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**THE SABARIMALA TEMPLE:
ENTRY OF WOMEN IN THE REPRODUCTIVE AGE**

The Sabarimala Temple Case was initiated by a group of social activists from outside Kerala in 2006, seeking entry for women of the reproductive age to the temple. In today's Kerala, women of the reproductive age did not visit the Sabarimala Ayyappa Temple for mythological reasons. This practice was an age-old and voluntary custom, even though this practice may not have been very strictly followed.

The details of this case and the history of the practices are available in the public domain. A summary is available at https://www.wikiwand.com/en/Entry_of_women_to_Sabarimala. However, please note that the Wiki Page contents are only general information.

The Supreme Court issued a judgement on the matter on 28 Sep 2018. A summarised version of this judgement is available at <https://www.scobserver.in/court-case/sabrimala-temple-entry-case/plain-english-summary-of-judgment-ee5ae148-9597-479f-84d7-35d398ed5e68>.

As this case has many ramifications for society, viz, the inherent contradiction between laws based on reason and mythology being based mainly on belief, it becomes incumbent on society to review matters periodically.

In this context, a letter reproduced below was written to the Supreme Court in May 2016, well before the Court took up the matter. Comments and views on the matter are welcome and should be based purely on fact.

-----**The Letter**-----

(seven pages only)

Colonel Prem Kumar Nair (retired)

Tele:

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SPEED POST

31073/ST/02/16

11 May 2016

To,

Shri TS Thakur,
 Chief Justice of India.
 Supreme Court of India,
 Tilak Marg,
 New Delhi – 110 201

**THE SABARIMALA TEMPLE:
 ENTRY OF WOMEN IN THE REPRODUCTIVE AGE**

Sir,

General

1. On 19 Feb 16 I had despatched a letter by Speed Post on the same subject addressed to the Supreme Court vide Letter No: 31073/ST/01/16 dated 18 Feb 2016. This letter is being sent as the first one does not seem to have been received correctly. Copies of this letter are also endorsed to the addressees as mentioned below. Some aspects have been revised and reworded as compared to the first letter.

Introduction

2. This case has far-reaching implications for all religions as practised in India, with specific reference to our definition of separation of the State and Religion; our sources for religious beliefs; whether religious beliefs can be questioned by unsubstantiated presumptions and whether humans can sit in judgement on the absence of logic in mythology and whether mythology must be amended to be in line with laws including the Evidence Act and whether it would be an offence to believe in spiritual aspects that are not provable in Court amongst others.

3. It is also important to establish and understand that different practices in relation to genders cannot be attributed to wilful or non-wilful discrimination. And also whether a few non-believers can dictate what the believers must believe.

The Case

4. In this instant case therefore the larger aspects that come into question are the following:-

- (a) Beliefs.
- (b) Differences versus Discrimination.
- (c) Use of the term Prohibition.
- (d) Devotees, Non-believers and the Seeming Paradox.
- (e) Role of the Government, the Parliament and the Judiciary.

5. Each of these is examined briefly in the following paragraphs; while the Court I am certain will examine each of these in greater detail. This is most necessary as it strikes at the very fundamentals of religious freedom and beliefs in India irrespective of religion.

Beliefs

6. Religion is based on mythology and beliefs that flow from mythology. These beliefs are seldom realistic or logical and are neither provable and often will not stand scrutiny in a court of law. Whether Hanuman flew from Lanka to the Himalayas or whether Jesus Christ walked on water or whether there ever was a steed Al-Buraq; all will fall before the Indian Evidence Act.
7. However as long as these beliefs do not cause any injury or violate the rights of another individual one should be free to believe or practice them.
8. In the instant case of the Sabarimala Temple there is a well-known legend behind the establishment of the Temple. However the part of the legend that is relevant to the case is below in brief and in italics.

'Lord Ayyappa (Manikandan) after the incident where he returns riding on the back of a leopardess (or tiger according to some) promises not to lay claim to the throne and decides to retreat to the jungle. However the Queen is worried that Lord Ayyappa's offspring's could return later to claim the throne which she wants for her son. Lord Ayyappa then takes a vow of celibacy and retires to the jungle.' (This aspect of the story is seldom echoed in the many websites but is part of the oral tradition and maybe available in texts).

9. The reason why women do not visit the Sabarimala Temple is therefore based on this tale and is with the purpose of helping Lord Ayyappa preserve this vow by not being a source of temptation or by even creating a situation where he could break his vow.

10. This voluntary practice by women in the reproductive age has therefore nothing to do with women being unclean while menstruating etc and is therefore not a discriminatory practice imposed by men but a voluntary one adopted by women believers.

11. These are tales passed down by word of mouth and are therefore tradition. In my case I have heard this from my grandmother as a child in the early 1960's just as numerous others would also have in their families. Seeking tangible proofs for such tales would be like asking for proof for the existence of God.

12. Thus the petitioners desire to reduce this belief into a matter of discrimination of women could be attributed to a lack of knowledge and understanding of the belief in the mythology on which the Sabarimala Temple is based.

