith vs Rights, *OnManorama* (Oct. 28, 2018, 11:06 AM), <https://english.manoramaonline.com/news/campus-reporter/2018/10/20/sabarimala-issue-faith-vs-rights.html>.

<sup>20</sup> Harish Iyer, Kochi: Practical impediments for women to trek at Sabarimala, *Deccan Chronicle*, Sept. 29, 2018, <https://www.deccanchronicle.com/nation/current-affairs/290918/kochi-practical-impediments-for-women-to-trek-at-sabarimala.html>.

<sup>21</sup> Cris, Menstruation is not dirty, women are not impure: Campaign to counter myths in Kerala, *The News Minute*, Oct. 8, 2018, <https://www.thenewsminute.com/article/menstruation-not-dirty-women-are-not-impure-campaign-counter-myths-kerala-89647>.

<sup>22</sup> Kayloor, Beena, How the Sabarimala issue has promoted period shaming among young girls, *The News Minute*, Oct. 18, 2018, <https://www.thenewsminute.com/article/menstruation-not-dirty-women-are-not-impure-campaign-counter-myths-kerala-89647>.

<sup>23</sup> Philip Shaju, Don't want to turn Sabarimala temple into Thailand, says TDB chairman, *The Indian Express*, Oct. 14, 2018, <https://www.thenewsminute.com/article/menstruation-not-dirty-women-are-not-impure-campaign-counter-myths-kerala-89647>.

<sup>24</sup> Tripathi Shishir, A lawyer for Lord Ayyappa: Advocate Sai Deepak turns heads in SC arguing for Sabarimala deity's right to celibacy, *Firstpost* (July 31, 2018, 20:37 IST), <https://www.firstpost.com/india/a-lawyer-for-lord-ayyappa-advocate-sai-deepak-turns-heads-in-supreme-court-arguing-for-sabarimala-deitys-right-to-celibacy-4859291.html>.

is not impure and that women have equal rights to enter the temple " <sup>25</sup>.

According to Rajan Gurukkal who's a leftist historian, "there is "neither ritual sanctity nor scientific justification" for the argument of menstrual pollution. He opines that the shrine was originally a "cult spot" for a tribal deity, Ayyanar of local forest dwellers before it became a place of worship for Ayyappa in the 15th century. Unlike traditional Hindu beliefs that menstruation is impure, the tribes considered it to be auspicious and a symbol of fertility. They thronged to the temple along with their women and children of all ages until the 1960s. Gurukkal also argues that there is documented evidence of young savarna women making their way into the temple till the 1980s " <sup>26</sup>.

Kerala's chief minister, Pinarayi Vijayan, said his party (LDF) has always stood for gender equality and will therefore provide women pilgrims to Sabarimala with facilities and security <sup>27</sup>.

## V. CONCLUSIVE TAKE ON THE ISSUE

Now all the arguments listed above are for the sake of our understanding as to why are there so many contrasting opinions existing in the present times with respect to the issue discussed so far. though all of them make sense equally, there are several things that should be considered before coming to a conclusion as to whether entry of women of a specified be allowed or not. putting forward my take on the issue in heat, the first thing that is to be noted is that the ban on entry of women into the temple was in practise since centuries. religious practices are called so because of the certain customs they follow and these should be tried by law. though the Indian society is dynamic in nature and prone to the most of the changes, it is not right anyway to interfere in issues of custom and practice especially when it is religious.

This practice of ban is said to discriminate women based on their sex. But in reality, it should be understood that the temple would bar any gender from entry based on the customary practices observed in the place. In other words, if it was a practice that men of a particular age group are not allowed to enter for say, any reason, then men of that particular age group would be restricted from entering the place. Moreover, its in order to protect the characteristics of the deity that there are certain restrictions imposed and not discriminating a

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<sup>25</sup> Cris, Menstruation is not dirty, women are not impure: Campaign to counter myths in Kerala, *The News Minute*, Oct. 8, 2018, <https://www.thenewsminute.com/article/menstruation-not-dirty-women-are-not-impure-campaign-counter-myths-kerala-89647>.

<sup>26</sup> Gurukkal Rajan, Yes, Sabarimala Is In Peril, But Not The Way You Think, *The Outlook*, Oct. 29, 2018, at 17.

<sup>27</sup> P S Gopikrishnan Unnithan, Women have the same right to worship as men: Pinarayi Vijayan on Sabarimala issue, *India Today*, Oct. 28, 2018, <https://www.indiatoday.in/india/story/women-have-the-same-right-to-worship-as-men-pinarayi-vijayan-on-sabarimala-issue-1369509-2018-10-17>.



particular sex i.e females.

It is to be bought to special attention that the Sabarimala temple in Kerala, India is not that only place that places restrictions on entry for women. The Lord Karthikeya Temple in Pushkar denies entry to women the reason being the temple worships Brahmachari' form of God Karthikeya. women are not granted access except under special permissions into Patbausi Satra, Assam citing the reason of women going through menstruation. Apart from this, famous worship places for Muslims such as Nizamudin Dargah, Delhi and The Jama Masjid also dent entry for women citing similar reasons. All these places do not allow women's entry because of their customs that they have been following since ages and no one interferes trying to change the same. in the same way it is that case with Sabarimala. women are not allowed as it is how its been followed since ages.

From the day of SC giving out a ruling till date, there are review petitions being filed in the SC regarding the same issue giving the supreme court several chances to change its verdict so as to get back from interfering in the said religious and customary matter. It is now to be seen what the apex court of law of the Nation does.

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