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Liberal Justice over Communitarian Autonomy: Analysing the Sabarimala Judgement

ABSTRACT

The Sabarimala controversy pits two visions of justice against each other. One of these visions treats the individual as the ultimate bearer of rights. Whereas the other sees faith communities as repositories of meaning, courts should largely leave them undisturbed. India's apex court, in Indian Young Lawyers Association v. State of Kerala, struck down the temple's exclusion of menstruating women. The Supreme Court ruled that an old tradition cannot continue if it goes against constitutional values like equality and human dignity. This paper asks how far that reasoning traces back to John Rawls's liberal theory of justice, and whether the judgment offers any workable path for resolving similar clashes in future, a question existing scholarship, split neatly along liberal and communitarian lines, has largely left unanswered. Using a doctrinal method built around Articles 14, 15, 17, 25, and 26 of the Constitution, the paper reads both the majority opinion and Justice Indu Malhotra's lone dissent through Rawlsian concepts, including the veil of ignorance, equal basic liberties, and self-respect as a primary good. The paper argues that the majority judges chose constitutional rules over tradition, echoing the philosopher John Rawls, who believed that qualities people cannot choose, like their gender, should never be an excuse to treat them unfairly. At the same time, the paper respects Justice Malhotra's call to protect religious independence. It also considers the critic Michael Sandel's argument that people cannot simply be separated from their faith, traditions, and communities, because those very ties give their lives meaning. Instead of picking a clear winner, the paper suggests a flexible, step-by-step approach where judges balance human dignity against religious tradition on a case-by-case basis. In the end, the real takeaway from the Sabarimala case isn't that it settled the fight between individual rights and community beliefs; it's that it showed just how badly our legal system needs a clear, fair way to handle that clash.

KEYWORDS

Sabarimala, John Rawls, Justice as Fairness, Communitarianism, Michael Sandel, Religious Autonomy, Constitutional Morality, Veil of Ignorance

INTRODUCTION

The Sabarimala Temple in Kerala is one of the most important Hindu pilgrimage sites in India. The temple is dedicated to Lord Ayyappa and is visited by millions of people every year. Women were not allowed to enter the temple however, this brought forth a major legal and social controversy as the temple was the centre of the issue.¹ The rule was primarily for menstruating women, and had been observed for years, as per the temple tradition. The purpose of this practice has been associated with the belief that Lord Ayyappa is an eternal celibate – Naishtika Brahmachari.²

The temple officials said that the women of reproductive age would disrupt the celibate nature of the god. The devotees have to also follow a 41-day period of abstinence, discipline and purity in their soul prior to entering the temple. The puncturing of this ritual purity was caused by menstruation, according to the authorities. The practice was also given a legal impetus in accordance with Rule 3(b) of Kerala Hindu Places of Public Worship (Authorisation of Entry) Rules, 1965 which provided for restrictions on custom and usage.³

It was later challenged before the Supreme Court in the *Indian Young Lawyers Association v. State of Kerala*⁴. The central question facing the Court was whether a religious practice would be allowed to continue if it infringed on constitutional values such as equality, non-discrimination, etc. The case turned into an important debate on the issue of religious freedom v. constitutional rights. It also demonstrated the larger struggle between the ideas of the liberal and the communitarian.

Research Question

How does the Sabarimala judgment reflect John Rawls's liberal theory of justice in prioritizing equality and individual rights over communitarian claims of religious autonomy?

Research Gap

The academic discourse on the Sabarimala judgment remains sharply divided between liberal and communitarian interpretations. Liberal scholars celebrate the judgment as a victory for equality and gender justice, while communitarian critiques emphasize the erosion of religious

¹ *Indian Young Lawyers Ass'n v. State of Kerala*, Judgment Summary, [Supreme Court Observer](#) (last visited May 5, 2026).

² *Indian Young Lawyers Ass'n v. State of Kerala*, AIR ONLINE 2018 SC 243 (India).

³ Kerala Hindu Places of Public Worship (Authorisation of Entry) Rules, r. 3(b), G.O.(P) No. 132/65/RD (1965) (India).

⁴ *Indian Young Lawyers Ass'n v. State of Kerala*, AIR ONLINE 2018 SC 243 (India).

autonomy and pluralism. However, this debate remains incomplete because it fails to provide a structured framework through which such conflicts can be resolved in future cases.