13. Please also note that mythological beliefs cannot be selectively chosen; and one cannot say that I believe in the legend of Lord Ayyappa except for this part.

Differentiation Discrimination and Reverse Discrimination

14. Thus any reasonable person can arrive at the conclusion that this practice is based entirely on a belief that has nothing to do with discrimination of women or of menstruating women being unclean and that the belief is practiced voluntarily by believers both men and women.

15. **Reverse Discrimination.** In Kerala and all over India there are many religious practices, festivals, and customs etc. that are either reserved for men only or women only. There are also temples and festivals in Kerala that are the exclusive preserve of women.

16. There are also hundreds of customs and practices where certain roles are either reserved for men or women. Here are some examples:

- (a) *Kathakali* dance of Kerala is traditionally practiced only by men. Can it be said that this mechanism was devised to be deliberately discriminatory to women.
- (b) *Mohiniattam* is a dance form of Kerala practiced by women where Lord Krishna is depicted by a woman. Can it be said that this practice was devised to be deliberately discriminatory to men.
- (c) *Thiruvathira* is a dance by women in Kerala usually during Onam where men are not allowed. Can it be said that this rule was devised to be deliberately discriminatory to men.
- (d) In a convent only women are allowed to become nuns. Can it be said that this rule was devised to be deliberately discriminatory to men.
- (e) At a Christian wedding the bridesmaids are girls. Can it be said that this practice was devised to be deliberately discriminatory to boys.
- (f) The Indian Army recruits only males into most Regiments particularly the Combat Arms; can it be said that this rule was devised to be deliberately discriminatory to women or is it need based.
- (g) Most medical nurses are women. Can it be said that this practice was devised to be deliberately discriminatory to men or is it based on suitability.

17. The above examples highlight that there are differences based on gender in different areas of our life. Can all these different practices be described as examples of discrimination?

18. Is it therefore the intention of the petitioners to remove all forms of differences that exist irrespective of the reason why they exist on the charge of them being discriminatory?

19. Here is the extract of a mail circulating on the internet. The author is not known nor is it important; the sentiment and facts within it however are important and very relevant.

(a) Extract from Mail (spellings and some grammar corrected).

I am a Hindu Woman from Kerala and I don't want to go to Sabarimala. You will find hundreds of thousands of us in Kerala and elsewhere, highly educated, professionals, writers etc. who will agree with me.

Why? Because, Kerala Hindu women have temples and festivals exclusively for themselves.

Ours is a Matriarchal society where once only the women inherited. We have a Temple where once a year the Priests there will wash the feet of every woman devotee who comes there because a woman

is the representation of the Goddess. We have a Temple in Mannarashala where the Priests are exclusively women. We have Thiruvathira, which is an exclusively women's festival and no men allowed in the vicinity. We have Pongala, a pooja where lakhs and lakhs of women take part in it at Thiruvananthapuram. Since the Temple cannot hold all these vast numbers, Trivandrum literally shuts down and its streets are full of women. Yes exclusively women.

Contrary to that, Sabarimala is the one place in Kerala which is exclusively for men. This is where our men go together. It's a male bonding thing like Fathers and sons, brothers, uncles, grandfathers all the male members in a family or community or friends. The whole community irrespective of caste, wealth, creed joins in including the women... Yes, many of us keep fast with the men in our family. Also women, of young age and older ones above 60 are allowed inside Sabarimala, which is never shown by Media.

This is done because Lord Ayyappa was a Brahmachari, *which, pseudo secular morons fail to understand. These forty days are a source of great joy and peace for us. In many homes, it is the only time of the year when men don't drink, no non-veg food, everyone gets up very early in the morning around 4:00 a.m., bathe, do your pooja, visit the nearest temple, the family gets together and it brings family members in together.*

Our men don't do this bonding by abstaining from drinking, drugs and sex. Instead it is through 40 days of detox. Everyone is in it, the women as well. There is peace in society cos many alcoholics are detoxing. There is a bond not only in the family but in the community. You go for bhajans in the evening. Again the family goes together. The community gets together, very important in this day and age when everyone is working especially in Kerala.

After 40 days the men go to Sabarimala, sometimes taking their aged mothers with them and maybe the older children including girls who haven't yet menstruated. The women have the home to themselves. 3 days or until the men come back to do as they please. What do they call this in modern terms.....? Yes.... men having their own space and women their own space and time out ... Well....we have been doing this for a long time....keeping our cultural ethos and values in mind while doing so.

So request all the pseudo secular people, media and peaceful minority to mind their own business and work on women equality in their society, which is indeed in a shameful state. Please mind your own business and let us do the same.

A True Indian Woman'

20. The above in a nutshell enunciates the anguish of the genuine devotees; whose beliefs are being trashed by petitioners whose purpose is not defined.

Prohibition

21. It is mentioned in the media reports that women in the reproductive age are prohibited to visit the Sabarimala Temple. Prohibition of anything is brought about by a statutory order or law. I am not aware of any such order or law in this case.

22. This is a voluntary practice and adhered to by believers very religiously and enforced so that the beliefs are not violated. It did not originate as a prohibition; but as the result of a religious belief.

