



THE SABRIMALA VERDICT: A CONFLICT OF CUSTOM AND LAW

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Introduction:

Customs play an important role in the civilization of human. If we say that society makes people increase their standard of living then customs also hone a person's beliefs and values. Custom is something that many people do, and have done for a long time. Generation after generation this belief gets stronger and all of a sudden when someone tries to uproot this belief our mind can't resist that attack on our belief and as per the consequences many things happen and this article is also one of those consequences.

Sabarimala is a pilgrimage centre dedicated to Hindu devotees, which is located at the *Periyar* tiger reserve that is in the Western Ghats mountain ranges in the *Pathanamthitta* District of Kerala. *Sabarimala* is one of the largest annual pilgrimages in the world in which every year an estimated 45-50 million devotees came for visiting. *Sabarimala* is a temple dedicated to Lord *Ayyappa* who was a great warrior and was the avatar of Lord *Sastha*. This temple is very prominent among all temples in Kerala. Belief of many people attached with this temple and it is said that people have to observe penance for 41 days before going to *Sabarimala* which includes the simple living, holy thoughts and absolute celibacy for at least 41 days. It is a belief that this

deity is a '*naishtika Brahmachari*' (eternal celibate).

But the burning question which gets highlighted after the verdict of Supreme Court is that should women under the age 10-50 years be allowed to enter in *Sabarimala*. Many people try to start linking this with women rights and gender equality. Many political parties, Social activist organization like *Bhumata* brigade taking advantage of this to come in limelight but gender equality and women rights are not the main reason behind the ban of women because there are at least 8 temples where men are not allowed to enter such as *Attukal* temple located in Kerala, *Chakkulathukavu* Temple located in Kerala, In *Brahma* temple located in *Pushkar*, married men are prohibited to enter into the temple premises and many such examples are there to clear the biased belief that ban of women in *Sabarimala* is not related to gender inequality. Unlike other religions, every Hindu deity has a history to tell. It is said that Lord *Ayyappa* was a *Brahmachari* and was not supposed to come close to women. The celibate nature of lord *Ayyappa* is said to be one of the greatest reason why women are not allowed to enter in *Sabarimala*. It was the choice of *Ayyappa* to maintain a distance from women but again question will be raised that why only for a certain age limit 10-50 why not for women of all ages then the answer will be that it was given in an ordinance passed by Kerala government just to prevent from getting in radar of constitutional of equality but unfortunately it was challenged on this basis only.



History behind the mystery:

Once *Ayyappa* killed a *Mahishi* and a beautiful lady appeared as per the curse and she wanted to marry him but due to the eternal *bharamcharya* he could not marry her due to his eternal brahmacharya but promised to marry her when new pilgrims stop coming to him. Hence a temple in respect of *Maalikapurathamma* was build next to the *Sabarimala* and it is also said that to show respect to the Goddess *Maalikapurathamma* as she is waiting to get marry with *Swamy Ayyappa* they voluntarily don't enter into the temple.

Attack on the belief:

A group of five women lawyers has challenged rule 3(b) of the Kerala Hindu places of public worship (authorization of entry) rules, 1965, which authorizes restriction on women "of menstruating age" in 1991 Kerala high court banned the entry of women above the age of 10 and below the age of 50, from entering the *Sabarimala* shrine and Kerala high court stated that since this ban of women entering in *Sabarimala* has been existed since the time immemorial and

'*Tantri*' i.e head priest is the only one who was empowered to take decisions on religious matters. Later this decision was challenged by senior advocate *Indira Jaising*, who represented the petitioners, said the restrictions went against articles 14(equality before law), 15(prohibition of discrimination on the grounds of religion, race, caste, sex or place of birth) and 17(abolition of *untouchability*) of the constitution. According to her this custom

is discriminatory in nature and stigmatized women, and that women should be allowed to pray at the place of their choice. Now lets discuss the historic Judgment given by supreme court on September 28, 2018, actually In 2006 the case was on the table of supreme court seeking justice for women guiding through the propaganda of leftists with the help of the armor provided by the constitution of India. This case was later referred to bench led by former chief justice of India Deepak mishra and comprising justices R F Nariman, A M Khanwilkar, D Y Chandrachud and Indu Malhotra. The bench lifted the ban and by the 4:1 majority ruled that women of all age either is older than 10 years or younger than 50 years can enter the Shrine of *Sabarimala* without any gender discrimination.

