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## Avinash Kumar



*Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.*

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**CASE COMMENTARY ON INDIAN YOUNG LAWYERS  
ASSOCIATION V. STATE OF KERALA (2018): A  
LANDMARK JUDGMENT FOR GENDER EQUALITY AND  
CONSTITUTIONAL MORALITY**

AUTHORED BY - ADV. TANYA SHARMA

### **Introduction**

The Supreme Court of India's verdict in *Indian Young Lawyers Association v. State of Kerala*, (2018) 11 SCC 1, marks a historic juncture in the ongoing journey toward gender equality and constitutional morality in India. The judgment declared the centuries-old ban restricting women of menstruating age from entering the Sabarimala Temple in Kerala as unconstitutional. This verdict significantly upheld fundamental rights guaranteed under the Indian Constitution — particularly Articles 14 (Equality before the law), 15 (Prohibition of discrimination on grounds of sex), and 25 (Freedom of religion) — and underscored the principle that religious practices cannot override constitutional guarantees of gender justice.

The Sabarimala case ignited a fierce socio-political debate, reflecting the tension between tradition and modernity, religion and rights, faith and equality. This commentary analyzes the case's historical context, legal challenges, the Court's constitutional reasoning, socio-legal implications, and the ongoing struggles toward achieving substantive equality in religious spaces.

### **Historical and Social Background**

Sabarimala, dedicated to Lord Ayyappa, is one of the most revered pilgrimage sites in India, drawing millions of devotees annually. For decades, women aged roughly between 10 and 50 — considered of menstruating age — were prohibited from entering the temple. This custom was justified by devotees and temple authorities on religious grounds, grounded in the belief that Lord Ayyappa is a celibate deity, and that the presence of women in this age group would violate his celibacy and sanctity of the shrine.

This ban became a deeply entrenched tradition, woven into the cultural and religious fabric of Kerala society. It found expression in the temple's internal practices and was accepted by many

as an inviolable religious injunction. However, it was also widely criticized as discriminatory and oppressive, denying women their right to worship and their bodily autonomy, reflecting broader patriarchal norms and gender inequality.

### **Procedural History and Facts**

The challenge against the ban was initiated by the Indian Young Lawyers Association (IYLA) in 2006, filing a Public Interest Litigation (PIL) in the Kerala High Court. The petitioners argued that the restriction violated constitutional rights to equality and freedom of religion.

The Kerala High Court, in 2006, upheld the ban, holding that the restriction was an essential religious practice and thus protected under Article 25(1) of the Constitution. The petitioners then moved to the Supreme Court.

The Supreme Court, in a five-judge Constitution Bench hearing, examined whether the exclusion of women violated constitutional rights and whether it was an essential religious practice protected by Article 25.

### **Constitutional Questions Raised**

The case revolved around balancing competing fundamental rights and constitutional values:

- Does the ban on entry of women in the menstruating age group violate Article 14, the right to equality?
- Is the ban discriminatory under Article 15, which prohibits discrimination on grounds of sex?
- Does the ban infringe on women's right to freedom of religion under Article 25(1)?
- Can a religious practice that discriminates on the basis of sex be protected as an 'essential practice' under Article 25?
- How should constitutional morality guide the adjudication when religious practices conflict with fundamental rights?

### **Arguments of the Petitioners and Respondents**

Petitioners:

- The ban was discriminatory and violated the fundamental rights of women.
- It infringed upon women's right to worship and participate equally in religious rites.

- The restriction was based on patriarchal stereotypes about women's bodies and menstruation, perpetuating inequality.
- The 'essential religious practice' doctrine should not be used to deny constitutional rights.
- Constitutional morality and gender justice must prevail over regressive customs.

Respondents (State of Kerala and temple authorities):

- The restriction was an ancient and essential religious practice rooted in the celibate nature of Lord Ayyappa.
- Religious freedom under Article 25 protects such practices.
- Interference by courts in religious matters should be minimal to maintain secularism.
- The ban was not discriminatory but based on religious doctrine.

