

SABARIMALA VERDICT DEBATES AND CONFLICTS IN KERALA

Bhavana Bhagyanath¹ and Rajesh Komath²

Abstract

The society has changed along with laws. It is not easy to apply laws on society because humans are so sensitive in their beliefs and doings. But laws and punishments forced human to change their habitual. Everywhere in the world this transformation through law and it is ongoing process. Each society needs advancement and reformation. Like other nations, India also is part of such transformations. Many legal conflicts happened in our country itself. At colonial period, they commenced laws here. Independent India followed such laws which were against our superstitions. But many beliefs have deep rooted influence in society. Like other states, very rigid caste system was practiced in Kerala. Caste hierarchy and untouchability was practiced and followed caste based regulations here. Many reformation activities were held here. The article discusses the debates and social conflicts in the context of the Sabarimala verdict.

Keywords: Sabarimala, Sociology of Law and Conflict.

Introduction

Ayyankali, Sree Narayana Guru, Sahodaran Ayyappan, V.T.Battathiripadu, Dr.Palpu and many others fought against casteism and untouchability. As result of their activities many people in Kerala influenced them. V.T.Battathiripadu, Lalithambika Andarjanam and many personalities toiled for women empowerment. Women in each caste experienced different issues. V.T.Battathiripadu and others discussed women issues in Namboodiri castes. In so called Namboodiri caste, women were suppressed. They had no right to went outside. Like that each caste had enigma. To an extent, hard work of many people made this an end. Later, implementation of laws gave power to defend such suppression. But beliefs and superstitions are deep-rooted here. Not only deep-rooted, they are highly patriarchal in nature. Women are the victims of such and such activities. Monthly menstruation and related rituals made our society more complicated. Women have restrictions on such period even in their home itself. Keralites very strictly followed these activities in home as well as in worshipping centers. The Supreme Court verdict on September 28 2018 is a sudden kick from back

¹ Former MPhil scholar, School of Social Sciences, Mahatma Gandhi University, Kottayam.
bhavanabhagyanath@gmail.com

² Associate Professor, School of Social Sciences, Mahatma Gandhi University, Kottayam.
komathrajesh@gmail.com

to keralites. But political parties used this as a political tool and Kerala witnessed not only debates but also social degradation.

Sabarimala: Beliefs and Myths

There are various myths, stories and beliefs surrounding Sabarimala. Sabarimala is known as a Hindu temple through the stories of mythology. The most famous story is that the son of Vishnu and Shiva, who was born in the role of *Mohini*, was brought up by *King Pandalam*. Each community has their own beliefs on this temple. The place Sabarimala is closely connected with the myths of Ayyappa. The deity of Ayyappa is worshipped on the temple. The myths on this temple aim to give divinity to Ayyappa. Ayyappa was considered as rebirth of *sasthav*. There was a common myth mostly believed in the society was the story of Vishnu-Siva relation. The birth of Ayyappa happened as a result of the sex in between *MahaVishnu* and *Paramasiva*. At the time of *palayi madhana*, *Devas* and *Asuras* combined together to get *Amrith*, a drink. But *Asuras* escaped with the *Amrith* and *Devas* became fooled. To get back this drink, *Mahavishnu* changed as *Mohini* (a woman character); and approached *Asuras* and escaped with *Amrith*. By hearing this, Siva wanted to see the *Mohini* character once again and Vishnu agreed this. By seeing this character, siva slipped into love and happened sexual relation. This Siva-Vishnu relation gave birth to a son. This son was Ayyappa or *Sasthav*. At the same time, in earth, *Panthala Raja Rajasekharan* at the bank of river Pamba heard a sound of baby and saw a baby with chain on neck. He took the baby and reached palace. By getting this child, Rajah and Rani became very happy, because they had no child. They called him 'Manikandan'. Later Rani gave birth to a child.

Manikandan had many extra ordinary features. Especially he was very expert in martial activities. He was very able to maintain army. Rajah wanted to make him king. This will lead to conflicts; the minister turned against this suggestion and planned some steps for the exclusion of Manikandan from the palace. The minister convinced Rani and initiated her to be the part of this planning. Such a planned attempt was the performance of sick by Rani. The '*vaidhyam*', also part of this planning announced, the milk of tiger was needed for the treatment. Manikandan get ready to this.

As son of Vishnu and Siva, he has divinity by birth. On the way to milk, he fought with '*Mahishi*' and killed her. The '*mahishi*' was blessed by Manikandan to sit near his place. *Mahishi* wanted to marry him. Then she got another blessing, that is, he will marry her, until new Ayyapans never came to see him on *Mandala* season. The death of '*mahishi*' was the aim of this *avatar* Ayyappa, because the son of Siva and Vishnu was the only force able to kill her. After the death of *Mahishi*, Manikandan returned back to Panthala, *Devendran* changed into a large tiger and set as vehicle to Manikandan. Manikandan with tiger reached Panthala and the natives and Rajah understood his divinity. Then he told the aim of his birth. Then he went to sabari, on the banks of river Pamba. Later Panthala king built a temple there. Before going to

Sabari, Ayyappa gave instructions about the *vrutham*. This was the oral story very common in Kerala. In some places there are differences in the story. But these are the very common characteristics of the Ayyappa story. The main aim of establishing this story was to get divinity to a man. It has nothing to do with history other than story.