This paper addresses this gap by not only analysing the reasons behind the Court's liberal orientation but also proposing a layered constitutional balancing model that introduces nuance and gradation into adjudication.

Research Methodology

The approach taken for this project is Doctrinal Research and includes:

- Analysis of Constitutional Provisions: Study of Articles 14, 15, 17, 25, and 26 of the Constitution, focusing on equality, religious freedom, untouchability, and denominational rights.
- Case Law Examination: Analysis of *Indian Young Lawyers Association v. State of Kerala*, including both majority and dissenting opinions, along with related constitutional judgments.
- Study of Legal Commentaries and Scholarly Works: Review of books, journal articles, and scholarly writings on the Sabarimala judgment, gender justice, secularism, and constitutional law, including the theories of John Rawls and Michael Sandel.

An Analytical Research approach further comprises:

- Critical Analysis of Judicial Reasoning: Examination of how the Court interpreted equality, dignity, and religious freedom in both majority and dissenting opinions.
- Assessment of the Liberal-Communitarian Debate: Analysis of the conflict between individual rights and religious autonomy in the judgment.

Sources of Data

- Primary Sources: Constitutional provisions (Articles 14, 15, 17, 25, and 26); the judgment in *Indian Young Lawyers Association v. State of Kerala*; relevant Supreme Court decisions; and the Kerala Hindu Places of Public Worship (Authorisation of Entry) Act, 1965.
- Secondary Sources: Law textbooks, journal articles, legal commentaries, scholarly writings on constitutional law, gender justice, secularism, and religious freedom; philosophical works relating to liberalism and communitarianism; and legal databases such as SCC Online and Manupatra.

THE MAJORITY JUDGMENT AND LIBERAL CONSTITUTIONALISM

The Majority's Understanding of Equality

In *Indian Young Lawyers Association v. State of Kerala*⁵, the majority opinion of the Supreme Court interpreted the concept of equality in a broad manner in the Indian Constitution. The Supreme Court ruled that the Sabarimala temple's decision to exclude women aged 10 to 50 years is unconstitutional, in that it was based on a fact that is unique to women, namely menstruation.

The Court said that the exclusion of women from a public religious institution on grounds of their gender is not permissible. The Court did not agree that the practice was protected because it was an old tradition of the church. Rather, most interpreted the exclusion as discrimination on the basis of "purity" and "pollution" following the patriarchal mentality.

Justice D.Y. Chandrachud held that differences in biology cannot be cited to deny women equal rights to the Constitution. The judgment also adopted the idea of substantive equality. Discrimination, is not always obvious and can be perpetuated through customs and traditions that entrench and perpetuate social inequality.

The Sabarimala case was viewed as a continuation of the disparaging treatment of women. Most also pointed out that the responsibility for purity and celibacy lay solely with the women. The notion that women's presence would invade the celibacy of the god, suggest patriarchal thinking and affect the dignity of women. The judgment placed a high value on dignity and individual rights as compared to discriminatory customs and described equality as a living constitutional value.

Article 25 and Individual Religious Freedom

The majority opinion emphasized the personal aspect of religious freedom as enshrined in Article 25(1)⁶. The Court held that the Constitution does not only guarantee the right of religion to all persons, but also women as equal citizens. Thus, the right of the women devotees to go to Sabarimala is equal to that of men. The Court found the argument that women should not be allowed to come in due to customs or community traditions to be false. To the majority, this right to worship is an individual right and should not be removed by discriminatory practices. The judges highlighted that women would not only be a

⁵ *Indian Young Lawyers Ass'n v. State of Kerala*, AIR ONLINE 2018 SC 243 (India).

⁶ INDIA CONST. art. 25.

religious group, but also be constitutional persons who deserve dignity and autonomy.

Justice Chandrachud and Justice Nariman also emphasized upon the principle of “intra-faith equality”, which implies that the religious rights of women and men who belong to the same religion should be equal. Women should never be denied access to worship because of the interpretation of religion by the male gender.

The Court linked religious freedom to the dignity and to personal liberty. It noted that to exclude women from the temple due to the menstruation period reduces women's social status and impedes them from participating equally in the religious life. Most argued that it was not their duty to allow religion to be the basis for actions that compromise dignity and equality.⁷ This way, the judgment demonstrates a liberal constitutional interpretation in which the person is the main bearer of constitutional rights.

