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THE SABARIMALA VERDICT: RECONCILING GENDER EQUALITY AND FREEDOM OF RELIGION

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INTRODUCTION:

The Sabrimala case² represents one of the many clashes between religious beliefs and practices with the fundamental rights which our constitution has provided us with. The landmark ruling of Hon'ble Supreme Court has stated that the age-old tradition of barring women of reproductive age (Ages 10 to 50 years) is unconstitutional by a 4:1 majority, with the sole female justice of the hon'ble bench dissenting from the declaration. The same ignited debates, both in the legal fraternity and in the society regarding the scope of the 'Harmonization' suggested by J. Malhotra in her dissent. This article critically analyses the verdict by exploring its various nuances and attempts to elaborate on the broader implications for gender equality and religious freedom.

LEGAL PROVISIONS AND ARGUMENTS INVOLVED:

The concerns surrounding the Sabrimala debates is anchored in certain key constitutional principles such as:

- **Equality and Non-discrimination Provisions:** Certain articles like **Articles 14³** and **15⁴** act as the equal protection and non-discrimination clause of the Indian constitution. The Advocates for women's entry have invoked the legal provision to base their argument that the exclusion of menstruating age women amounts to discrimination and an infringement of the right to personal dignity.
- **Freedom of Religion:** **Article 25⁵** is the rationalization of the right of persons to be equally entitled to the freedom of conscience and the right to profess, practice, and propagate

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² (2019) 11 SCC 1.

³ Equality before Law.

⁴ Prohibition of Discrimination on Grounds of Religion, Race, Caste, Sex or Place of Birth.

⁵ Freedom of Conscience and Free Profession, Practice and Propagation of Religion.

religion freely. It must be understood that while this right is fundamental, it is not absolute. The contention arises when traditional religious practices are questioned in the light of modern constitutional values.

- **Internal Religious Administration: Article 26⁶** is in regard to religious denominations and ensures that they have the right to manage their own affairs. The **Travancore Devaswom Board**, which holds the administrative helm of the Sabarimala temple, cites this provision to justify their practice of excluding women, arguing that the temple’s management falls under their right to conduct internal religious business claiming to be a religious denomination.
- **Protection of Religious Customs:** Judgments like **Ritu Prasad Sharma v. The state of Assam** reinforced the belief that the **Art. 25** and **26** are beyond the scope of constitutional rights. Furthermore, **Rule 3(b)⁷** of the **Kerala Hindu Places of Public Worship (Authorisation of Entry) Rules, 1965** grants legal protection to the customs and traditions of the temple.

Table: Arguments For and Against Women’s Entry; Contrasting Viewpoints

Aspects:	Arguments Against the Entry of Woman	Arguments in Favour of the Entry of Woman
Tradition and the Celibacy of Lord Ayyappa	Lord Ayyappa’s celibacy is an important aspect of temple rituals and traditions.	Non Religious practice and discriminatory to women.
Constitutional Protection	Religious denominations of India have the right to manage internal affairs as given under Article 26.	Such denial of entry resembles untouchability and violates Articles 14, 15, and 17 ⁸ , perpetuating gender based violence..

⁶ Freedom to Manage Religious Affairs.

⁷ States: Women at such time during which they are not by custom and usage allowed to enter a place of public worship shall not be entitled to enter or offer worship in any place of public worship.

⁸ Abolition of Untouchability.

<p>Health and Penance Consideration</p>	<p>The 41-day period of penance ensures discipline among devotees and it could be challenging for Menstruating women.</p>	<p>Requirement of Penance should be an individual choice as it enforces bodily discrimination based on gender.</p>
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THE VERDICT AND REASONING:

The 2018 decision of Hon’ble Supreme Court ruled, by a **4:1 majority**, that the tradition of exclusion of women from Sabarimala was unconstitutional.⁹ The Court’s majority opinion held that:

- **Violation of Fundamental Rights:** Ruling stated that the ban based on menstruation was outdated and dehumanizing practice. The practice was deemed to be similar to Untouchability banned by **Art. 17**. It was also stated that the ban violated Art. 14 and 15 due to its discrimination based on gender.
- **Reassessment of Religious Practice:** The majority believed that the exclusion of women was not an essential religious practice despite the celibacy of Lord Ayyappa, and thus it fell outside of the ambit of Art 25. The autonomy of religious bodies to make decisions was deemed to be out of the scope of infringing fundamental rights of others.
- **Denial of Denominational Status:** Ruling that the devotees of Lord Ayyappa cannot be classified as a religious denomination made it so that their ability to manage their internal affairs was also curtailed and the practice of barring women became unjust.