### **The Supreme Court's Reasoning and Judgment**

In a landmark 4:1 verdict, the Supreme Court struck down the ban on women's entry as unconstitutional. The judgment balanced constitutional morality with religious freedom, articulating key principles:

#### **1. Equality and Non-Discrimination Prevail:**

The Court held that denying women entry solely based on biological factors constitutes gender discrimination, violating Articles 14 and 15. The Constitution guarantees equality not only in law but also in opportunity and participation, especially in public and religious life.

#### **2. Right to Worship and Freedom of Religion:**

Article 25 guarantees the right to profess, practice, and propagate religion, but this right is not absolute. It is subject to public order, morality, health, and fundamental rights. The Court ruled that exclusionary practices cannot be shielded if they violate fundamental rights.

#### **3. Essential Religious Practices Doctrine:**

The Court applied the 'essential practices' test, established in earlier cases like Shirur Mutt and Triple Talaq cases. It held that the ban was not an essential religious practice integral to the faith and thus not entitled to constitutional protection under Article 25.

#### **4. Constitutional Morality Over Social Morality:**

The Court emphasized constitutional morality — respect for fundamental rights, dignity, and equality — as paramount. It rejected patriarchal notions and social morality

that perpetuate discrimination.

### **5. Autonomy and Bodily Integrity:**

The Court recognized women's autonomy over their bodies and their right to make choices regarding worship.

### **Dissenting Opinion:**

Justice Indu Malhotra dissented, arguing for judicial restraint and respect for religious practices, emphasizing the need to defer to the beliefs of the faithful unless laws are violated.

## **Socio-Legal Implications**

The judgment is a milestone for gender equality and constitutionalism in India:

- It challenges patriarchal norms that limit women's participation in religious and public life.
- The decision reinforces the principle that fundamental rights cannot be overridden by discriminatory customs.
- It sets precedent for further reforms in gender-justice issues involving religion and culture.
- The ruling spurred public debates and resistance from traditionalist groups, reflecting societal tensions around change and faith.
- It encouraged conversations on the need for inclusivity, gender sensitivity, and reform in religious institutions.

## **Challenges Post-Judgment**

Despite the legal victory, challenges remain:

- **Implementation:** Resistance by temple authorities and some devotees has led to confrontations and delays in allowing women entry.
- **Social Backlash:** Women who attempted to enter the temple faced protests and hostility.
- **Broader Reform:** The ruling addresses only one aspect of gender inequality; broader reforms in religious institutions and patriarchal customs are necessary.
- **Judicial Limitations:** The Court's decision faced criticism for potentially interfering in religious affairs and for its limited scope on other temples with similar bans.

## Recommendations and Future Outlook

To ensure the promise of the judgment is realized:

- **Legal and Administrative Enforcement:** The government must ensure safe, unhindered access for women pilgrims.
- **Sensitization Campaigns:** Educate devotees and the public on gender equality and constitutional rights.
- **Policy Reforms:** Encourage gender-sensitive reforms within religious bodies and institutions.
- **Continued Judicial Vigilance:** Courts must uphold constitutional morality in similar cases and protect minorities' rights against regressive customs.
- **Civil Society Role:** NGOs and activists should support women's empowerment and monitor compliance.

## Conclusion

The Indian Young Lawyers Association v. State of Kerala verdict stands as a beacon for gender justice and constitutional morality. It upholds the constitutional promise of equality and dignity, dismantling discriminatory traditions that restrict women's fundamental rights. While it is a momentous step toward inclusivity, the journey toward true gender equality in religious and societal spheres continues.

This case exemplifies how constitutional values can guide progressive social change, balancing faith with rights. It inspires hope that India's constitutional democracy can transform age-old practices to ensure justice, dignity, and equality for all its citizens.

## Selected Bluebook Citations

- Indian Young Lawyers Association v. State of Kerala, (2018) 11 SCC 1 (India).
- Shirur Mutt v. Commissioner of Police, (1954) SCR 769 (India).
- Shayara Bano v. Union of India, (2017) 9 SCC 1 (India).
- Article 14, Constitution of India, 1950.
- Article 15, Constitution of India, 1950.
- Article 25, Constitution of India, 1950.