Article 26 and Denominational Rights

The respondents contended that the Sabarimala temple falls under Article 26 protection since the followers of Lord Ayyappa constitute a different religious group.⁸ They said the temple was entitled to autonomously run its own affairs, which included denying women access as an integral part of their religion. Most of them didn't accept this argument. The Court used previous judicial precedent and found that the Sabarimala devotees do not possess a unique identity separate from Hinduism. The temple was open to all Hindus, and to many from other religions too; it could therefore not be said to be a separate religion and thus, be protected under Article 26. Because of this finding, the practice after its loss of denominational status came under constitutional review under the equality clauses.

The Court also noted that in the event of the existence of denominational rights, they would still be subject to constitutional principles and social reform under Article 25(2)(b).⁹ Through this provision the State can open Hindu religious institutions for all the Hindu community. Most saw the passage as part of a broader promise of the Constitution in the realm of inclusion and change. The judgment thus established that the concept of religious autonomy under article 26 of the constitution is not without limitations. Religious practices may not be protected when they are not

⁷ *Indian Young Lawyers Ass'n v. State of Kerala*, Judgment Summary, [Supreme Court Observer](#) (last visited May 5, 2026).

⁸ INDIA CONST. art. 26.

⁹ INDIA CONST. art. 25.

consistent with dignity and equality. The Court introduced the concept of religious accountability under the Constitution.

Article 17 and the Expansion of Untouchability

The Sabarimala judgment's biggest controversy centred on the meaning of Article 17, which has done away with untouchability.¹⁰ Justice Chandrachud extended the scope of this to something much bigger and tied it to the concepts of purity and pollution in relation to women's exclusion. Most of them noted that they saw the restriction as being founded on the idea of the impurity of menstruating women. The Court says these practices are a stigma on women and consider them socially inferior to men. The practice was based on a natural biological process, excluding women, thus resulting in a type of social segregation.

Justice Chandrachud argued that Article 17 should not be interpreted only in the context of caste discrimination. Apart from the caste system, he says that there are other systems of untouchability, based on ideas of impurity. The Court dealt with the exclusion on Sabarimala as an aspect of untouchability which is barred by the Constitution.¹¹ This was the "transformationist" interpretation that was followed by most. The Court has applied the principles of the constitution in a very wide fashion to attack practices which are continuations of discrimination and which have an impact on dignity.

Stigma around menstruation was thus considered a constitutional, not religious matter. Meanwhile, this reading was criticized. Justice Indu Malhotra, however, disagreed to the expansion of Article 17 beyond the caste-based discrimination.¹² However, critics also contended that the majority's interpretation of Article 17 went beyond its constitutional scope. Yet, the mass interpretation was in line with the greater equality, dignity, and anti-exclusionary Constitutional ideals of the majority.

COMMUNITARIAN CRITIQUE AND THE MALHOTRA DISSENT

Justice Indu Malhotra's Dissent

It was Justice Indu Malhotra who had written the only dissenting opinion in the Sabarimala judgment. Her line of reasoning was quite unlike the majority judgment. Whereas, most of them concentrated on equality and individual rights, Justice Malhotra said that the autonomy of religion, judicial restraint and protection of religious traditions were

¹⁰ INDIA CONST. art. 17.

¹¹ *Indian Young Lawyers Ass'n v. State of Kerala* (Sabarimala Temple Entry Background), [Supreme Court Observer](#) (last visited May 15, 2026).

¹² Gautam Bhatia, *The Sabarimala Judgment – II: Justice Malhotra, Group Autonomy, and Cultural Dissent*, [Constitutional Law and Philosophy](#) (Sept. 29, 2018).

all to be considered.¹³ Justice Malhotra accepted the argument that the devotees of the Lord Ayyappa constituted a different religious denomination as per Article 26 of the Constitution. She said the temple observes its own worship rituals that are based on the celibacy of Lord Ayyappa as a Naishtika Brahmachari.¹⁴

She believed that courts should not intervene with religious practices, because of Article 26 which protects the right of religious denomination to run their affairs. One of her primary objections to the dissent was that the court should not "rationalize religion." She stated that not everything religious can be tested through the concepts of equality, social reform and logic.

What may seem illogical to outsiders does not necessarily make them unconstitutional. While addressing this, Justice Malhotra also cautioned against undue judicial encroachment into religious matters which in turn would harm religious liberty. Her opinion is that courts should only intervene when a practice is seriously harmful or a deeply oppressive social evil like Sati. The Sabarimala practice was associated with a specific religion and not against all women in general, she felt the Court should grant autonomy to the religious community. Her disagreement is due to the communitarian concept of justice that allows communities the liberty to maintain their traditions and religious identity. While most of the others emphasized on individual rights, Justice Malhotra was more concerned with religious pluralism and the autonomy of the faith community.

