



Right to religion and dignity for women in India: Constitutional and judicial articulation

Ajit Singh Chahal

Associate Professor, Department of Law, Kurukshetra University, Kurukshetra, Haryana, India

Abstract

As we know that a man is not complete without women because both men and women are two sides of the same coin and these are complementary to each other as well as women are the integral part of our society. Susan B Anthony, succinctly puts, “Men, their rights and nothing more; women, their rights and nothing less.” The societal attitudes too centre and revolve around the patriarchal mindset thereby derogating the status of women in the social and religious milieu. The framers of Indian Constitution has made a conscious effort to provide the women with adequate level of protection which would uplift and strengthen their position in society and their intention and effort apparently reflect in many articles of our constitution. The Constitutional framers by granting Fundamental Rights under Article 14, 15, 16, 17 and 25 have tried to convert the equality of women from de jure to de facto. But some orthodox people in the society are not able to digest this liberty and equality for women. In *Indian Young Lawyers Association and others v. State of Kerala and others*, the writ petition preferred under Article 32 of the Constitution seeks issuance of directions to ensure entry of female devotees between the age group of 10 to 50 years to the Lord Ayyappa Temple at Sabarimala (Kerala) which has been denied to them on the basis of certain custom and usage. Petition is pending before the Supreme Court of India which likely to be decided in near future with an advantageous verdict. At this juncture, we have to take a view along with the Historical Perspective, Constituent Assembly Debates, the Constitution of India and some recent Judicial Articulations for epigrammatic examination in this research work.

Keywords: patriarchal mindset, orthodox people, liberty and equality, status of women, & judicial articulations etc

Introduction

On 20th July 1942, Babasaheb Dr. B. R. Ambedkar said, “I measure the progress of a community by the degree of progress which women have achieved and when I see this assembly, I feel both convinced and happy that we have progressed.” As we know that a man is not complete without women because both men and women are two sides of the same coin and these are complementary to each other as well as women are the integral part of our society. The framers of Indian Constitution has made a conscious effort to provide the women with adequate level of protection which would uplift and strengthen their position in society and their intention and effort apparently reflect in many articles of our constitution. The Constitutional framers by granting Fundamental Rights under Article 14, 15, 16, 17 and 25 have tried to convert the equality of women from de jure to de facto. But some orthodox people in the society are not able to digest this liberty and equality for women. They are not in favour of religious liberty and dignity for women because of their cheap mentality. Certain dogmas and exclusionary practices and rituals have resulted in incongruities between the true essence of religion or faith and its practice that has come to be permeated with patriarchal prejudices. Sometimes, in the name of essential and integral facet of the faith, such practices are zealously propagated. In *Indian Young Lawyers Association and others v. State of Kerala and others*, the writ petition preferred under Article 32 of the Constitution seeks issuance of directions to ensure entry of female devotees between the age group of 10 to 50 years to the Lord Ayyappa Temple at Sabarimala (Kerala) which has been denied to them on the basis of certain custom and usage.

At this juncture, we have to take a view along with the Historical Perspective, Constituent Assembly Debates, the

Constitution of India and some recent Judicial Articulations for epigrammatic examination in this research work.

Constituent Assembly Debates

In this regard, reference may be made to the debates of the Constituent Assembly on this issue. Draft Article 9 which corresponds to Article 15 of the Constitution, is extracted for ready reference:

“9. Prohibition of discrimination on grounds of religion, race, caste or sex - the State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or any of them (1) In particular, no citizen shall, on grounds only of religion, race, caste, sex or any of them, be subject to any disability, liability, restriction or condition with regard to - (a) access to shops, public restaurants, hotels and places of public entertainments, or (b) the use of wells, tanks, roads and places of public resort maintained wholly or partly out of the revenues of the State or dedicated to the use of the general public. (2) Nothing in this article shall prevent the State from making any special provision for women and children.”^[1]

Professor K.T. Shah proposed Amendment No. 293 for substitution of sub-clauses (a) & (b) as follows:

“any place of public use or resort, maintained wholly or partly out of the revenues of the State, or in any way aided, recognized, encouraged or protected by the State, or place dedicated to the use of general public like schools, colleges, libraries, temples, hospitals, hotels and restaurants, places of public entertainment, recreation or amusement, like theatres and cinema-houses or concert-halls; public parks, gardens or museums; roads, wells, tanks or canals; bridges, posts and telegraphs, railways, tramways and bus services; and the like.”^[2]

The Vice-President took up Amendment No. 296 for vote, which was moved for addition to sub-clause (a). The Amendment was proposed as under:

“After the words of Public entertainment the words or places of worship be inserted.”^[3]

Amendment No. 301 was also proposed by Mr. Tajamul Hussain for inclusion of: *“places of worship”, “Dharamshalas, and Musafirkhanas”* at the end of sub-clause (a)^[4].

