

**CASE COMMENTARY-**

**REVISITING THE SABARIMALA JUDGMENT: A CRITICAL ANALYSIS OF  
CONSTITUTIONAL MORALITY AND GENDER JUSTICE IN RELIGIOUS SPACES**

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VOLUME 2, ISSUE 1 (JANUARY-JUNE 2026)

**ABSTRACT**

*The Sabarimala case in the Supreme Court turned a long-held religious practice into an important discussion about equality and religious freedom. For decades, girls aged ten years up to fifty years were barred entry into Sabarimala temple, forcing judges to pit centuries-old tradition against the Constitution's promise of dignity and equality. One side leaned on tradition and the right of religious groups to govern themselves, the other quoted the Constitution of India, Articles 14, 15, 17, 25, and 26 as a challenge to this exclusion. The court's decision sent a powerful message that constitutional values can fissure even the oldest barriers inside sacred spaces. The judgement didn't constitute an attack on rather it raised the question of whether discriminatory practice can be protected under the guise of religious belief. The real debate became about what counts as essential to religion and how courts decide that, knowing those judgments can shift as society does. If you draw a line from the Shayara Bano case through Navtej Singh Johar, you see a clear trend. The highest judiciary of India is using the values present in the Constitution of India to challenge and occasionally strike down some ancient social practices. The Sabarimala decision is said to have rewritten the meanings of equality, dignity, secularism, and religious freedom in contemporary Indian jurisprudence. The very essence of the judgment lies in the transformation towards a different model of governance.*

**Keywords:-** Transformative Constitutionalism, Gender Justice, Religious Freedom, Constitutional Morality, Equality Jurisprudence.

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## INTRODUCTION : THE CONSTITUTIONAL TENSION BETWEEN EQUALITY AND RELIGIOUS AUTONOMY

The source of tension often has to do with the interaction between the constitutional promises and religious customs.<sup>2</sup> The constitutional conflict has significantly influenced legal debates in India. What lay at the heart of the legal challenge brought against the State of Kerala by the Indian Young Lawyers Association is whether the prohibition of women aged between ten and fifty years from accessing the Sabarimala shrine is consistent with the constitution.<sup>3</sup> What mattered most was weighing fairness against personal choice, while also holding old faith practices up to modern ideas like respect and self-determination. Embedded inside the debate about prayer lay bigger legal questions about how far protection goes for religion when it clashes with basic rights for people to hold. At the centre of the legal case brought forward by the Indian Young Lawyers Association was the constitutionality of the discriminatory policy, Whether barring women aged ten to fifty from entering the Sabarimala temple could survive constitutional review. Hearing arguments, judges had to weigh fairness against personal freedom, measuring old traditions alongside core rights like human worth and self-determination. Underneath it all ran deeper issues - not just about worship, but where belief must yield when clashing with basic freedoms.

One argument questioned if a rule based solely on physical traits could survive under a constitution dedicated to real fairness and personal worth. On the other hand, those advocating for protection of the practices emphasized their importance in the governance of religious affairs.<sup>4</sup> This placed a great deal of burden on the court to reconcile the strongly-held values of society with practices derived from deeply-held convictions. Here, a test of the extent to which ancient norms would hold before cracking against modern day rights became the main issue. The important thing about this judgment is how it reflected the changing nature of the Indian Constitution, based on the interpretation by the judges of the country's founding document. This judgment is even today under discussion in relation to gender equity, state secularism, judicial supervision, and religion. A fresh spotlight emerged - this time on the ongoing pull between group-based religious freedom and personal liberties guaranteed under the constitution.

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<sup>2</sup> Gautam Bhatia, *The Transformative Constitution: A Radical Biography in Nine Acts* 215–220 (2019).

<sup>3</sup> *Indian Young Lawyers Association v. State of Kerala*, (2019) 11 S.C.C. 1.

<sup>4</sup> INDIA CONST. arts. 14, 15 & 21.