Michael Sandel's Critique

Justice Indu Malhotra's dissent is rooted in ideas similar to those of communitarian criticism of liberalism by Michael Sandel. Sandel attacked the liberal theory of justice set forth by John Rawls, particularly that one should be able to separate oneself from one's social and cultural backgrounds. Rawls envisioned people making decisions behind a "veil of ignorance" which is a veil that hides from them what their religion, social class, and gender are. This portrays unrealistic human beings.¹⁵ People are not individuals who are cut off from society, he said. Rather they are very much related to their culture, tradition, religion and community. These relationships develop into the value system and identity of a person. This criticism is significant in the context of

¹³ Atul Pandey, *Fued of Physiology and Religiosity in India: Critically Analysing Judicial Review of Supreme Court of India on Menstruation* (2024), SSRN, [SSRN Electronic Journal](#) (last visited May 16, 2026).

¹⁴ Gautam Bhatia, *The Sabarimala Judgment – II: Justice Malhotra, Group Autonomy, and Cultural Dissent*, [Constitutional Law and Philosophy](#) (Sept. 29, 2018).

Sabarimala case. The exclusion of women was not interpreted by the devotees as mere discrimination from a communitarian point of view. To many devotees of Lord Ayyappa, the limitation was an integral part of the distinctive religious identity of the temple. This was the celibate nature of Lord Ayyappa and the strict Vratam of 41 days was believed to form an integral part of the temple tradition.

Sandel argues that this is not possible with mere concepts of equality. Religious practices may have common meanings which may be significant to the community's identity. Hence, their elimination from the constitution could cause to decrease the social and spiritual ties of the community. This directly attacks the liberal logic of the majority judgment. Most saw equality and dignity as universal constitutional values, while the communitarian perspective suggests that this might be at the expense of the religious community's beliefs and lived experiences. Sandel's critique, then, allows us to see a greater conflict between individual rights and collective identity. It proposes to include the community, tradition and cultural identity as part of the constitutional law's framework in addressing religious conflicts.

Limits of Liberal Constitutionalism

There are also some weaknesses of liberal constitutionalism in the Sabarimala case. The principal aspects of liberal constitutionalism are individual rights, equality, and universal constitutional values. This can help prevent discrimination, but can also cause conflict in a pluralistic society such as India where there are different religions and culture in different communities.

The exclusionary practice was overturned by the use of the constitution, constitutional morality, and equal treatment. But communitarian critics say the pressures that come with this liberal constitutional prism could make it easy for some local traditions and customs to disappear. This results in a perception of equality in the constitution that may impose a single vision of equality on all communities, even if communities have diverse understandings of the same concept.¹⁵

India is a very diverse nation with a wide variety of religions, sects, and local practices. In contrast, the communitarian interpretation holds that a constitution should allow for some room for this diversity, rather than impose one single communitarian model of morality upon all community groups. Criticism is not directed at equality; it is against excessive judicial intervention into religious issues. Courts beginning to adjudicate between rational and acceptable religion could undermine

¹⁵ Michael J. Sandel, *Justice: What's the Right Thing to Do?* (Farrar, Straus & Giroux 2009).

religious pluralism and community autonomy. Under these circumstances, constitutional morality could turn into a tool of homogenization rather than protection.

The communitarian approach thus calls for a balancing of individual rights with religious autonomy. As per this perspective, the dignity and equality of every human being must be guaranteed by constitutional law, which must also preserve the identity and tradition of religious communities. This greater constitutional tension manifests in the Sabarimala judgment. Most emphasized equality and dignity, and the dissenters emphasized more on pluralism, autonomy and judicial restraint. Both opinions reveal that, taken together, the opposition between liberal justice and communitarian autonomy is one of the most challenging in constitutional law.

A RAWLSIAN ANALYSIS OF THE SABARIMALA JUDGMENT

Justice as Fairness

The philosophical underpinnings of Sabarimala judgment cannot be understood without delving into that of John Rawls and his concept of "Justice as Fairness." According to Rawls, in his book *A Theory of Justice*, a major principle of justice is that it is the first virtue of social institutions.¹⁶ He said that old or accepted laws and institutions cannot be considered justifiable solely for that reason. An unfair or discriminatory practice must be altered, even if it has been in place for a long time.

