



CASE COMMENT: BALANCING RELIGIOUS AUTONOMY AND INDIVIDUAL RIGHTS - A CRITICAL ANALYSIS OF INDIAN YOUNG LAWYERS ASSOCIATION V STATE OF KERALA

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ABSTRACT

This case comment examines the decision of the Supreme Court in Indian Young Lawyers Association v State of Kerala (2018), commonly known as the Sabarimala judgment, in the context of the constitutional tension between individual rights and religious autonomy. The judgment addressed the exclusion of women of menstruating age from the Sabarimala temple and evaluated its compatibility with fundamental rights under Articles 14, 15, 17, and 21, alongside protections under Articles 25 and 26. The article critically analyses the Court's application of the Essential Religious Practices (ERP) test and its increasing reliance on constitutional morality. It argues that the expansion of the ERP doctrine has resulted in deeper judicial engagement with theological questions, raising concerns regarding institutional competence and the limits of judicial review in religious matters. Further, the paper highlights the challenges posed by applying uniform constitutional standards to diverse and decentralised religious traditions. It also briefly addresses concerns regarding consistency in judicial approaches across religious contexts, emphasising the need for doctrinal clarity. The article concludes that while the judgment strengthens individual rights, it simultaneously raises important questions about the preservation of religious autonomy in a pluralistic constitutional framework. With the issue pending before a larger bench, its eventual resolution will significantly shape the future trajectory of religious freedom jurisprudence in India.

Keywords: Religious Freedom, Essential Religious Practices, Constitutional Morality, Sabarimala, Article 25, Equality, Judicial Review.

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INTRODUCTION

The decision in *Indian Young Lawyers Association v State of Kerala (2018)*, popularly known as the Sabarimala judgment, represents a significant moment in Indian constitutional law. The Supreme Court addressed the exclusion of women of menstruating age from the Sabarimala temple and examined whether such exclusion violated fundamental rights under Articles 14, 15, 17, and 21, or was protected as a matter of religious autonomy under Articles 25 and 26. The judgment highlights a continuing constitutional tension between individual rights and group religious freedoms, particularly in the context of judicially developed doctrines such as the Essential Religious Practices (ERP) test and constitutional morality. This case comment critically examines whether the Court's approach appropriately balanced these competing concerns.

FACTS OF THE CASE

The Sabarimala temple in Kerala is dedicated to Lord Ayyappa, worshipped in the form of a *naishtika brahmachari* (eternal celibate). A long-standing practice restricted the entry of women between the ages of 10 and 50 years. A writ petition was filed under Article 32 challenging this restriction as unconstitutional. The petitioners argued that the practice violated equality, dignity, and personal liberty, while the respondents contended that it constituted an essential religious practice protected under Articles 25 and 26.

ISSUES FOR DETERMINATION

1. Whether the exclusion of women of menstruating age violated Articles 14, 15, 17, and 21.
2. Whether the practice qualified as an essential religious practice under Article 25.
3. Whether the Sabarimala temple constituted a separate religious denomination entitled to protection under Article 26.
4. Whether constitutional morality could override religious practices.

JUDGMENT

By a 4:1 majority, the Supreme Court held that the exclusionary practice was unconstitutional. The Court ruled that:

- The restriction violated Articles 14 and 21 as it was arbitrary and discriminatory.

- The practice did not qualify as an essential religious practice.
- The Sabarimala temple did not constitute a separate religious denomination under Article 26.
- Constitutional morality must guide the interpretation of fundamental rights.
- Justice Indu Malhotra, in her dissent, emphasised judicial restraint in matters of faith and argued that courts should not ordinarily interfere in religious practices unless they are pernicious or egregiously oppressive in a constitutional sense.

ANALYSIS

The Essential Religious Practices (ERP) Test: Expanding Judicial Power: The central doctrinal issue lies in the application of the ERP test, which empowers courts to determine which practices are essential to a religion. Over time, this doctrine has evolved from distinguishing religious from secular practices to evaluating the importance of practices within a faith. This shift raises a structural concern: courts are increasingly positioned as arbiters of theological questions, thereby expanding judicial discretion and creating doctrinal uncertainty.