## THE SABARIMALA TRADITION: ANCIENT ORIGINS AND SPIRITUAL SIGNIFICANCE

Respected through the generations, the Sabarimala Temple Sree Ayyappa Temple occupies an important place in the religious traditions of Hindus in India. Devotees make pilgrimages to the shrine due to their love for Lord Ayyappa, who, as a god, is completely devoted to his spirituality.<sup>5</sup> Because he lives apart from worldly ties, certain rules shape how followers approach him. One such rule kept girls and women aged ten through fifty away, rooted in old ideas linking ritual cleanliness with monthly cycles.<sup>6</sup> Over time, this practice stirred debate, pulling attention toward beliefs about body rhythms and sacred space. Though custom once claimed biology clashed with godly chastity, Constitutional oversight focused on determining whether exclusionary methods could be considered to have religious sanctity. By framing absence as protection, tradition held firm - for years untouched by legal challenge. Yet meaning shifts when law meets belief, especially where bodies become part of worship disputes. Gradually, tradition stepped out of sacred spaces into courtrooms, pulled there by growing demands for fairness, respect, and equal standing in India's legal framework. Because the act of keeping people out clashed with both faith protections and equality promises, lawyers and judges began treating it as weighty ground. Temple gates became symbols - not just about who walks through them but how deeply courts can reach inside long-held beliefs when basic rights hang in balance. Interrogations about fairness between genders, control over one's own body, and moral duties under the constitution began clashing openly with demands for religious independence.<sup>7</sup> Because of this, what started as a legal conflict grew heavier in meaning - now tied tightly to modern arguments around separation of religion and state, evolving constitutions, and how laws can reach inside faith-based groups to stop unfair traditions. It was also a point at which the changing role of the judiciary in weighing the religious identity of communities against individual constitutional rights was brought to light. In this case, much emphasis was laid on the way in which constitutional courts approach tradition in a democracy that values social justice and inclusion.<sup>8</sup>

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<sup>5</sup> Rajeev Dhavan, *Reserved! How Parliament Debated Reservations 1995–2007* 312–315 (2018).

<sup>6</sup> *Venkataramana Devaru v. State of Mysore*, A.I.R. 1958 S.C. 255.

<sup>7</sup> INDIA CONST. arts. 14, 21 & 25.

<sup>8</sup> Granville Austin, *The Indian Constitution: Cornerstone of a Nation* 50–57 (1966).

## FACTUAL BACKGROUND OF THE CONSTITUTIONAL CASE

The case relating to the Indian Constitution was triggered by the centuries-old tradition prevailing within the Sabarimala Sree Ayyappa Temple, according to which women aged between ten years and fifty were not allowed into the premises of the temple. The rationale behind the ban was rooted in the tradition that saw Lord Ayyappa, who is the presiding deity within the temple, as being celibate, making this practice an important part of religion.<sup>9</sup> Statutorily speaking, the custom was also backed by Rule 3(b) of the Kerala Hindu Places of Public Worship (Authorisation of Entry) Rules, 1965, which made provisions for such restrictions upon the entry of women in certain public places of worship.<sup>10</sup>

The constitutionality of this exclusionary policy was brought into question when the Indian Young Lawyer's Association instituted Public Interest Litigation against the same in the Supreme Court of India.<sup>11</sup> The contention here was that it is discriminatory of the women concerned to restrict their access on the grounds of biological factors alone, since such discrimination is contrary to Article 14, which guarantees equality, dignity, and freedom of worship under the Constitution. In their defense, the respondents had claimed that Sabarimala temple is a unique religious denomination that has to be given special consideration as far as religion is concerned.

As this case raised serious constitutional issues, it was decided that this issue be placed before a Constitution Bench of the Supreme Court. It is now for the Supreme Court of India to decide the balance between religious independence and the exercise of fundamental rights, especially if there seems to be any contradiction in terms of religious practices.<sup>12</sup> This case has been attracting widespread attention nationally due to its constitutional importance.

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<sup>9</sup> Deepa Das Acevedo, *Temples, Courts, and Dynamic Equilibrium in the Indian Constitution*, 64 AM. J. COMPAR. L. 555, 570–72 (2016).

<sup>10</sup> Kerala Hindu Places of Public Worship (Authorisation of Entry) Rules, 1965, r. 3(b).

<sup>11</sup> *Indian Young Lawyers Association v. State of Kerala*, Writ Petition (Civil) No. 373 of 2006 (India).

<sup>12</sup> Marc Galanter, *Competing Equalities: Law and the Backward Classes in India* 31–35 (1984).

## CONSTITUTIONAL QUESTIONS RAISED FOR JUDICIAL RESOLUTION

1. If excluding women between the ages of ten and fifty from the Sabarimala Sree Ayyappa Temple amounted to a violation of the constitutional principles of equality, dignity, and non-discrimination.
2. Whether the challenged practice could be considered an essential part of religion under the constitutional right of freedom of religion.
3. If the Sabarimala temple represented a distinct religious denomination and therefore enjoyed the privilege of managing its religious affairs and practices autonomously.
4. If constitutional morality can be used to justify judicial review of religious practices in case they affect the fundamental rights of people.
5. If the courts had the constitutional power to interfere in exclusionary religious practices based on tradition.
6. Whether the exclusionary practice was consistent with the revolutionary and egalitarian spirit of the Indian Constitution.