GENDER DISCRIMINATION

If we talk about the rights of women in our country, I am not denying that there is no gender discrimination somehow it exists in our country but this does not certify that ban of entering in *Sabarimala* is a gender discrimination not an old age custom through which sentiments of millions people are attached as I already mentioned that there are certain temples which does not allow men to enter into the temple premises and we are not even complaining for that because it is the custom of that specified temple. In our Hindu religion women have the most respected place. For every auspicious work we used to worship Goddess *Lakhmi*, for knowledge we used to worship Goddess *Saraswati* and we worship Goddess *Durga* for strength.



Women used to participate in these *poojas* very actively and even in *Durga puja* girls are considered as Goddess, how can anyone questions on our immemorial old age practice just for the name, fame and to take fake credibility of women rights and gender equality.

Position after the supreme court verdict:

After the decision of SC over *Sabarimala* two women, Bindu(42) , a CPI(ML) activist and Knakadurga(44) entered the temple in the very early morning 3:45 . Having faith is different thing but revealing it publicly just to tease others devotees is very derogatory step taken by communist's Kerala government. As expected this lead to violence and vandalism due to which many were injured, a total number of 1,286 cases were registered and 3,282 people were arrested in connection with the violent incidents.

Opportunist strategy:

Now if we talk about some specific NGOs, media houses, political parties they are acting as the vulture in this issue, especially the communist party of India (Marxist) who is the current ruling party of Kerala are brutally trying to destroy the rich culture of India by misrepresenting the common people by various means such as advertisement, propagating fake rumors about a religion, show hate towards a specific colour such as saffron. The word saffron terror was first used by Frontline magazine in 2002, many congress leaders such as P. Chidambaram, Digvijay singh and Shushil kumar Shinde also defamed

Hindu religion by denoting a derogatory term saffron terrorism, as saffron is considered very holy colour in this religion hence it was highly condemned by many Hindu groups such as RSS, Viswa Hindu Parishad, Shivsena and others. Leftist media, kerala's communist government and all the vulture like NGOs after the judgement gets license to criticize a religion which is immemorial time older then the whole communist ideology.

Kerala government:

The stand of current Kerala government towards the disciples of *Sabarimala* is very disturbing and heart shattering even PM Narendra Modi also lashed on the LDF government's stand on *Sabarimala* temple row. On the other hand congress says, one thing in parliament and another thing in *Pathanamthitta* (where lord Ayyappa shrine is located) according to BJP, violence of *Sabarimala* is unleashed by Kerala government instead with dealing protesters in more sensible way, wreaked havoc, devotees has lost their lives also. Even the local women of Kerala who have faith upon the Lord Ayyappa does not wants to enter into the Temple of *Sabarimala* premises just not because they are backward or facing gender inequality but they have belief in our ancient tradition and do not let it be destroyed by any fame seeking NGO, communists , biased designer journalists or anyone. A human chain was made protesting against the decision of Supreme Court in which many women actively participated and protested against verdict of Supreme Court. Even the local police was under the influence



of communist's Kerala government. They controlled the situation in a very brutal manner. Many devotees were arrested and treated badly who were protesting against the verdict of Supreme court in a peaceful manner.

Interference of outsiders:

A question still exists that should the third party who has nothing to do with the belief of

Sabarimala and who is not a disciple of Lord Ayyappa has the right to questioned a tradition which has been following from a long time, indeed everyone has right only if that specific practice is harming integrity or advertising violence but in this case it is just a matter of faith and also if we always prevail our fundamental rights then no custom will remain safe after all India is an country which is totally based on different cultures. Justice Indu Malhotra, who was the only women judge on the bench, said that the petition does not deserve to be entertained in the court. Her view on this issue was that it is not compulsory for courts to determine which religious practices are to be struck down except in the issues of social evil like 'sati' or we may add 'dowry' here. Adding that the issue of Sabarimala is critical to various religions, she said, "Issues of deep religious sentiments which are attached to the devotees shouldn't be ordinarily be interfered by the court. The Sabarimala shrine and the deity is protected by Article 25 of the constitution of India and the religious practices cannot be tested solely on the basis of Article 14 of the Indian constitution. Further she added that "Conception of rationality can't

appealed in matters of religion" said justice Malhotra further added "What constitutes essential religious practice is for the religious community to decide, not for the court or any other institutions", After all India is a diverse country with a perfect blend of different cultures. Constitutional morality would allow all to practice their beliefs and faith. The court should not interfere on religious matter unless if there is any aggrieved person from that section or religion or any evil practice is going on such as Triple talaq.