The story itself has a chronology that does not fit common sense. According to Hinduism, there are four eras. They are the *Kritha Yuga*, *Treta Yuga*, *Dwapara Yuga* and *Kali Yuga*. The first four incarnations of Lord Vishnu occur in the *Krita Yuga*. The first four incarnations are *fish*, *kurma*, *varaham* and *narasimha*. It is also in this era that *Palayi mathanam* and the *Mohini avatar* of Lord Vishnu take place. According to the Hindu mythology, Lord Ayyappa was born through the relationship between Lord Vishnu and Lord Shiva. The *Kritha Yuga* is the year of 4800 Deva. 360 years as a deva year. That is to say, the age of grace is 17,38,000 years. After all these years, the second era, the *Treta Yuga*, begins. It is in this age that Lord Vishnu's *Vamanan*, *Parashuraman* and *Sri Rama* are formed. *Balaraman* and *Sri Krishna* were born after this, the *dwapara yuga*. The end of it all is the *Kaliyuga* who lives today. While examining this chronology of Hindu mythology, how is it possible to compare Sabarimala Temple with the *Palazhi mathanam* and the *Mohini* image? The kingdom of *Pandalam* and the Sabarimala temple are also present in Kaliyugam. It would be unthinkable to believe that a child who was part of a relationship millions of years ago was born during this period. According to Hindu mythology, the birth of Lord Ayyappa and his association with the temples located here are mere hollow figures. How then can these myths be linked to the living things of today and claim the backing of history? According to Hindu mythology, the true history of Sabarimala is incomparable.

The history of the *Pandalam* Palace dates back to Kollam Era 79. The *Pandalam* dynasty reached Kerala by the 10th century³. The *Pandalam* family's relationship with Sabarimala dates back to the 10th century. But Sabarimala and its surrounding habitation will begin before that. *Pandalam* kings are not Malayalees. The *Pandalam* kings were part of the *Pandya* dynasty. The *Pandalam* kings came to *Thenkanjikal* from *Pandya* and then came to Kerala. The first to their arrive was *Nilakkal*. From there they reached on *Achenkovil*. Later they dominated *Konniyur* and *Pandalam*. Women and children settled in *Pandalam*. The family came to *Pandalam* and settled in *Pandalam* in KE 345⁴. The history of the *Pandalam* Dynasty dates back to the 10th century AD. It was after this that Ayyappa's birth and his relationship with Ayyappa and the royal palace began. At this period there is no evidence on the stories like *palazhi mathanam* and *mohini avatar*. A petition filed by Sri Ravi Varma Raja of the *Pandalam* Palace before the Kerala High Court states that there is no document linking them to the *Pandalam* Palace. The ornaments attributed to Sabarimala Ayyappa were

³ P.K.Sajeev;[sabarimala ayyappan malaaraya daiyam](#);D C Books;Kottayam;2019;p-44

⁴ P.S.Thekkumbhagam;[sabarimala Ithiyam\(charithra lekhanangal\)](#);National publications;Kollam;1985;pp,24-26

kept in the *Pandalam* Palace. At *Makaram 3*, the King goes to Sabarimala and the *Thanthri* takes the upper step of the 18th step by washing his feet.⁵ This is the relation evidenced by palace on this temple. When the *Pandalam* royal palace is claimed over Sabarimala, the Malaya community comes with the same claim. MalaAraya community raised their voice against brahmanising this temple. Like pandhalam palace MalaAraya community highlighted their rights on the same temple.

It is argued that the 18 hills comprising the Sabarimala belonged to the '*Karimala Araya*' king. The puja rituals in Sabarimala were performed by the *Mala Arayas*. They worship the God of Hunt. They believe that the first priest of the Sabarimala temple is *Karimala Aryan* and that this temple is of the *MalaArayas*. Ayyappa is not only considered as an idol. He is also a warrior who lived with them⁶. There is no concrete evidence for this. They also state that his name was engraved on the first step of the eighteen steps in the Shabari temple.