## SUBMISSIONS ADVANCED BY THE PETITIONERS AND RESPONDENTS

Firstly, the Indian Young Lawyers Association, who initiated the case, argues that the rule set by the Sabarimala Sree Ayyappa Temple that bars women of age ten to fifty from accessing the premises of the temple is discriminatory, unreasonable, and unlawful. The petitioners argue that the rule is against the values of equality and respect that are upheld in the Indian Constitution. As such, they contend that the petition should be considered based on the fact that the rule is based on the physiological process of menstruation, which according to them, is discriminatory and unreasonable.<sup>13</sup> Secondly, the petitioners argue that the rule is against the values of fairness and equality upheld by the Constitution of India. Therefore, they believe that the High Court has the mandate to intervene when such a rule is made to ensure that everybody is treated with dignity and their rights are respected. Thirdly, the petitioners argue that the rule should be reviewed by the court to determine whether it is constitutional or otherwise.<sup>14</sup> Finally, the petitioners argue that the rule denies the devotees who are women from entering the premises of the temple.

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<sup>13</sup> INDIA CONST. arts. 14 & 15.

<sup>14</sup> Kesavananda Bharati v. State of Kerala, (1973) 4 S.C.C. 225.

On the other hand, the respondents argued that the Sabarimala Sree Ayyappa Temple had a definite religious and denominational identity worthy of constitutional protection in matters pertaining to religious activities and worship. It was contended that the prohibition against entry by women aged ten to fifty years was a necessary element in the ritual of worship of Lord Ayyappa, who is commonly referred to as a celibate deity.<sup>15</sup> In the view of the respondents, the challenged act stemmed from age-old tradition and religious belief and could not be struck down simply on the ground of modern social reform. The respondents also relied on the principle of religious freedom in arguing that the constitutional right of religious freedom extended to the ability of religions to manage their own internal religious affairs without unnecessary judicial interference. Additionally, the doctrine of essential religious practices was invoked in arguing that courts must exercise self-restraint in cases pertaining to faith and religious practices.<sup>16</sup>

### **JUDICIAL DETERMINATION AND THE DECISION OF THE COURT**

In the case of *Indian Young Lawyers Association v. State of Kerala*, the constitutional questions posed were decided by the Supreme Court through a bench consisting of five judges. The issue of whether the exclusion of women between the ages of ten to fifty years from the Sabarimala Sree Ayyappa Temple was consistent with constitutional values such as equality, dignity, and freedom of religion was addressed through the application of constitutional law principles. In a four-to-one majority judgment, it was declared that such an exclusionary practice was unconstitutional because it violated the principles inherent in the Constitution of India.

From the view of the majority opinion, it is apparent that the concept of constitutional morality ought to supersede the existence of any customs and traditions that discriminate against and exclude people from participation.<sup>17</sup> The principle of freedom of religion was stated as being subject to fundamental rights, thus implying that religious practices ought not to violate fundamental rights in any way. It is also clear from the majority view that the concept of substantive equality played a significant role in declaring the exclusionary practice unconstitutional.

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<sup>15</sup> Ronojoy Sen, *Articles of Faith: Religion, Secularism, and the Indian Supreme Court* 184–88 (2010).

<sup>16</sup> *Comm'r, Hindu Religious Endowments, Madras v. Sri Lakshmindra Thirtha Swamiar of Shirur Mutt*, A.I.R. 1954 S.C. 282.

<sup>17</sup> D. Y. Chandrachud, *Constitutional Morality*, 12 NAT'L L. SCH. INDIA REV. 1, 8–10 (2018).

Considering the discussion presented above, the decision that is made in this case may be viewed as a landmark constitutional decision concerning matters related to gender equality, judicial review, and the role of the constitution in regulating religious exclusivity in a democratic context.<sup>18</sup>

### MAJORITY AND DISSENTING VIEWPOINTS ON CONSTITUTIONAL INTERPRETATION

The decision of court reflected a significant constitutional preference between belief and freedom of individuals in a very fundamental way. Four honorable judges, including Misra, Nariman, Chandrachud, and Khanwilkar, were of the opinion that the law has to take into account more than just conventional customs.<sup>19</sup> In place of the conventional approach, the judges took into consideration the aspect known as constitutional morality. From their arguments, one could note that through constitutional morality, courts had the freedom to criticize ritual exclusion of individuals. The implication was that beliefs cannot automatically get a free pass as far as rights of individuals are concerned.

