

KALYUG: WILL THE DEITY DECIDE HIS WORSHIPPERS...?

Mansi Sharma¹ and Mansi Pragy²

Introduction:

India aka “Hindustan” where one of the major aspects of culture is that it highly influences Indian society’s religious belief and customs which are being prevailed since time immemorial. It is home to several ethnic groups, caste and religions, where the society is no stranger to various ethnic disputes especially religious war. After independence gradually the dawn of development led to the emergence of new civilized society where evil customary practices i.e. *sati pratha, jowhar, untouchability etc.* were being abolished. Though the customary practices being vague was still into practice as people were neither promoting it nor denying to practice. These customs were practiced for the sake of their tradition. Later, the society understood and accepted the importance of life of an individual and therefore tried to abolish these unnecessary customs and rituals. Various judicial reforms and reviews have been passed to overcome these practices and finally these practices were abolished. But not every age old customs are termed as “morally wicked” in nature. Still *Kalyug* being the modern India has few practices which somewhere or other is still enforce which becomes the ground for *débate & discuter*. One of the most heated argument of customary conflict is of Sabrimala temple where women of age group 10-50 years are prohibited due to their biological characteristics i.e. menstruation because the deity *Lord Ayyappa* is known to be of eternal *celibate nature*.

Historical Background:

The *temple crossing the prism of constitutional morality* i.e. The Sabrimala Temple is located at the *Periyar Tiger Reserve in Western Ghat mountain ranges of Kerala in Pathanamthitta District*. The temple is famous for its unique customs which segregates women on the basis of their biological characteristics. According to oral tradition *Shri Ayyappa* was born out of the union of *Lord Shiva and Lord Vishnu* when the latter was in disguise of *Mohini*³. During the time of *AmritManthan* *Lord Vishnu* incarnated himself into beautiful women known to be *Mohini* in order to vanish off *the deadly demon Brahasur* who ran off with the *elixil (amrit)*. *Lord Shiva* was captivated by the beauty of *Mohini*, and *Lord Ayyappa* was born out of their union.

As per prehistoric scriptures or puranas and Vedas, after the death of *Demon Mahishasur* by *Goddess Durga*, her sister *Mahishi* who was *born with the boon given by Lord Brahma* and wanted to take revenge of her brother’s death. Boon given to *Mahishi* made her not only ineradicable but also stated that her destruction would be caused by the child born from the union

¹ Student, Banasthali Vidyapith, Rajasthan

² Student, Banasthali Vidyapith, Rajasthan

³ Dutta K. Prakash *Legend of Sabrimala: Love story that kept women from lord Ayyappa*. India Today (September 28 2018, 13:13 IST) <https://www.indiatoday.in>

of Lord Shiva and Lord Vishnu therefore Lord Vishnu personified himself as Mohini. After defeating the demon Mahishi a beautiful woman emerged from her body who was cursed to live her life as rakshasa. After her defeat the spell broke out and she was no more bound to live as a demon, considering Lord Ayyappa to be her savior she asked him to marry her. Due to Lord Ayyappa's obligation he refused to marry her but he promised the woman to marry and wait for the day when kanni-swami (new devotee) would stop visiting with their prayers at Sabrimala during the period of Mandalam i.e. Nov. to Jan.

Lord Ayyappa assured her that he would continue his celibacy. The woman now is worshipped as Malikapurathamma (also known as manjamathas) near the shrine of Sabrimala waiting for Lord Ayyappa.

Mythological aspects:

“Every story has three sides: yours, theirs, and the truth.” Similar is the sitch to the story of Lord Ayyappa, majority of the people have denied the prohibition on restriction of women in the temple but nobody gave a thought of knowing the reasons behind these restriction.

The authors would like to untangle the various reasons that bar the women's entry in temple:

- *First and the foremost reason* is the celibate nature of the deity till date and the reason his celibacy is the commitment given to Malikapurathamma. The said commitment was a promise made to the women as an assurance of his return and to marry her on the day when the kanni-swami would finally stop visiting him. The authors support this statement as this practice has been rooted to past, and as per puranic scriptures when these kanni-swamis would quit coming to the devsthannam during the holy Mandalam period it would be an auspicious occasion for the devotees, as per belief Lord Ayyappa would marry Malikapurathamma and this grand ceremony would end the prohibition as well.
- *Further* it is believed that Lord Ayyappa is known to be chronic bachelor also known as Naishtika Brahmachari and the entry of women would infect his sanctity of principles of Brahmachariyan. As per Vedas every individual has to follow 4 ashramas in Hinduism i.e. Brahmacharya, Grihastha, Vanaprastha and Sannyasa. The deity is going through the first phase i.e. Brahmacharya. The significance of going through this phase is attainment of both the excellence i.e. spiritual and practical excellence. The philosophy behind not allowing women to the devasthanam is to protect the celibacy of the deity and sanctity of the temple.
- *Moreover*, argumentation behind forbidding women aging between 10-50 years was due to menstruation which certainly every woman would undergo after procuring the age of puberty.