ANALYSIS OF THE RECONCILIATION BETWEEN GENDER EQUALITY AND RELIGIOUS FREEDOM:

The Sabarimala verdict can be seen as an embodiment of the judicial endeavor to harmonise the tension that was apparent between the Freedom of Religion and religious denomination with that of gender equality and the fundamental right of dignity. The same remained entrenched in the broader constitutional mandate.

⁹ Kantaru Rajeevaru v. Indian Young Lawyers Ass’n (Sabarimala Review): Background, SUP. CT. OBSERVER, Available at: <https://www.scobserver.in/cases/kantaru-rajeevaru-indian-young-lawyers-association-sabrimala-review-background/> (Last Accessed on 26th July, 2025).

- **Balancing Act:** The ruling illustrated an attempt to reach the delicate but much needed equilibrium. It is an attempt to respect the religious sanctity as under the freedom of religion clause while asserting equality and non-discrimination to ensure the fundamental human dignity.
- **Judicial Evolution:** Courts of India have examined various religious practices in order to determine the essential practices and differentiate them with superstition. The verdict is also an attempt on the same lines. By declaring the bar on women as unconstitutional, it causes both a reformation and a disruption as it becomes a strong precedent for future reforms.
- **Societal Implications:** Scholars have also viewed this as the court's attempt to fulfill their transformative role by dismantling the societal construct of femininity with impurity. It could be seen as a dismantling of a practice harming the self-esteem and social standing of such a woman. The same clashes with the entrenched beliefs and transformative ideals of the constitution.¹⁰

CRITICISM AND THE FUTURE ASPECTS:

Even though the majority in the judgement deem it to be a progressive step, the decision of the Court is not free from its own criticism:

- **Overreach of Judicial Power:** J. Indu Malhotra, the only female judge of the bench dissented while stating that the court exceeded its jurisdiction by deviating from long-standing religious practices. Like minded academicians questioned the imposition of constitutional morality on religious customs calling the same, an unwarranted interference with the faith.
- **Challenges Related to Implementation and Enforcement:** Although this decision was made to ensure progressive reform in the society, the protests and resistance from conservative groups showed deviation from this decision and disrupted the implementation. The Kerala government faced various logistical challenges in ensuring safe entry for women.
- **Unresolved Judgment:** While the judgement was celebrated by many, it was referred to a larger Supreme Court bench in 2019. The same is to be reviewed under **Kantary**

¹⁰ Dave Roos & Gabriella Sanchez, *Landmark Supreme Court Cases*, BRENNAN CTR. FOR JUST. (Oct. 7, 2024), Available at: <https://www.brennancenter.org/our-work/research-reports/landmark-supreme-court-cases>. (Last Accessed on July 26, 2025).

Rajeevaru v. Indian Young Lawyers’ Association.¹¹ This shows the unresolved character of the legal and social debates which the verdict ignited. It also highlights the contentious impact it is having on the practices of other religious communities.

Table: Key Points From the Sabarimala Verdict

Aspect:	Criticism	Support
Role of Judiciary	It is being criticized for judicial overreach and considered as interference in traditional religious practices.	It focuses on protecting the constitutional rights over customs that are wrapped into gender discrimination.
Social Impact	There is resistance from devotees that challenges the implementation and enforcement.	Brought progressive change that challenges the outdated norms and ensures promotion of female empowerment.
Long-term Implications	For the long term implications this case is an uncertain precedent for future religious cases.	This case sets a transformative legal standard for balancing religious freedom with gender equality

CONCLUSION:

The Sabarimala verdict is one of the precedential decisions which shows that the judiciary of India is devoted to the constitutional values even when confronting age-old religious practices. It was held by the Hon’ble Court that excluding women from entering the Sabarimala temple was unconstitutional, and through these decisions the Hon’ble Court desired to challenge the old biases against gender and a new meaning to religious liberty. Some of the key findings from this decisions are:

- To strike a balance between safeguarding religious matters and the basic Human Rights.
- To ensure the constitutional guarantees over customary practices when these customs violate individual dignity.

11 (2020) 3 SCC 52.

Although progressive efforts are now in place, the action has suffered tremendous social backlash and is up for judicial review; therefore, the challenges reconciling present day values with conventional elements remain a part of the larger discussion. Sabarimala case has highlighted the ongoing challenge between the frameworks of tradition and modern democracy. While this is a significant step toward achieving gender equity, unresolved is that the path toward constitutional consistency over religious traditions is still not finished.