



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

CASE COMMENTARY ON INDIAN YOUNG LAWYERS’ ASSOCIATION V. STATE OF KERALA, 2018

-Malvika V. Vachhani

FACTS OF THE CASE

This case originated from a prevailing practice in Sabarimala temple of Kerala which does not permit women of the ages of 10-50 years into the temple since Lord Ayyappa is a Nashtika Brahmachari which means he is a celibate. The argument in favor of this proposition is that the presence of women of menstruating age can affect the celibacy of Lord Ayyappa.

The Indian Young Lawyer’s Association and other associates filed a Public Interest Litigation (PIL) before the Supreme Court of India under Article 32 of the Indian Constitution arguing against this exclusion. According to them, the limitation imposed on women is in violation of the fundamental rights to equality, dignity, and freedom of religion. However, the respondents comprising the State of Kerala, the Travancore devaswom board, and devotees of Lord Ayyappa defended this ban citing it as an essential religious practice protected by the Constitution of India.

ISSUES BEFORE THE COURT

1. Is there any violation of women of menstruating age who are denied entry into the Sabarimala temple, by the Devaswam Board?
2. Whether the exclusion is an essential religious practice, which may be protected under the Constitution of India?
3. Whether Rule 3(b) of 1965 made any way for such harassment to take place in the name of religion?

PETITIONERS' ARGUMENT

In their petitions, the petitioners argued that the exclusion of women was discriminatory and did not meet the standards of equality and dignity, with no constitutional basis to justify creating a class of women who had a physiological condition as separate. One of the interveners’ application stated that the compulsory disclosure of the menstrual status was a violation of women’s right to privacy.

Mr. Raju Ramcharan argued that the exclusionary practice requires women to make an involuntary statement about their age and period, which violates their rights to dignity and privacy under Article 21 of the Indian constitution, with the support of *K.S. Puttaswamy v. Union of India*, 2017. It was also argued that the rule infringed Articles 14, 15, 17, 21, and 25 of the Indian Constitution. The petitioners also argued that the practice was neither mandatory nor integral to Hinduism, and therefore could not be considered an essential religious practice.

Challenging the constitutional validity of Rule 3(b), the petitioners argued that the rule was discriminatory and provided a policy that took away rights guaranteed by the Constitution, particularly against the equality and dignity of women.

RESPONDENTS' ARGUMENT

The respondents contended that the Sabarimala temple was a separate denomination, which had the right to administer its own religion and that Rule 3(b) was not a violation of the Constitution, as it did not prohibit the entry of all women but only class and was not made on the ground of impurity but to preserve the unique character of the deity.

The respondents further contended that interference by the judiciary in such customs would defeat the very autonomy that was given to religious institutions under Article 25 and 26. They further argued that as the restriction was there for a centuries, it had become a part of the belief system of the devotees and that it was a long-standing religious practice and hence beyond the scope of constitutional morality.

LEGAL ASPECTS INVOLVED

Article 14 provides right to equality before law and equal protection; the petitioners argue that restricting women entry to the temple amounted to inequality as it discriminates against them.

Article 15: prohibition of discrimination on grounds or religion, race, caste, sex or place of birth

Article 17- Abolition of untouchability. The petitioners stated that the restriction on women from visiting the temple was of the same nature as untouchability by not allowing them to enter the temple premises.

Article 21- Right to life and personal liberty. The petitioners argued that the right of women to enter the temple was part the right to life and personal liberty and by refusing to allow them entry the authorities had violated these articles.

Article 25 & 26: Freedom of religion and freedom to manage religious affairs. The respondents argued that they were not preventing women from entering the temple but only delaying their entry and that their right to manage religious affairs free from Government control was fundamental and that this case had violated their right.

Article 32; Constitutional remedies: Right to move to Supreme Court directly in case of fundamental rights violation. The petitioners invoked this article as they claimed that the right

to enter the Sabarimala temple was a fundamental right and that its violation needed to be addressed directly by the Supreme Court.

The Kerala Hindu places of worship act, 1965, Section 3: Hindu places of worship open to all classes and sections of Hindus. This section allowed the petitioner to argue that women should be allowed entry to the Sabarimala temple as they belonged to the Hindu religion and the temple was meant to be open to them.

The Kerala Hindu places of public worship (Authorization of Entry) Rules, 1965; Rule 3B: Prohibition of entry to women on specified customs. The petitioners challenged this before the Supreme Court as it did not allow women to enter the temple on the grounds of their sex, and the Supreme Court had to declare it as unconstitutional as it violated many rights such as equality before law.