The Constitution of India

The Constitution of India provides many provisions for the protections against caste based discriminations under the Preamble, 14, 15, 17, 25 and Article 51A specifically. Such as:

The Preamble

Through the Preamble^[5]. *“WE, THE PEOPLE OF INDIA solemnly resolved to secured LIBERTY of thought, expression, belief, faith and worship; EQUALITY of status and of opportunity for every citizen and to promote among them all FRATERNITY assuring the dignity of the individual.”*

Article 14

Article 14 provides, *“Equality before law”* and protects all against inequality,

“The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.”

Article 15

Article 15 provides, *“Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth”* and endow with,

“(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 places of public entertainment; or (b) the 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.”

Article 17

Article 17 provides, *“Abolition of Untouchability”* and endow with that,

“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.”

Article 21

Article 21 provides, *“Protection of life and personal liberty”* and endow with that,

“No person shall be deprived of his life or personal liberty except according to procedure established by law.”

Article 25

Article 25 provides, *“Freedom of conscience and free profession, practice and propagation of religion - (1) 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, practise and propagate religion. (2) Nothing in this article shall affect the operation of any existing law or prevent the State from making any law- (a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice; (b) 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.”

Article 51A - Fundamental Duties^[6]

Article 51A provides, *“that it shall be the duty of every citizen of India - (e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women; (f) to value and preserve the rich heritage of our composite culture”*

In *Maneka Gandhi v. Union of India*,^[7] the Supreme Court expounded,

“The procedure for deprivation must be free of the taint of that which is arbitrary. This reading of the fundamental rights as constellations emanating from a cosmos of freedom and as having paths which intersect and merge enhances the value of freedom itself. Though the principal provision relating to equality before the law is embodied in Article 14, the four articles which follow it are a manifestation of its basic doctrines. Article 15 in outlawing discrimination on grounds of religion, race, caste, sex and place of birth is but a manifestation of equality. Equality in matters of public employment under Article 16 is a facet of the basic postulate of equality. Article 17 gives expression to equality in abolishing untouchability: a practice fundamentally at odds to the notion of an equal society. Titles which place some citizens above others are abolished by Article 18 in manifesting yet another aspect of equality. As we have seen, a fundamental notion of equality is embodied in Article 25(1) itself when it speaks of an equal entitlement to freely practice, profess and propagate religion. This sense of equality permeates the other guarantees of fundamental freedoms as well. Article 19 recognizes six freedoms as an entitlement of all citizens. Recognizing that a right inheres in all citizens is a constitutional affirmation that every citizen, without exception or discrimination of any kind is entitled to those freedoms. Then again, the restrictions on the freedoms contemplated by Articles 19(2) to (6) have to be reasonable. Reasonableness is a facet of equality. The equal application of law to persons similarly circumstanced is a fundamental postulate of the protections which are conferred by Articles 20, 21 and 22.”

Emerging Judicial Articulations

The Supreme Court of India in *Nar Hari Shastri and others v. Shri Badrinath Temple Committee*^[8] opined,

“It seems to us that the approach of the court below to this aspect of the case has not been quite proper, and, to avoid any possible misconception, we would desire to state succinctly what the correct legal position is. Once it is admitted, as in fact has been admitted in the present case, that the temple is a public place of worship of the Hindus, the right of entrance into the temple for purposes of ‘darshan’ or worship is a right which flows from the nature

of the institution itself, and for the acquisition of such rights, no custom or immemorial usage need be asserted or proved.”

In *Rev. Stainislaus v. State of Madhya Pradesh and others*,^[9] it has been held,

“That the logic underlying the constitutional guarantee regarding ‘practice’ of religion is that religious practices are as such a part of religion as religious faith or doctrines. The right guaranteed under Article 25(1) has nothing to do with gender or, for that matter, certain physiological factors, specifically attributable to women. Women of any age group have as much a right as men to visit and enter a temple in order to freely practise a religion as guaranteed under Article 25(1). When we say so, we are absolutely alive to the fact that whether any such proposed exclusion of women from entry into religious places forms an essential part of a religion would be examined at a subsequent stage.”