This concept plays a significant role in the Sabarimala case because the temple argued its grounds of exclusion primarily based on the claim of being an ancient practice. But it was not solely a question of history or custom before the Supreme Court. Instead, the Court addressed the question of whether the practice was "*in harmony with the values of the Constitution, such as equality and dignity.*" Most considered longstanding custom unconstitutional because it was not originally incorporated into the Constitution. Most of them thought that if a custom had been followed for many years, it could not be considered a valid constitution. The judgment is an example of Rawls's concept of "justice as fairness."

The Court's emphasis on fairness and equality over historical traditions. Most thought that customs and religious practices should be compatible

¹⁶ Leif Wenar, *John Rawls*, in *The Stanford Encyclopedia of Philosophy* (Edward N. Zalta & Uri Nodelman eds., Fall 2025 ed.), Stanford Encyclopedia of Philosophy. <https://plato.stanford.edu/archives/fall2025/entries/rawls/>

with the constitutional principles. The judgment also is based on the Rawlsian premise that each person is entitled to the same moral value. It was the biological nature of the female gender that led to the exclusion of women in Sabarimala. The Court's reasoning was that this was not consistent with a constitutional system that is based on dignity, fairness and equality.

Original Position and Veil of Ignorance

The principle of the “original position” and the “veil of ignorance” is one of the biggest concepts passed down by John Rawls.¹⁷ Rawls envisioned a hypothetical world in which people are to determine what the rules of society ought to be without knowing their gender, their religion or their social status or the advantages they might have. If no one is sure of his or her place in society, he or she will be more inclined to establish a fair set of rules that will guarantee the protection of all.

This concept is applicable to Sabarimala case. No rational person would wish a rule that would exclude women from a temple just because they are women, if he did not know whether he was born a man or a woman. No one would want to take the chance of being left behind due to a condition they did not select. Rawls felt that things such as gender were morally arbitrary because people do not choose to be a particular gender. Thus, rights and opportunities should not be based on these natural differences.

The Sabarimala exclusion was an affront to this notion as women were banned from entering the temple only due to the act of menstruation. This is the thinking of the Supreme Court. Most considered that a male-exclusive constitutional reason for denial of equal rights cannot be a biological one. The Court acknowledged menstruation as a natural process and thus could not be the basis for exclusion or discrimination. It may also be noted that the concept of the veil of ignorance is directly responsible for the liberal attitude of the judgment. People would prefer justice and freedom of action for all, then customs for one part of society.

Equal Liberty Principle

Rawls claimed that the first principle that would be selected by rational persons is the principle of equal basic liberties.¹⁸ Under this doctrine, all people should have the same basic freedoms, such as the freedom of thought, conscience and religion. The Sabarimala case directly gave rise to the question of religious freedom that is guaranteed under Article

¹⁷ Michael J. Sandel, *Justice: What's the Right Thing to Do?* (Farrar, Straus & Giroux 2009).

¹⁸ *Id.* at 16.

25(1) of the Constitution. Women aged from 10 to 50 were barred from entering the temple, and women were not allowed to worship. Freedom of religion is guaranteed in Article 25, but women were not allowed in the temple nor to participate in worship. Most of the ruling agreed that women deserve the same level of religious freedom.

The Court refused to entertain the notion that denying equality of access to worship for women was justified because the deity is celibate or because the beliefs of male worshippers justified such denial. The basic principle is that religious liberty of one group cannot be secured at the expense of the religious liberty of another group. This is a thought similar to Rawls's principle of equal liberty. Sabarimala stands as a case in point where the religious freedom of men was kept, with women's freedom curtailed.

The Court concluded that this was unconstitutional as it was not possible to allocate fundamental rights in a discriminatory fashion based on the gender of the individual. The judgment also emphasized the concept of "intra-faith equality," which stipulates that women in the same faith should be treated equally in regard to religion.

Equal participation in worship is a key component of dignity and equal citizenship, the Court said. Basic liberties are also inviolable in the name of social conventions or group preferences, according to Rawls. Likewise, the Court did not permit religion to abrogate the rights of women. This is a reflection of the liberal constitutional interpretation given in the judgement.