Tension Between Equality and Religious Autonomy: The judgment reflects a deeper constitutional tension between equality (Articles 14–15) and religious freedom (Articles 25–26). While the majority prioritised equality and dignity, applying these principles without sufficient regard to religious autonomy risks disturbing the constitutional balance. Religious practices often operate outside purely rational frameworks, and constitutional protection exists to preserve such diversity.

Limits of Constitutional Morality: The reliance on constitutional morality introduces a complex dimension. While it serves as a guiding principle, its expansive application may result in judicial standardisation of diverse religious practices. While it provides a normative framework, its expansive application risks enabling courts to reshape religious practices according to their understanding and standards. This raises an important concern: whether constitutional morality should guide interpretation, or effectively redefine the content of religious freedom.

Denominational Rights and Pluralism: The Court's rejection of Sabarimala as a separate religious denomination has broader implications. In decentralised traditions, practices vary across regions, sects, and institutions. Strict criteria for denominational status may limit

protection for localised traditions and contribute to homogenization, thereby undermining the pluralistic character of religious expression.

Nature of Religious Practices and Judicial Review: Religious practices are often embedded within broader ritual frameworks. Isolating a single practice without contextual understanding may distort its meaning. The Sabarimala restriction has been argued to form part of a larger ritual discipline linked to the nature of the deity, rather than a standalone exclusionary rule. This raises concerns about whether courts adequately account for internal religious logic when applying constitutional scrutiny.

Limits of the ERP Test in Plural Traditions: The ERP test becomes particularly complex in traditions that are decentralised and transmitted through both written and oral forms. Many practices evolve through custom, oral transmission, and localised traditions. Requiring formal textual validation may exclude practices that derive legitimacy from long-standing community acceptance. Many practices are preserved through community participation and transmitted across generations without formal codification. If constitutional protection is tied to textual authority, such traditions may be disadvantaged. This raises a structural concern regarding whether the ERP framework is adequately suited to assess non-textual and evolving traditions.

Risk of Mischaracterising Ritual Practices: A key challenge lies in distinguishing ritual differentiation from unconstitutional discrimination. Certain practices may involve restrictions that are context-specific and not necessarily grounded in social exclusion. When assessed solely through an equality-based lens, there is a risk of mischaracterising such practices. This suggests the need for a careful examination of the purpose and context of practices before constitutional invalidation.

Need for a Context-Sensitive and Consistent Approach: The Sabarimala case also brings into focus the need for a consistent and context-sensitive judicial approach in matters of religion. Given the diversity of religious traditions in India, not only in belief but also in modes of practice, courts must ensure that similar constitutional standards are applied across cases, and interpretative approaches remain coherent. At the same time, sensitivity to internal differences within religious traditions is essential to avoid imposing uniform frameworks on inherently diverse systems. A balanced approach would therefore require: consistency in principle but flexibility in application.

Concerns of Consistency in Judicial Approach: An emerging concern in religious freedom jurisprudence is the consistency of judicial intervention across different religious contexts. Consistency is particularly important because recognition of a religious denomination can have significant legal consequences, including access to institutional protections, autonomy, and, in some cases, eligibility for state support and regulatory benefits. This raises a broader institutional question: Whether a uniform standard is being applied in evaluating religious practices under Articles 25 and 26.

Ongoing Constitutional Questions: The reference of the matter to a larger bench indicates that the issues remain unresolved. The case continues to raise questions regarding the scope of the ERP test, the definition of religious denomination, and the relationship between equality and religious freedom.

CONCLUSION

The Sabarimala judgment marks a significant development in the constitutional discourse on equality and religious freedom. While it strengthens individual rights, it also raises important concerns regarding the scope of judicial intervention in religious matters. The evolution of the ERP test and reliance on constitutional morality indicate a shift toward greater judicial scrutiny. However, in a pluralistic society, such scrutiny must be carefully balanced to preserve legitimate spaces of religious autonomy. The final resolution of the case will have far-reaching implications for the future of religious freedom jurisprudence in India.

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