In *Bijoe Emmanuel & Ors. v. State of Kerala & Ors.*,^[10] the Supreme Court of India emphasized,

“That for a religious practise to receive protection under Article 25(1) it must be ‘genuinely’, and ‘conscientiously’ held by persons claiming such rights. The court had noted that such religious beliefs and practises must be consistently and not ‘idly’ held, and should not emanate out of ‘perversity’. In doing so, it reaffirmed that the Constitutional fabric of our country permits religious beliefs and practises to exist, regardless of whether or not they appeal to the rational sensibilities of this Court, or others.”

In *Chandra Rajkumari and Anr. v. Commissioner of Police, Hyderabad and Orrisa* ^[11] The Hon'ble High Court of Andhra Pradesh held,

“It is also relevant and expedient to hold without any reservation that any act which tend to offend the dignity of a woman to deal with her indecently in the circumstances amounting to indecent representation in any form, they are bound to offend Article 21 of the Constitution of India as right to live includes right to live with dignity and decency and right to live happily. Any violation of the women society in the country in body or mind leading to justifiable unhappy existence is bound to attract Article 21 of the Constitution.”

In *Bodhisatwa Gautam v. Subhra Chakraborty*, ^[12] the Supreme Court of India held,

“Unfortunately, a woman, in our country, belongs to a class or group of society who are in a disadvantageous position on account of several barriers and impediments and have therefore, been the victim of tyranny at the hands of men with who they fortunately under the Constitution enjoy equal rights.”

In *Sahara India Real Estate Corporation Limited & Ors. v. Securities and Exchange Board of India & Anr.* ^[13] the Supreme Court observed,

“At the outset, it may be stated that Supreme Court is not only the sentinel of the fundamental rights but also a balancing wheel between the rights, subject to social control...under our Constitution no right in Part III is absolute. Freedom of expression is not an absolute value under our Constitution. It must not be forgotten that no single value, no matter exalted, can bear the full burden of upholding a democratic system of government. Underlying our constitutional system are a number of important values, all of which help to guarantee our liberties, but in ways which sometimes conflict. Under our Constitution, probably, no values are absolute. All important values,

therefore, must be qualified and balanced against other important, and often competing, values.”^[14]

Justice Dr. D.Y. Chandrachud in *Navtej Singh v. Union of India*,^[15] opined,

“A discriminatory act will be tested against constitutional values. Discrimination will not survive constitutional scrutiny when it is grounded in and perpetuates stereotypes about a class constituted by the grounds prohibited in Article 15(1). If any ground of discrimination, whether direct or indirect is founded on a stereotypical understanding of the role of the sex, it would not be distinguishable from the discrimination which is prohibited by Article 15 on the grounds only of sex. If certain characteristics grounded in stereotypes, are to be associated with entire classes of people constituted as groups by any of the grounds prohibited in Article 15(1) that cannot establish a permissible reason to discriminate.”

The full Bench of the Supreme Court of India in *Indian Young Lawyers Association and others v. State of Kerala and others* ^[16] formulated questions for the purpose of reference to the Constitution Bench as;

1. “Whether the exclusionary practice which is based upon a biological factor exclusive to the female gender amounts to ‘discrimination’ and thereby violates the very core of Articles 14, 15 and 17 and not protected by ‘morality’ as used in Articles 25 and 26 of the Constitution?”
2. Whether the practice of excluding such women constitutes an ‘essential religious practice’ under Article 25 and whether a religious institution can assert a claim in that regard under the umbrella of right to manage its own affairs in the matters of religion?
3. Whether Ayyappa Temple has a denominational character and, if so, is it permissible on the part of a ‘religious denomination’ managed by a statutory board and financed under Article 290-A of the Constitution of India out of the Consolidated Fund of Kerala and Tamil Nadu to indulge in such practices violating constitutional principles/ morality embedded in Articles 14, 15(3), 39(a) and 51-A (e)?
4. Whether Rule 3 of the Kerala Hindu Places of Public Worship (Authorisation of Entry) Rules permits ‘religious denomination’ to ban entry of women between the age of 10 to 50 years? And if so, would it not play foul of Articles 14 and 15(3) of the Constitution by restricting entry of women on the ground of sex?
5. Whether Rule 3(b) of the Kerala Hindu Places of Public Worship (Authorization of Entry) Rules, 1965 is *ultra vires* the Kerala Hindu Places of Public Worship (Authorization of Entry) Act, 1965 and if treated to be *intra vires*, whether it will be violative of the provisions of Part III of the Constitution?”