- *Lastly*, it is contented that women cannot carry on with the *41 days Mandala Vratham* due to their repetition of menstrual cycle after the span of 28-30 days. It was argued that the *41 days Mandala Vratham* was an essential ceremony to perform before going to temple.

Reason behind segregating women to be the devotee of the Deity:

India being a secular country is very diverse in its culture, there are several religion, culture and rituals, and every culture has its own antiquity rooted to its past, where majority population being Hindu worships in Hindu temple with a difference. Every Hindu Deity has its own history unlike every other deity. It's not important that same deity in different place follows same rituals, it may be different because customs and rituals differ from place to place, and every society has its own custom. Therefore, it is important to brief the history of the deity before worshipping the same, not everyone needs to worship every deity and if one is willing to worship then they must need to essentially follow the rules of worshipping the deity.

The Sabrimala Temple is basically known for the unique nature of its Deity i.e. *the celibate nature of Lord Ayyappa*. Lord Ayyappa is a *NastikhBrahmcharii*.e. he has to maintain his celibacy till the time he fulfills his promise made to *Malikapurathamma*.

The main hurdle that has to be crossed for worshipping the Deity in the temple is its *41-day Vratham* that is the essence of its tradition.

What is Sabrimala 41-day Vratham?

This term i.e. *Vratham* is a Sanskrit word that means "*Fast*". Here fasting not only means to refrain from eating certain food but also to have control over many other activities. It is the most indispensable ceremony to be performed before going to the Sabrimala Temple. It is a method to purify the thoughts and actions before proceeding towards the temple. The *41-day Vratham* is very strict practice with lots of rules and regulation which have to be practiced with utmost care.

Apart from following the rules and regulations one must follow some religious practices throughout the journey towards the shrine which are as follows:

1. Refraining from smoke and alcohol and to pray twice daily.
2. Throughout the period they must *avoid any kind of sensual pleasure and try not to hurt anybody*.
3. They must only *consume vegetarian food*.
4. *Meditation* should be done daily to purify body and soul.
5. One who is observing 41-day fast must *not indulge in any kind of violence*.
6. Devotees should fully *be devoted towards worshipping Lord Ayyappa*.
7. The *Kanni-ayyappans* should wear black or kavi shirt or mundu (dhoti).
8. Should lead a modest way of life.

These are various religious practices that have to be observed and should strictly be followed throughout the *41-day Vratham*. Women due to their biological characteristics i.e. menstruation cannot perform them on regular basis as the menstrual cycle repeats after an interval of 28-30 days. Therefore, procreating women are not allowed to enter the premises of temple. But the restricted women who gone through the uterus removal surgery are allowed in the premises provided they must bring their medical certificate which certifies the same.

It is necessary to understand the paramount importance of this matter at this instance. The Hon'ble Bench lead by then Chief Justice Of India , Deepak Misra have started the hearing of proceedings on the issue concerning the prohibition if women's entry inside the Sabrimala Temple.

The then CJI Deepak Misra quoted that "*we introduced the concept on constitutional morality and we have said that this morality is one which is evolved by the constitution. Therefore, you cannot keep women away(from the temple).*"⁴

The authors of this article have a contradicting view regarding this statement made by the then CJI. Further the authors would like to deal with legal dimension of the issue in details.

The propensity of the law towards the constitutionality of the Prohibition:

The ban proposed for restricting women to enter temple premises is an "*essential religious practice*" the gender based classification is purely based on physiological characteristics which has strongly been supported by mythological aspects. Thus, it does not violate the principle stated under **Article 14**⁵.

The highlighted issue of the case was based on the discrimination and untouchability, it was argued that prohibition amounts to discrimination under **Article 15**⁶ of the Constitution of

2. FP Staff "author not mention" [Ex-CJI Deepak Misra speaks on sabrimala verdict, cases of lynching: "Constitutional Sovereignty is supreme"](#) First Post (October 05 2018, 16:53 IST)
www.firstpost.com

3. **Article 14 of Constitution of India** states that *the state shall not deny to any person equality before the law or the equal protection of laws within the territory of India.*

4. **Article 15 of the Constitution of India** State that "Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth

1. The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them

2. No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to

a. access to shops, public restaurants, hotels and palaces of public entertainment; or

b. use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public

India on the basis of sex under the provision of Constitution and it was also contended that it amounts to promotion of untouchability that violates the **Article 17⁷ of the Constitution of India**.

But, in **Article 15** it is nowhere written regarding the gender based discrimination on the ground of religion. Prohibition of women in the temple was not on the basis of gender but it was due to the religious sentiments. It was of no intention to violate the law nor did it violate any law, merely prohibiting women of age group of 10-50 years or not allowing menstruating women to enter the Temple do not amount to discrimination.

