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# **THE SABARIMALA, A VIOLATION OF RIGHT TO RELIGIOUS PRACTICE?**

AUTHORED BY - SAKSHI MISHRA

1. Does the Sabarimala Temple's ban on menstruating women entry violate the right to equality, to be free from discrimination, and to be untouchable?
2. Are followers of Lord Ayyappa a distinct religious group with the authority to conduct their own internal religious administration?
3. Does Article 25 consider the exclusion of women to be an "essential religious practice"?
4. Can a 'religious denomination' prohibit women between the ages of 10 and 50 from entering Hindu places of public worship under Kerala Hindu Places of Public Worship (Authorisation of Entry) Rules, Rule 3?
5. Do the Public Worship Rules, which permit the practice, conflict with the original law, which forbids discriminating practices?

These were the questions that stroke the mind first, when people heard of 'The Sabarimala' case from a legal perspective. The tags associated with the case were of Equality, Freedom of Religion, Fundamental Rights, Gender Equality, Religion, Religious Practice, Right to Equality and Women's Rights.

In the Indian state of Kerala's Pathanamthitta District, there is a Shasta temple called Sabarimala. Shasta is a celibate god, thus traditionally women and girls of reproductive age were not allowed to attend services there. Women and girls (between the ages of 10 and 50) have been legally prohibited from entering temples since 1991 as a result of a Kerala high court's legal explanation for this custom.

According to the Supreme Court of India's September 2018 judgement, all Hindu pilgrims,

regardless of gender, are welcome to visit the temple. According to the Supreme Court's Constitution bench, "any exception given to women due to biological differences violates the Constitution." The court ruled specifically that the restriction violated both Article 25's guarantee of religious freedom and Article 14's guarantee of equality.

Millions of male admirers of Ayyappan who disagreed with the judgement protested it. A month later, despite threats of physical harm, roughly ten female campaigners tried to enter the shrine. They didn't succeed. In defiance of continuous protests, two women activists entered the temple through the back entrance in the early hours of January 2, 2019. The temple priests and authorities immediately closed Sabarimala for purifying rites after learning that women had entered the site. Yet there have been attempts which were positive.

Those in favour of allowing women entry to the Sabarimala temple concentrate on the specific point that menstruation is not impure, and the more general point that women deserve equal rights. Some in favor of women's entry state that their opponents are motivated by taboos surrounding menstruation. According to the historian Rajan Gurukkal there is "neither ritual sanctity nor scientific justification" for the argument of menstrual pollution.

Over 100 temples in Kerala are dedicated to Ayyappan. Women are allowed to enter all other temples of Ayyappan, so some argue that making an exception for Sabarimala is unusual and inconsistent. Out that gender segregation exists in other Hindu temples. Some prominent temples also restrict men's entry. For example, the Brahma temple in Pushkar prevents married men from entering the inner sanctum. Other temples prevent men from entering on certain days. A few reporters have pointed There is also a rule for men who want to pray at the temple; they have to take a vow of celibacy for 4 weeks leading up to their visit.

Women being admitted would be disrespectful to the male deity. In the Supreme Court case, J. Sai Deepak, the lawyer for two women's organisations and a devotee sangam, has contended that the god Ayyappan should be treated as a person, granting him the constitutional right to privacy under Article 21. The argument then goes on to say that it is an invasion of Ayyappan's privacy when women and girls of reproductive age visit him without his consent. Some Hindu women hold the opinion that Ayyappan himself imposed the ban on women attending the temple because he desired celibacy and felt that the presence of women would divert him from this goal.

It doesn't make any difference if India is a secular country or not, because a place of worship is not a secular place; by definition it is a religious place. So it is not nonsense to apply our secular logic on religious places because people would themselves not like religious practices in secular places. "By just being the citizen of this country you cannot go to the supreme and say I wish to practice in the supreme court without having the necessary qualification, without following necessary rules; now here the argument arrives these rules are not uncertain and that they are same for everyone, then why don't you recognise the fact that when it comes to the Hindu faith there are diversity of spaces. There are specific spaces dedicated to a specific form of energy and there are specific spaces open to everyone. If this particular faith on diversity is finished to the weaponised form of equality which is nothing but standardization, it will result in unwarranted diminishing of Hindu faith and it will lose its originality which is against Article 25 and 26.

Hence, the answer to 'is the Sabarimala, a violation of Right to Religious practice?' is a straight NO. It is just a practice of beliefs of the Hindu devotees who tend to respect and preserve the tradition of the god Ayyappan and the temple respectively. Additionally, no secular laws should be considered in the matter because the temple is a religious place and has its own beliefs. Restriction of women (aged 10-50) is not a violation but a practice because god Ayyappan was a celibate. Also some people say that god Ayyappan does not receive menstruating women in the temple in honour of Malikapurathamma – a lady-demon who was defeated by Ayyappa after which she proposed marriage to him. The Lord had set the condition that he would marry her the day devotees stop visiting him at Sabarimala.