In *Government of NCT of Delhi v Union of India* ^[17], Justice Dr. D.Y. Chandrachud observed;

“Constitutional morality highlights the need to preserve the trust of the people in institutions of democracy. It encompasses not just the forms and procedures of the Constitution, but provides an enabling framework that allows a society the possibilities of self-renewal. It is the governing ideal of institutions of democracy which allows people to cooperate and coordinate to pursue constitutional aspirations that cannot be achieved single-handedly.”

A Five-Judge Constitution Bench, ^[18] in *Indian Young*

Lawyers Association and others v. State of Kerala^[19] held, “That not allowing entry to women of the age group of 10 to 50 years in the Sabarimala Temple is unconstitutional.”

Justice Dipak Misra and Justice A.M. Khanwilkar opined,

- a. “In view of the law laid down by this Court in *Shirur Mutt* (supra) and *S.P. Mittal* (supra), the devotees of Lord Ayyappa do not constitute a separate religious denomination. They do not have common religious tenets peculiar to themselves, which they regard as conducive to their spiritual well-being, other than those which are common to the Hindu religion. Therefore, the devotees of Lord Ayyappa are exclusively Hindus and do not constitute a separate religious denomination.
- b. Article 25(1), by employing the expression 'all persons', demonstrates that the freedom of conscience and the right to freely profess, practise and propagate religion is available, though subject to the restrictions delineated in Article 25(1) itself, to every person including women. The right guaranteed under Article 25(1) has nothing to do with gender or, for that matter, certain physiological factors specifically attributable to women.
- c. The exclusionary practice being followed at the Sabarimala temple by virtue of Rule 3(b) of the 1965 Rules violates the right of Hindu women to freely practise their religion and exhibit their devotion towards Lord Ayyappa. This denial denudes them of their right to worship. The right to practice religion under Article 25(1) is equally available to both men and women of all age groups professing the same religion.
- d. The impugned Rule 3(b) of the 1965 Rules, framed under the 1965 Act, that stipulates exclusion of entry of women of the age group of 10 to 50 years, is a clear violation of the right of Hindu women to practise their religious beliefs which, in consequence, makes their fundamental right of religion under Article 25(1) a dead letter.
- e. The term 'morality' occurring in Article 25(1) of the Constitution cannot be viewed with a narrow lens so as to confine the sphere of definition of morality to what an individual, a section or religious sect may perceive the term to mean. Since the Constitution has been adopted and given by the people of this country to themselves, the term public morality in Article 25 has to be appositely understood as being synonymous with constitutional morality.
- f. The notions of public order, morality and health cannot be used as colourable device to restrict the freedom to freely practise religion and discriminate against women of the age group of 10 to 50 years by denying them their legal right to enter and offer their prayers at the Sabarimala temple.
- g. The practice of exclusion of women of the age group of 10 to 50 years being followed at the Sabarimala Temple cannot be regarded as an essential part as claimed by the respondent Board.
- h. In view of the law laid down by this Court in the second *Ananda Marga* case, the exclusionary practice being followed at the Sabarimala Temple cannot be designated as one, the non-observance of which will change or alter the nature of Hindu religion. Besides, the exclusionary practice has not been observed with unhindered continuity as the Devaswom Board had accepted before the High Court that female worshippers of the age group of 10 to 50 years used to visit the

temple and conducted pujas in every month for five days for the first rice feeding ceremony of their children.

- i. The exclusionary practice, which has been given the backing of a subordinate legislation in the form of Rule 3(b) of the 1965 Rules, framed by the virtue of the 1965 Act, is neither an essential nor an integral part of the religion.
- j. A careful reading of Rule 3(b) of the 1965 Rules makes it luculent that it is *ultra vires* both Section 3 as well as Section 4 of the 1965 Act, for the simple reason that Section 3 being a non-obstante provision clearly stipulates that every place of public worship shall be open to all classes and sections of Hindus, women being one of them, irrespective of any custom or usage to the contrary.
- k. Rule 3(b) is also *ultra vires* Section 4 of the 1965 Act as the proviso to Section 4(1) creates an exception to the effect that the regulations/rules made under Section 4(1) shall not discriminate, in any manner whatsoever, against any Hindu on the ground that he/she belongs to a particular section or class.
- l. The language of both the provisions, that is, Section 3 and the proviso to Section 4(1) of the 1965 Act clearly indicate that custom and usage must make space to the rights of all sections and classes of Hindus to offer prayers at places of public worship. Any interpretation to the contrary would annihilate the purpose of the 1965 Act and incrementally impair the fundamental right to practise religion guaranteed under Article 25(1). Therefore, we hold that Rule 3(b) of the 1965 Rules is *ultra vires* the 1965 Act.”^[20]

