

ITEM NO.1501  
(For Judgment)

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Writ Petition(s) (Civil) No(s).373/2006

INDIAN YOUNG LAWYERS ASSOCIATION &amp; ORS.

Petitioner(s)

VERSUS

THE STATE OF KERALA &amp; ORS.

Respondent(s)

([HEARD BY : HON. THE CHIEF JUSTICE, HON. R. BANUMATHI AND HON.  
ASHOK BHUSHAN, JJ.] )

Date : 13-10-2017 This petition was called on for hearing today.

Amicus Curiae(s) Mr.Raju Ramachandran, Sr.Adv.

For Petitioner(s) Mr.R. P. Gupta, AOR

For Respondent(s) Ms.Indira Jaising, Sr.Adv.  
Mr.Devadatt Kamat, Adv.  
Mr.Rajesh Inamdar, Adv.  
Mr.Aditya Bhat, Adv.  
Mr.Gautam Talukdar, AOR

Dr.Kailashnath Pillai, Sr.Adv.  
Mr.P. V. Yogeswaran, AOR

Dr.K.P.Kylasanatha Pillay, Sr.Adv.  
Mr.A. Venayagam Balan, AOR  
Ms.V.S.Lakshmi, Adv.

Mr.K.Radhakrishnan, Sr.Adv.  
Mr.K.V.Jagdishvaran, Adv.  
Ms.G. Indira, AOR

Mr.Shadman Ali, Adv.  
Mr.B.V.Balram Das, Adv.

Mr.S.Udaya Kumar Sagar, Adv.  
Ms.Bina Madhavan, Adv.  
Mr.Mrityunjai Singh, Adv.  
Ms.Ramandeep Kaur, Adv.  
For M/s Lawyer S Knit & Co, AOR

Mr.Harish Vaidyanathan Shankar, Adv.  
Ms.Nisha Moihandas, Adv.  
Mr.K. V. Mohan, AOR

Ms.Shobha Ramamoorthy, Adv.

Mr.Sri Rak J.Thalapathy, Adv.  
Mr.V.Adhimoolam, Adv.  
Mr.Shilp Vinod, Adv.  
Mr.J.Karthick Babu, Adv.

Mr.G. Prakash, Adv.  
Mr.Jishnu M.L., Adv.  
Mrs.Priyanka Prakash, Adv.  
Mrs.Beena Prakash, Adv.  
Mr.Vijay Shankar V.L., Adv.

Applicant-in-person

Mr.Krishna Kumar Singh, AOR

M/s Ap & J Chambers, AOR

Mr.Suhaas Ratna Joshi, AOR

Mr.V. K. Biju, Adv.  
Mr.Himanshu Singh Yadav, Adv.  
Mr.Abhay Pratap Singh, Adv.  
Ms.Sri Prada, Adv.  
Mr.Vineet Kumar Singh, Adv.

Mr.V. K. Verma, Adv.  
Ms.Sheetal Sain, Adv.

Mr.Nishe Rajen Shonker, AOR

Mr.K.Parameshwar, Adv.  
Mr.Udit Gupta, Adv.

Mr.Anjani Kumar Mishra, AOR

Mr.Abhilash M.R., Adv.  
Mr.Ranjan Kumar, AOR

Mr.V. K. Sidharthan, AOR

Mr.Wills Mathews, Adv.  
Mr.Shree Pal Singh, Adv.  
Mr.Ginesh P., Adv.

Mr.Vaibhav Joshi, Adv.  
Mr.S.George, Adv.  
Mr.Ramesh P., Adv.  
Mr.Suhaas Ratan Joshi, Adv.

Hon'ble the Chief Justice of India pronounced the

judgment of the Bench comprising of His Lordship, Hon'ble Mrs. Justice R. Banumathi and Hon'ble Mr. Justice Ashok Bhushan.

The following questions arise for consideration:-

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?

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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 Consolidated Fund of Kerala and Tamil Nadu can 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 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 Kerala Hindu Places of Public Worship (Authorization of Entry) Rules, 1965 is *ultra vires* the Kerala Hindu Places of Public Worship (Authorisation 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?

Let the papers be placed before the learned Chief Justice for constitution of the appropriate larger Bench.

(SATISH KUMAR YADAV)

AR-CUM-PS

(Signed reportable judgment is placed on the file)

(H.S. PARASHER)

ASSISTANT REGISTRAR