Double Standards:

If we compare Hindu religion with other religion, this always has been a soft target for every media houses, many political parties and even supreme court. In *Janmastami*, Supreme court don't forget to specify the height of *Dahi handi* but never ever dare to question to the zulus of Moharram's tazia, in which every many died due to certain risky stunts, Supreme court will interfere in bursting of crackers but never dare to interfere in Bakar-eid, if we celebrate crackerless Deepawali why can't they celebrate bloodless Bakar-eid? So if Supreme court want to interfere it should interfere but only with good motive and equality. Why only one should contribute and sacrifice in sake of all. The change should be equal from both sides, One should not hold the whole burden.

Negative Feminism:

The another aspect in this issue is feminism as we all know there are three waves of feminism but a new forth wave of feminism has started



after the very famous #metoo movement and the Sabarimala issue is also attached to the feminism. Many females take this issue contradictory to their self respect due to the misrepresentative propaganda as circulated by biased media. Feminism is the shield through which everyone is attacking on the rich culture of Hinduism. Even in some temples men are not allowed to worship, that is ritual but in the Sabarimala issue all women activists are crying like hell. In this issue many journalists who run this type of ill propaganda against the culture and country modified this issue from tradition to feminism. The new wave of Feminism is more dangerous and impure in respect to the previous ones. It is harming our tradition on the day by day basis. Feminism in Indian context has taken a wrong turn and no one can deny to this fact. In the shield of feminism they used to glorify themselves and pretend as there is no other person who cares about women rights and gender equality. Entering of women in any Hindu temple if there is complete ban of women in all temples would be a gender discrimination but this is the open and shut case of tradition because other temples allow them to do poojas in the temple also it is not the complete ban over the women only a specified age groups are restricted. Pseudo-feminist vultures should immediately be stopped otherwise they will pluck out our tradition from our India. There is difference between Feminism and Pseudo-Feminism, feminism does not mean to kiss in public to oppose moral policing of right wing but mean to be 'Mary kom', 'Sakshi

mallik' won medals for country and make the country proud on the daughters of mother India.

Misinterpretation of Secularism:

Our constitution says that India is a secular country but now a day's secular doesn't mean that state recognize all religion and respect all religion, it means to sacrifice one's rights for minority. Secularism in today's context means the Ex Prime minister of India, Dr. Manmohan Singh during his post tantalize minority in the name of secularism by saying that, Minorities must have first claim on resources. Today if you pretend yourself as secular then you have to criticize your own beliefs, own religion, own peoples and even your own family. Today being Secular means criticize the right wing and pro-nationalism even they can go against their own nation in the name of secularism. To satisfy these pseudo-secularism worms is very difficult task. They act as the sleeper cells of the country, the pseudo-seculars are the cancer cells of the nation. Even the bollywood industry propagates the idea of pseudo-secularism or we can simply say them 'sickulars', a movie named 'Haider' in the shield of entertainment, secularism and William Shekhsphere this movie brutally maligned our army and AFSPA(Armed forces special powers act), In the name of secularism everyone is polishing their market, a movie named PK, very smartly show the sickularism by showing Lord Shiva in the toilet but dare not to enter into the mosque with liquor, another movie which was in malyalam language named as 'Sexy Durga', which was the conspiracy to malign a Hindu



Goddess, the director/producer changed the name after protest and several objections.

Conclusion:

In the end I will just say that every rule that are imposed by supreme court on the matter of religious issue for the welfare of the society is need not that they will be acceptable by all, but if that rule is for the eradication of social evil such as Dowry, Sati then it must be welcomed but if that rule is uprooting the social balance of your custom and the society then it must be questioned again and again. The question should be raised in a gentle manner, vandalism is not the perfect way to question executives. In India there are several temples and every temple has a history to tell, if any women who is a devotee of Lord Ayyappa then she herself will respect the tradition of that temple. Fake Feminism or Pseudo Feminism is forming its web across the country and we have to be careful from this. The overdose of anything is very harmful and this perfectly applies when we talk about Secularism in India, The situation is getting worsen day by day, it turned into Sickularism from secularism. Bollywood movie provides platform to promote the overdose of secularism concept. We all should have to beware from all the vultures who are trying to attack on a particular religion. After all India is a nation which have diverse culture and a perfect blending of different culture also exists in the atmosphere of this country, this should not be disturbed at any cost.