They also clarified,

“We have no hesitation to say that such an exclusionary practice violates the right of women to visit and enter a temple to freely practise Hindu religion and to exhibit her devotion towards Lord Ayyappa. The denial of this right to women significantly denudes them of their right to worship. We concur with the view of the Amicus Curiae, learned senior counsel, Mr. Raju Ramachandran, that the right guaranteed under Article 25(1) is not only about inter-faith parity but it is also about intra-faith parity. Therefore, the right to practise religion under Article 25(1), in its broad contour, encompasses a non-discriminatory right which is equally available to both men and women of all age groups professing the same religion.”^[21]

In concurring Judgment, Justice R.F. Nariman opined,

“The facts, as they emerge from the writ petition and the aforesaid affidavits, are sufficient for us to dispose of this writ petition on the points raised before us. I, therefore, concur in the judgment of the learned Chief Justice of India in allowing the writ petition, and declare that the custom or usage of prohibiting women between the ages of 10 to 50 years from entering the Sabarimala temple is violative of Article 25(1), and violative of the Kerala Hindu Places of Public Worship (Authorization of Entry) Act, 1965 made under Article 25(2) (b) of the Constitution. Further, it is also declared that Rule 3(b) of the Kerala Hindu Places of Public Worship (Authorization of Entry) Rules, 1965 is unconstitutional being violative of Article 25(1) and Article 15(1) of the Constitution of India.”^[22]

Justice Dr. Dhananjaya Y Chandrachud also in concurring Judgment scholarly opined and declared;

1. “The devotees of Lord Ayyappa do not satisfy the judicially enunciated requirements to constitute a religious denomination under Article 26 of the Constitution;
2. A claim for the exclusion of women from religious worship, even if it be founded in religious text, is subordinate to the constitutional values of Liberty, Dignity and Equality. Exclusionary practices are contrary to Constitutional Morality;
3. In any event, the practice of excluding women from the temple at Sabarimala is not an essential religious practice. The Court must decline to grant constitutional legitimacy to practices which derogate from the dignity of women and to their entitlement to an equal citizenship;
4. The social exclusion of women, based on menstrual status, is a form of untouchability which is an anathema to constitutional values. Notions of purity and pollution, which stigmatize individuals, have no place in a constitutional order;
5. The notifications dated 21 October 1955 and 27 November 1956 issued by the Devaswom Board, prohibiting the entry of women between the ages of ten and fifty, are *ultra vires* Section 3 of the Kerala Hindu Places of Public Worship (Authorisation of Entry) Act 1965 and are even otherwise unconstitutional; and
6. Hindu women constitute a ‘section or class’ of Hindus under clauses (b) and (c) of Section 2 of the 1965 Act. Rule 3(b) of the 1965 Rules enforces a custom contrary to Section 3 of the 1965 Act. This directly offends the right of temple entry established by Section 3. Rule 3(b) is *ultra vires* the 1965 Act.”^[23]

In her dissenting Judgment, Justice Indu Malhotra opined,

- a. “The Writ Petition does not deserve to be entertained for want of standing. The grievances raised are non-justiciable at the behest of the Petitioners and Interveners involved herein.
- b. The equality doctrine enshrined under Article 14 does not override the Fundamental Right guaranteed by Article 25 to every individual to freely profess, practise and propagate their faith, in accordance with the tenets of their religion.
- c. Constitutional Morality in a secular polity would imply the harmonisation of the Fundamental Rights, which include the right of every individual, religious denomination, or sect, to practise their faith and belief in accordance with the tenets of their religion, irrespective of whether the practise is rational or logical.
- d. The Respondents and the Interveners have made out a plausible case that the *Ayyappans* or worshippers of the Sabarimala Temple satisfy the requirements of being a religious denomination, or sect thereof, which is entitled to the protection provided by Article 26. This is a mixed question of fact and law which ought to be decided before a competent court of civil jurisdiction. The limited restriction on the entry of women during the notified age group does not fall within the purview of Article 17 of the Constitution.
- e. Rule 3(b) of the 1965 Rules is not *ultra vires* Section 3 of the 1965 Act, since the *proviso* carves out an exception in the case of public worship in a temple for the benefit of any religious denomination or sect

thereof, to manage their affairs in matters of religion.”^[24]