The ban is still prevailing as there are certain reasons which are related to religious beliefs and sacramental issues. There are hundreds and thousands of religious issues that cannot be brought into Courts, these issues are not related to violating any Rights nor discriminating anyone.

Entitlement of Deity:

Prohibiting women inside the Temple premises may not violate their right under Article 15 but allowing their entry would violate the right of the deity, yes deity inside the temple also has the right under **Article 21⁸, 25⁹ and 26¹⁰** and his right to remain a "*Nasthika Bharamchari*" falls under Article 25 and hence, women's entry inside the temple should continue to be restricted.

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3. Nothing in this article shall prevent the State from making any special provision for women and children
 4. Nothing this article or in clause (2) of Article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes"
 5. **Article 17 of the Constitution of India** states that "Abolition of Untouchability.- Untouchability is abolished and its practice in any form is forbidden the enforcement of any disability arising out of Untouchability shall be an offence punishable in accordance with law."
 6. **Article 21 of the Constitution of India.**-Protection of life and personal liberty.- No person shall be deprived of his life or personal liberty except according to procedure established by law.
 7. **Article 25 of The Constitution Of India.**- Freedom of conscience and free profession, practice and propagation of religion
 - a. Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion
 - b. Nothing in this article shall affect the operation of any existing law or prevent the State from making any law
 - c. or restricting any economic, financial, political or other secular activity which may be associated with religious practice;
 - d. providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus Explanation I The wearing and carrying of kirpans shall be deemed to be included in the profession of the Sikh religion Explanation II In sub clause (b) of clause reference to Hindus shall be construed as including a reference to persons

Under Article 25, the denomination is known for its unique and sacred customs and practices and these institutions are facilitated with certain rights guaranteed by the same such as, managing their own affairs regarding their denomination. Moreover, under Article 26 the religious denomination has authority to follow their own rites of worshipping the deity.

whether the temple qualifies to be a religious denomination?

The authors would like to bring in light certain conditions which are essential for institution to be regarded as a religious denomination. The Hon'ble Supreme Court stated that *for a religious denomination it is necessary that it should be a collection of individuals believes which are conducive to their spiritual well being, it is also important that they should concede themselves in a common group and at last it is important for them to be designated by a distinguished name*¹¹.

All these essential conditions guaranteed by the Hon'ble SC is fulfilled by the Sabrimala temple.

Therefore, keeping women out had nothing to do with misogyny or the 'impurity' of menstruation, but was to protect the religious status of the deity.

If just prohibiting women inside Temple violates their Fundamental Right then there are various temples in India¹² for example *Bhagati Maa Temple Located in Kanyakumari, Mata Temple located in Muzzafarpur, Bihar* which even prohibit men from entering it's premises, but they never raises an issue over these tradition. If just prohibiting them from entering the Temple does the same as the issue has been raised then men should also come to the Court fighting for their right, but it's not the same.

Therefore, it is of no basis that restricting women from entering the Temple amounts to discrimination under Article 15.

Conclusion:

professing the Sikh, Jaina or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly.

8. **Article 26 of the Constitution of India**- Freedom to manage religious affairs.- Subject to public order, morality and health, every religious denomination or any section thereof shall have the right
 - i. establish and maintain institutions for religious and charitable purposes;
 - ii. to manage its own affairs in matters of religion;
 - iii. to own and acquire movable and immovable property; and
 - iv. to administer such property in accordance with law
9. S.P Mittal vs UOI AIR 1983 SC 1
10. Sultania DevyaniHere's the list of 8 temple in India where men are not allowed to enterIbTimes (Nov. 29 2016,19:20:08 IST)
<https://ibtimes.co.in>

The Authors would like to conclude that the essential religious practices of any temple should not be hindered on the basis that states the constitutionality of that practice which is the essence of the tradition that is being followed since time immemorial. Not every belief and practice has scientific reason but they may be entwined with irrevocable faith of many devotees. It is also opined that not every issue is meant to be decided by the court, the religious issues should be particularly left over to the religious community. There should be a balance made between religious belief and constitutional equality and not discrimination.

Every matter related to religious belief becomes the issue of whole nation; a particular verdict may sometimes unite the whole nation whereas sometimes it may bring chaos in the nation. Not every society is ready to accept the certain change, for a flourishing society changes are requisite but changes should only be made when it is obligatory. Unnecessary changes bring havoc in society. As per considered in the precise case changes would have gradually been attained after the union of *Lord Ayyappa* and *Malikapurathamma* which is going to be the auspicious feast for the devotees. Procreating women was also going to be allowed in the premises. The Authors in this Article is not conceding to the Judgment pronounced by the Hon'ble Supreme Court.