SC Verdict on Women's Entry into Sabarimala Temple

Why in news?

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The Supreme Court, in a recent judgement, allowed women, irrespective of their age, to enter Kerala's Sabarimala temple. Click here to know more on the case.

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What is the ruling?

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- In a 4-1 majority, the court struck down provisions of the Kerala Hindu Places of Public Worship (Authorisation of Entry) Rules, 1965.
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- The Rules banned women between the age of 10 and 50 from entering the Sabarimala temple, a practice in place for centuries.
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- The judgment came over a clutch of petitions challenging the ban, which was upheld by the Kerala High Court.
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What is the SC's rationale?

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- **Religious Rights** - The Constitution protects religious freedom in two ways:
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i. protects an individual's right to profess, practise and propagate a religion
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ii. assures protection to every religious denomination to manage its own affairs
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- The Sabarimala temple case represented a conflict between -
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i. the group rights of the temple authorities in enforcing the presiding deity’s strict celibate status
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ii. the individual rights of women in 10-50 age group to offer worship there
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- The Travancore Devaswom Board (TDB) had argued that they form a denomination and hence be allowed to make rules.
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- The court instead ruled that Ayyappa devotees do not constitute a separate religious denomination.
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- It held that prohibition on women is not an essential part of Hindu religion, and hence the court can intervene.
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- The judgement establishes the principle that individual freedom prevails over professed group rights, even in matters of religion.
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- **Social notions** - The judgement relooks at the stigmatisation of women devotees based on a medieval view of menstruation as symbolising impurity and pollution.
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- So much so, exclusion based on the notion of impurity is a form of untouchability.
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- Also, the argument that women of menstruating age could not observe the 41-day period of abstinence failed to make sense.
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- The court noted that any rule based on segregation of women pertaining to biological characteristics is unconstitutional.
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What was the dissenting Judge's remark?

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- Justice Malhotra was the lone woman on the bench who had a dissenting view.
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- She noted that what constitutes essential religious practice is for the religious community to decide and not the court.
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- Notions of rationality cannot be brought into matters of religions.
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- Balance needs to be struck between religious beliefs on one hand and Constitutional principles of non-discrimination and equality on the other.
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- She also stated that the present judgment would not be limited to Sabarimala but will have wide ramifications.
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- So issues of deep religious sentiments should not be ordinarily interfered into by the Court.
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Why is Sabarimala case unique?

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- Ayyappan of Sabarimala is worshipped as a celibate god.
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- Pilgrims are expected to practice celibacy and abstinence during the 41-day vratam (pious observances).
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- Sabarimala stands out among Kerala’s temples spaces for its accommodation of all devotees irrespective of religion and caste.
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- It has thus helped the shrine administrators to evade the rights test - in this case, that of women of a particular age group.
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- The unique and site-specific tradition also kept it outside the purview of the historic temple entry protests.
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- The Travancore Devaswom Board is thus likely to file a review petition after securing support from other religious heads.
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Source: Indian Express, The Hindu

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