The Nine-Judges constitutional bench^[25] in Review Petition Order dated 10th February, 2020 in *Kantaru Rajeevaru v. Indian Young Lawyers Association through its General Secretary Ms. Bhakti Pasrija and others* made the following order,

“We have heard the parties at length. For reasons to follow, we hold that this Court can refer questions of law to a larger bench in a Review Petition.” The following issues are framed for consideration;

1. “What is the scope and ambit of right to freedom of religion under Article 25 of the Constitution of India?”
2. What is the inter-play between the rights of persons under Article 25 of the Constitution of India and rights of religious denomination under Article 26 of the Constitution of India?
3. Whether the rights of a religious denomination under Article 26 of the Constitution of India are subject to other provisions of Part III of the Constitution of India apart from public order, morality and health?
4. What is the scope and extent of the word ‘morality’ under Articles 25 and 26 of the Constitution of India and whether it is meant to include Constitutional morality?
5. What is the scope and extent of judicial review with regard to a religious practice as referred to in Article 25 of the Constitution of India?
6. What is the meaning of expression ‘*Sections of Hindus*’ occurring in Article 25 (2) (b) of the Constitution of India?
7. Whether a person not belonging to a religious denomination or religious group can question a practice of that religious denomination or religious group by filing a PIL?”

Conclusion and Suggestions

Susan B Anthony, succinctly puts, “*Men, their rights and nothing more; women, their rights and nothing less.*” The societal attitudes too centre and revolve around the patriarchal mindset thereby derogating the status of women in the social and religious milieu. Religion is basically a way of life to realize one’s identity with the spirituality. The matter relating to the right to religion and dignity for women has been decided by the Apex court of this country in *Indian Young Lawyers Association and others v. State of Kerala and others* on 28th September, 2018 in which the court held, “*that not allowing entry to women of the age group of 10 to 50 years in the Sabarimala Temple is unconstitutional.*” Further, on the same issue the Nine Judges Constitutional Bench in its Review Petition Order dated 10th February, 2020 in *Kantaru Rajeevaru v. Indian Young Lawyers Association through its General Secretary Ms. Bhakti Pasrija and Others*, ordered, “*We have heard the parties at length. For reasons to follow, we hold that this Court can refer questions of law to a larger bench in a Review Petition.*”

Even though, above said Review Petition is pending before the Supreme Court of India which likely to be decided in near future with an advantageous verdict for the encouragement of constitutional provisions in India. Consequently, no one should interfere with equal right to religion for women. Everybody must ensure the dignity of

women as we all are beneath the 'Fundamental Duty' as imposed under Article 51 A (e), "to renounce practices derogatory to the dignity of women."

References

1. *Draft Constitution of India*, Drafting Committee of the Constituent Assembly of India (Manager Government of India Press, New Delhi, 1948) available at <http://14.139.60.114:8080/jspui/bitstream/123456789/9667/Fundamental%20Rights%20%285-12%29.pdf>.
2. Professor K.T. Shah, CAD, 29th November, 1948.
3. Vice-President, Ibid.
4. Mr. Mohd. Tahir, Ibid.
5. In our Constituent Assembly on 26th November, 1949 while we adopted, enacted and given to ourselves the Constitution of India.
6. Inserted by the Constitution (Forty-second Amendment) Act, 1976, Section 10 (w.e.f. 3-1-1977).
7. (1978) 1 SCC 248.
8. AIR 1952 SC 245.
9. (1977) 1 SCC 677.
10. (1986) 3 SCC 615.
11. Orissa 1998 (1), ALT 329
12. (1996) 1 SCC 490 at p.500.
13. (2012) 10 SCC 603.
14. Ibid, para 25.
15. Writ Petition (Criminal) No. 76 of 2016.
16. (2017) 10 SCC 689
17. (2018) 8 SCALE 72.
18. By a majority of 4:1.
19. 2018 SCC On Line SC 1690.
20. Ibid, para 144.
21. Ibid, para 101.
22. Ibid, para 32.
23. Ibid, para 119.
24. Ibid, para 16.
25. On 10th February, 2020. This Nine-Judges constitutional bench of the Supreme Court of India was headed by Chief Justice S.A. Bobde and along with Justice R. Banumathi, Justice Ashok Bhushan, Justice L. Nageswara Rao, Justice Mohan M. Shantanagoudar, Justice S. Abdul Nazeer, Justice R. Subhash Reddy, Justice B.R. Gavai and Justice Justice Surya Kant.