Structural Inequality

Women are made the only keepers of the 'celibate character of the god'. Women were expected to move out of religious space, leaving it free for men and/or deity to maintain spiritual purity. This was an unequal social structure with women's involvement as subordinate to the religious interest of men.

SC acknowledged the exclusion was a continuation of structural discrimination against women. Most were of the opinion that religious practices cannot be constitutionally protected simply because they are religious in character. In this context the judgment sought to challenge the social structures that marginalise women and exclude them from an equal role in society's religious life. Throughout history, women were excluded from many public and religious institutions, based on the ideas of impurity and inferiority. The Court's action thus constituted an effort to redress these structural inequities and increase equality of access.

Self-Respect as a Primary Good

Rawls considered self-respect to be important primary goods in society. People need to be convinced that they are equal members of society and have the right to dignity and respect. There are thus conditions that a just society must meet to secure the freedom of self-respect.

In Sabarimala case, the idea is applicable because the barring of women was linked to notions of impurities and pollution in relation to menstruation. The practice of menstruating women being treated as unclean degraded women and impacted on their dignity.¹⁹ Most of the judges realised that it was not just a matter of temple entry, but of self-worth and equal status. Justice Chandrachud noted that such practices based on purity and pollution humiliate women and perpetuate stereotypes against them.

Equality and dignity became synonymous in the eyes of the Court. It said that the Constitution could not tolerate practices that would make women think that they were second-class citizens based on a natural process. The exclusion had the effect of demeaning the status of women's presence in a sacred space, devaluing women's self-esteem. The theory of "dignity" emerged as a significant component of the judgment due to Rawls.

Rawls' theory is helpful in understanding the rise of this theme of 'dignity'. Rawls argues that justice not only involves rights and resources, but it also involves equal respect for every person. Even the Supreme Court adopted the same line of reasoning and declared women to be equal moral and constitutional individuals.

Rawl's Public Reason

John Rawls's other salient principle is that of "public reason." Rawls maintained that in a democracy, decisions must be made in terms of public values which are acceptable to all. Laws and constitutional principles should not rely solely on religious beliefs as there are people with different religious beliefs and views in society. The Sabarimala judgement, in effect, embodies this concept by invoking the principle of constitutional morality.²⁰ The defenders of the ban mainly relied on religious and theological arguments. Excluding women was essential for the maintenance of the celibate nature of Lord Ayyappa and keep the temple tradition, they claimed.

¹⁹ *Indian Young Lawyers Ass'n v. State of Kerala*, AIR ONLINE 2018 SC 243 (India).

²⁰ *Ibid.*

The Court, however, did not find these religious grounds sufficient to abridge the fundamental rights. Most agreed that the Constitution is not religious in nature and that morality as defined by the Constitution is constitutional morality. According to the Court, constitutional morality is based on values like equality, liberty, dignity, and fraternity. Thus, it is necessary to evaluate religious activities which impact on public rights against the principles of the Constitution. This is very similar to Rawls' concept of public reason, as the Court ruled the matter based on constitutional values which are the same for everyone. The Court was not binding upon religious doctrine, but rather on equality and dignity. This move embodied a liberal understanding of the Constitution which held that the values of the Constitution took precedence over religious discrimination.

CONCLUSION

The Sabarimala judgment is a liberal definition of justice because the supreme court placed greater emphasis on the principle of equality, dignity, and individual rights over religious practices. Most believed that actions such as those grounded in gender stereotypes and concepts of uncleanness do not outweigh constitutional values.

The Court noted that the temple was open to women of all ages – this highlighted the equality of women as citizens and their entitlement to equal rights and dignity with men. The court's logic is similar to that of John Rawls's. As with Rawls's theory, the Court was concerned with justice and not tradition. Most acknowledged that menstruation and gender are natural circumstances and should not be used as reasons to exclude someone from worship. Furthermore, the judgment cited Rawls's concept of equal liberty and thus concluded that women should have the same religious freedoms as men in Article 25.

Justice Indu Malhotra also quoted in her dissent the communitarian apprehension of religious autonomy and pluralism. This concept holds that the judiciary must be mindful in their involvement in religious affairs, due to its association with community identity and tradition. Case thus demonstrates the ongoing conflict between rights of the individual and autonomy of the community in constitutional law.

Most emphasized equality and anti-exclusion ideas, while some emphasized religious freedom and judicial restraint. Creating a balance between protecting dignity and equality and not ignoring the Indian religious and cultural diversity is the actual challenge for the constitutional courts.

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