Devotees Non-believers and the Seeming Paradox

23. The petitioners it is assumed are serious devotees of Lord Ayyappa; for if they were not, the matter should not have concerned them. However they do not seem to be aware of the reason why a practice is being followed. In any case if they do not believe in this aspect of the legend then they are not believers in the first place.

24. Therefore are non-believers going to decide what the believers must do? This whole situation is a seeming paradox. This paradox will disappear when ignorance is removed.

Role of the Government the Parliament and the Judiciary

25. The Government of Kerala are the custodians of the material assets and managers of the temporal affairs of the temples through the Travancore Devaswom Board and other similar Boards. They are not the keepers or interpreters of the Hindu faith; and nor are its ministers, its bureaucrats, the priests of the temple, or the attorneys of the Govt.

26. Thus personal view or representations of the Government or Temple office bearers also must not be taken as fully representing the devotees. A much larger view based on custom and beliefs has to be obtained and must be the basis of enquiry into this matter. The true reason for the practice based on mythology as mentioned earlier has to be considered. The arguments extended so far by the legal representatives (as read and seen in the media) of the administration seem to be completely incorrect.

27. In Hinduism there is no single commanding authority that lays down the rules. It is the collective wisdom of ages, the scriptures, the legends; all rolled into as existing in the collective psyche. There is no single interpreter nor is there a single body who can decree what is to be practiced.

28. Who or what then is the right body to give an answer to this question? Belief and custom is the primary force and every person is entitled to his own interpretation as long as it does not cause any impediment to others.

29. The silent majority of believers (men and women) have left this case to the wisdom of the Court and the Government of Kerala's ability to defend their faith.

Discussion

30. The Court must consider that this case where women in the reproductive age do not visit the Sabarimala Temple is not a case of discrimination; but a simple case of a voluntary practice based on a belief. It also does not violate any provisions of the Constitution of India; specifically neither Article 15 or 25. It is a voluntary practice by all devotees who believe and not a ban or prohibition by any religious decree. And those who do not believe have no stake in the matter in any case.

31. In Kerala and the rest of India too, there are temples, festivals etc. that are the exclusive preserve of women. Do the petitioners intend to have the differences removed in all these as well on the charge of discrimination?

32. **Intention of the Petitioner.** The petitioner's true intent has not been defined. Is it fallout of genuine faith or is it a general petition without understanding the reason for a practice. This must be examined and specifically in the light of the paradoxical situation as explained earlier.

33. It must also be examined as to how the petitioners arrived at the conclusion that this is a practice intended to discriminate.

34. Kerala being a matriarchal society is most progressive as regards women's rights are concerned, not just in India but amongst all communities in the World. Thus to foist a charge of discrimination without acting in good faith (that is with due care and attention) is a travesty of reason and fact.

35. Can non-believers selectively apply mythology to suit his/her needs? In this instance if the tale has to be believed it has to be believed in full. If it is to be believed in parts then each person would like to believe a different part. And if there is no belief, then there is no deity either; but merely a piece of rock and the temple would be nothing but another civil structure and its management a waste of public money.

Request to the Court

36. This is a case that will have serious ramifications on the right to free practice of beliefs without interference from non-believers. It is also a case where Gods wisdom of creating men and women differently is being brought into question. Are we to see a World where the difference between men and women are to be obliterated in the name of imagined discrimination?

37. Justice and truth will be well served if the views of the genuine devotees are considered and such petitioners who are ill informed and whose intentions are ill conceived are discouraged from such purposeless exercises.

38. The Sabarimala Temple case is different from other cases of entry of women into mosques and temples. Each of them has to be examined separately based on their merit.

39. The whole issue may get simpler if administration of temples are taken out of the ambit of the Government in all States (as is the case with other religions) with specific reference to Article 15 and 25 of the Constitution of India that deal with the responsibility of States .

40. This matter may be examined by a constitutional bench and referred to the Parliament for enactment of a law if considered necessary

41. I submit this for the information and consideration having full faith in the wisdom of the Supreme Court!

Yours faithfully,

-Sd-

Colonel Prem Kumar Nair (retired)

Copy to:

Shri Ramesh Chennithala, Home Minister, Government of Kerala, Room No: 131 2nd Floor, North Block Govt. Secretariat Thiruvananthapuram - 695 001 Kerala	<p>The basis of argument by the legal team of the Devaswom Board appears to be that entry of women to the temple is banned because women in the menstruating age are unclean.</p> <p>This is not the reason for women not entering the Sabarimala Temple.</p>
Shri. Prayar Gopalakrishnan, President, Travancore Dewaswom Board, Nanthancode, Kawdiar Post, Thiruvananthapuram, Kerala – 695 003	<p>Please correct the arguments submitted in the SC after understanding the facts that are mentioned in brief above.</p> <p>A wider consensus from genuine devotees is also necessary please.</p>
Ms Indira Jaising, Counsel for the Petitioner, C-65 Third Floor, Nizammuddin East, New Delhi – 110 013	<p>For information both of the counsel and the petitioners please.</p>