



drishti

Sabarimala Temple Bar Unreasonable: SC

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The Supreme Court's Constitution Bench has observed that prohibition on women with their menstrual cycles from entering the Sabarimala temple is unreasonable.

- The Constitution Bench was hearing the question whether the fundamental right of women to pray at the place of their choice can be discriminated against solely based on a biological factor (menstruation) exclusive to the female gender.
- The Bench has also asked whether the exclusion of women aged between 10 and 50 from entering a temple because they are considered 'impure' amounts to the practice of untouchability, a social evil abolished by law (**Article 17**).

Key Observations

- Right to pray is a constitutional right for women. **Article 25 (1)** mandates freedom of conscience and right to practise religion. All persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion.
- There is no concept of private mandirs (temples). Once a temple is opened, everybody can go and offer prayers. In a public place of worship, a woman can enter, where a man can go. **Right to pray is equal** for both men and women.
- The Sabarimala temple draws funds from the Consolidated Fund of India, people from all over the world visit it and hence, is qualified to be called a public place of worship.
- The only grounds on which entry can be prohibited are health, morality and public order.
- The age restriction - whether based on age or menstruation, is arbitrary. Menstruation cannot be a reason for exclusion for employment or worship or anything.

Background

- The hill shrine Sabarimala is located in the forests of the Western Ghats in Kerala's Pathanamthitta district. It is dedicated to Lord Ayyappa and is managed by the Travancore Devaswom Board (TDB).

- As per the temple legend, the Lord is a celibate and had himself placed the restrictions on women in the 10-50 age bracket from entering the shrine.
- Preventing women's entry to the temple with an irrational and obsolete notion of "purity" offends the equality clauses in the Constitution. It takes away the woman's right against discrimination guaranteed under **Article 15(1)** of the Constitution.
- Prohibition of women's entry to the shrine solely on the basis of womanhood and the biological features associated with womanhood is derogatory to women, which **Article 51A (e)** aims to renounce.