The interpretive methodology adopted by the majority was also seemingly in line with the jurisprudence of the Constitution that had been built up in other landmark cases such as *Shayara Bano v. Union of India* and *Navtej Singh Johar v. Union of India*, where constitutional morality and substantive dignity had been recognised as principles of the Constitution, which were sufficiently robust enough to challenge exclusion and discrimination that had existed for a long time.<sup>20</sup>

The most notable part of her opinion was how she formulated her separate opinion on the issue of when judicial restraint is appropriate regarding religious controversies. The basic idea is that courts generally should not interfere in religious practices unless the practices violate any constitutional value or cause disharmony, impropriety, or disorder.<sup>21</sup> She had another interesting observation that religion does not always conform to rationality, therefore, sometimes people's irrational beliefs must be protected, especially when they are considered odd by others. There was another

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<sup>18</sup> Upendra Baxi, *The Future of Human Rights* 142–146 (3d ed. 2008).

<sup>19</sup> *Indian Young Lawyers Association v. State of Kerala*, (2019) 11 S.C.C. 1.

<sup>20</sup> *Shayara Bano v. Union of India*, (2017) 9 S.C.C. 1; *Navtej Singh Johar v. Union of India*, (2018) 10 S.C.C. 1.

<sup>21</sup> *Indian Young Lawyers Association v. State of Kerala*, (2019) 11 S.C.C. 1 (Malhotra, J., dissenting).

dimension to her opinion: religious communities should maintain autonomy over their religious identity without judicial interference.<sup>22</sup>

### CRITICAL ANALYSIS

The judgement in *Indian Young Lawyers Association v. State of Kerala* marks one of the most progressive but controversial interpretations of the Indian Constitution. In my opinion, the judgement rightly observed that constitutional rights should not be secondary to customs based on exclusion and gender discrimination.<sup>23</sup> Through its interpretation of the essential religious practices doctrine, the majority judgment reinforced the transformative aspect of the Indian Constitution since dignity, equality, and individual autonomy should be upheld even in religious spheres that have traditionally been immune to constitutional oversight.<sup>24</sup> Thus, the judgement was instrumental in establishing the principle of substantive equality for women through constitutional means.

Nonetheless, some issues have emerged from the Court's interpretation of the case. Over-reliance on the essential religious practices doctrine may result in judges deciding religious doctrines that are outside their jurisdiction. The dissenting judgment of Indu Malhotra holds great importance in this regard, considering her focus on judicial restraint in interpreting religious doctrine.<sup>25</sup> Thus, the dissenting judgement raises significant concerns about the role of constitutional courts in dealing with entrenched religious beliefs.

However, the judgement marks a transformative step for the Indian Constitution because it confirms that constitutional morality should prevail in cases where exclusionary processes violate human dignity and equality in citizenship under a constitutional democracy.<sup>26</sup>

### CONCLUSION

The judgment rendered in the case of *Indian Young Lawyers Association v. State of Kerala* holds an extraordinary place in the history of constitutional adjudication in India, for it radically transformed the constitutional understanding of the interplay between religion, gender, and human

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<sup>22</sup> Gary J. Jacobsohn, *The Wheel of Law: India's Secularism in Comparative Constitutional Context* 98–102 (2003).

<sup>23</sup> *Indian Young Lawyers Association v. State of Kerala*, (2019) 11 S.C.C. 1.

<sup>24</sup> Gautam Bhatia, *The Transformative Constitution: A Radical Biography in Nine Acts* 223–228 (2019).

<sup>25</sup> *Indian Young Lawyers Ass'n v. State of Kerala*, (2019) 11 S.C.C. 1, 146–58 (Malhotra, J., dissenting).

<sup>26</sup> Upendra Baxi, *The Indian Supreme Court and Politics* 167–172 (1980).

dignity. In its judgment, the Supreme Court of India affirmed that the promises of the Constitution of India cannot be limited merely to constitutional abstractions but have to reach out to the social and religious spheres in which exclusion and discrimination still prevail.

On the other hand, the judgment also revealed the ongoing constitutional conflict between judicial interference and religious self-governance. Although the majority considered constitutional morality and transformative constitutionalism as paramount, the dissenting view presented by Justice Indu Malhotra emphasized the need for judicial restraint in the context of matters related to strong beliefs and denominational affiliations. Thus, the ruling remains a subject of intense constitutional discussion over how far judicial oversight of religious affairs can extend under a secular constitution. Generally speaking, from the standpoint of constitutionality, the Sabarimala case can be seen as belonging to an emerging judicial trend where constitutional morality is being used more and more as a means to question exclusionary practices and uphold the constitutional ideals of dignity, equality, and liberty. Indeed, the Sabarimala case serves to illustrate that constitutional governance in a democracy is not about maintaining traditions but allowing them to evolve in consonance with the constitutional guarantee of justice to all.

It is not just the implications of the ruling in Sabarimala that will endure into the future, but also the solution for any constitutional problems it leaves for the future generation. The case serves as an example of how constitutional courts are more and more expected to make a delicate path at the intersection of religion and constitutional values in an ever-changing society.