JUDGMENT

On the 28th of September 2018, the Supreme Court ruled in a 4:1 verdict that the exclusion of women from the Sabarimala temple was indeed unconstitutional. The case included the opinions of the Chief Justice, Deepak Mishra, Js. A.M. Khanwilkar, Js. R.F. Nariman & Js. D.Y. Chandrachud while Js. Indu Malhotra expressed her dissenting opinion.

Justice Deepak Mishra remarked that the Nation should embrace women as equal partners in their pursuit of faith and spirituality, as the attribute of devotion to divinity cannot be compromised with the rigidity of gender stereotypes. The duality must come to an end when it comes to glorifying and venerating women as goddesses while simultaneously subjecting them to discrimination on the other hand. The disparagement of women is indeed an indignity to their status and that we must move away from the patriarchal notions of society that state woman as being lesser or inferior to men.

He specifically added the wise saying of Henry Ward Beecher who says:

“Our days are a kaleidoscope. Every instant a change takes place in the contents. New harmonies, new contrasts, new combinations of every sort. Nothing ever happens twice alike. The most familiar people stand each moment in some new relation to each other, to their work, to surrounding objects. The most tranquil house, with the most serene inhabitants, living upon the utmost regularity of system, as yet exemplifying infinite diversities.”

Following on the heels of this observation, the Court invalidated Rule 3(b) of the Kerala Hindu Places of Public Worship Authorization of Entry Rules, 1965 on the ground of its being inconsistent with the fundamental rights guaranteed by the Constitution, particularly Articles 14, 15(1), 17, 21 and 25, by seeking to restrict the right of women to enter a public place of Hindu worship.”

The Court then proceeded to hear submissions from Respondents 2 and 3 on the issue of whether the Ayyappans devotees are a distinct category of persons or not. The Court pointed out that, as far as it was aware, there was no notified community called the Ayyappans in Kerala. Every Hindu was free to enter the temple, said the Court, because the right of entry to the Sabarimala temple had never been restricted in any other temple in Kerala devoted to Lord

Ayyappa, and held that the Sabarimala temple was a public religious endowment and that there was no identified body of Ayyappan cult followers.

CRITICAL ANALYSIS

Whenever a situation arises where there is a conflict between faith and constitutional equality, the judiciary is required not only to apply legal principles but also to apply wider principles of law to ensure a just, fair and reasonable verdict. The Sabarimala judgment is undeniably one of the most complicated instances in the history of Indian law where the conflict between constitutional equality and religion has been examined.

With the Sabarimala verdict the courts have put constitutional morality ahead of social morality thus establishing that the constitution protects members of every community from discriminating traditions and fundamental rights cannot be limited by practices which are based on outdated clichés. Still, there is a disagreement since believers claim such practices are not gender-based but deities-based thus limiting their religious liberties.

The Sabarimala judgement shows that these instances require a proper balance between equality and freedom of religion. While it is correct to believe that women cannot be barred from visiting places for purely biological reasons, the principle of equality here actually clashes with long-standing religious practices among believers, though one should agree that the principle of equality is provided for by the Constitution. Secularism, on the other hand, also implies the necessity of defining the boundaries of the issues engaged into disputable religious practices. Even if the ruling supports women's rights, practical limitations of the ruling suggest the necessity of being cautious in the implementation of such norms.

Justice Indu Malhotra's view implies that jurisdiction shall not usually get involved in the affairs of religion unless the practice in question is banned under law. She also stated that constitutional pluralism should denote respect for the diversity of religions. Thus, it is necessary for preserving the practices considered very important by the supporters of a certain deity in the diverse country.

The decision taken by the court concerning the fundamental religious belief resulted in uncertainty while dealing with other disputes associated with these kinds of beliefs. Lack of specific criteria made it impossible to arrive at a common decision on this issue, which has led to conflicts in other cases.

CONCLUSION

Despite the ruling made in 2019, some review petitions have been made against this ruling, challenging the judgment about the doctrine of essential religious practices. This doctrine is the core issue of the Sabarimala case where the court has the ability to decide on whether the practice is essential to the religion and whether it is or is not eligible for constitutional protection through Articles 25 and 26 of the constitution. However, the Supreme Court rejected this criterion and ruled that the practice is not essential to the Hindu religion and indispensable to the Ayyappa religion, yet it is still contentious. This case demonstrates that despite a settled judgment there are wider constitutional issues and beliefs that remain unsolved.

Citations:

1. Dileep P. Chandran, How Judicial Intervention Shapes the Doctrine of Essential Religious Practices, Indian Express
2. Indian Young Lawyers Ass'n v. State of Kerala, (2019) 11 S.C.C. 1 (India). (2018) Constitution Bench judgment reported in 10 SCC 689
3. Indian Young Lawyers Ass'n v. State of Kerala, MANU/SC/1094/2018 (India)