Samuel Matteer's, *Native Life in Travancore* is a book that points out the right of the *MalaArayas* to the Sabarimala temple. The book, published in 1883, discusses the various social groups that existed in Kerala. It also mentions Sabarimala's relation to the *MalaAraya*. *Kanikkar* is a tribal group living in the southern part of Travancore. Another group of them are the Malays of North Travancore. They are known as *Malay arasan* in Tamil. The word '*Arayan*' comes from the word '*Arachan*' which means 'king'⁷. Sabarimala is recorded in this book as *Shavarimala*. According to this, Sabarimala is a place of worship for the *MalaArayans*. The poojari or oracle for the worship of Lord Ayyappa in this temple is *tàlanàni*. The worship of this sect is the spirits of their own ancestors.⁸ These are the sects that worship ancestors as their god. Many of them were warriors. The book accepts the claim of the *MalaArayas* that Ayyappa was a warrior and was their ancestor. Sabarimala Ayyappa Temple is an ancient temple worshiped by the Malaya sect in the 1880s. Once upon a time the heirs of Sabarimala were supposed to have been this community. Prior to the implementation of the rituals of the *Thazhmon* family, the Malaya community worshiped here. If no other evidence is available today, the connection between the Malaya Araya sect and the Sabarimala Ayyappa temple cannot be ruled out.

There is another group of Buddhists who have a greater influence on the temple and the practices that follow here. Ayyappa idol and rituals indicate that the place was a Buddhist center. Buddhism has existed in Kerala since the 3rd century BCE. Many places in Kerala were Buddhist monasteries. Many temples are said to have been Buddhist centers of worship in the past. These include the *Kottayam Kiliroor*

⁵ Op.cit; AIR 1993 KER 42;p,15

⁶ Op.cit;P.K.Sajeev;pp,47-56

⁷ Samuel Mateer; *Native Life in Travancore*; Asian Educational Services; New Delhi (1883);1991;p,63

⁸ Ibid;pp,71-76

Temple, Kuttanad Nilamperoor Temple, Kodungallur Kurumba Bhagavathi Temple, Paravassery Durga Temple and Ambalappuzha Karumadikuttan Temple. Sabarimala Ayyappa Temple is one of the famous temples of this place. The *Cholas* invaded from 999-1102 CE. As a result, all the Buddhist monasteries have evolved into *Shiva* temples and the Jain monasteries have all become *Vishnu* temples. The *Dharma-Shasta* temples are believed to be one of the monasteries⁹. It is also believed that Sabarimala, a Buddhist pilgrimage site, was attacked by the king of *Pandalam*. The Buddha worship itself was converted into Hinduism and worshiped as *Sasthav*. It is recorded that the Buddha and the Sastha have some similarities. The idol of Sabarimala and the rituals of pilgrims are very similar.

Sabarimala pilgrims are those who follow the path of non-violence, eat a vegetarian diet, and live two months of alienation from the worldly life. These are all included in the Buddha's ideas. Caste differences are not evident in Sabarimala. Above all, the Buddhist tradition is evidenced by the rhythmic calls heard in the Sabarimala sound. The call of '*Swami Saranam*' bears the resemblance of Sabarimala Ayyappa with the Buddha. Asylum is a ritual in Buddhist centers of call. The Ayyappa refuge at the Sabarimala temple is a model of the Buddha as well as the "*Buddha Saranam, Dharma Saranam, Sangam Saranam*"¹⁰. In Sabarimala, the idol with the index finger pointing to the thumb and holding the other three fingers. The three fingers are the *three ratnas*, Buddha, Dharma and Sangha¹¹. A. Sreedhara Menon also mentions that the name 'Sasthav' is used as a synonym for the Buddha in the *Amarakosha*¹². Sabarimala is a place of worship where the Buddha's likeness is very similar to that of pilgrimage.

Supreme Court Verdict and Social Conflicts

Sabarimala worshipping center has different characteristics when compared to other worshipping areas. One and most debated feature is the celibacy of ayyapa deity. Women aged between 10 to 50 are prohibited from sabarimala because of menstruation. This discrimination was questioned by a group of lawyers and filed a petition on Supreme Court at July 28 2008. The main petitioner of this case is Indian Young Lawyers Association. Six petitioners including Indian Young Lawyers association filed petition on Supreme Court. Ms.Bhakthi Parsija, Dr.Laxmi Sasthri, Ms.Purna Kumari, Ms.Alka sharma, Ms.Sudha Pal are the other petitioners of this case. By this case, they mainly questioned that, the exclusion of women aged between 10 to 50 years from Sabarimala temple is constitutionally right or not. Petitioners

⁹ <https://shivrajade.wordpress.com>; Sabarimala was actually Buddhist shrine and Ayyappa was actually Budha

¹⁰ A Sreedhara Menon; *A survey of Kerala History*; D.C. Books; Kottayam (1967); 2007;p,87

¹¹ Op.cit; <https://shivrajade.wordpress.com>

¹² A Sreedhara Menon; *Kerala samskaaram*; D.C. Books; Kottayam(1978),2007,p,24

advocated for the equal rights of women enhanced in Indian constitution. Many associations joined in this case.

On 2007, LDF government filed another affidavit on this case. This affidavit said that the government will stand with the court order. The government was ready to agree the court order.¹³ On 2016 the affidavit filed by UDF government rejected the affidavit filed by LDF government and reported that they were against the entry of women in Sabarimala temple.¹⁴ On 2018 again LDF government filed an affidavit and rejected the affidavit of UDF government and take in the old affidavit¹⁵. The then Kerala government had been ready to accept the judgment of Supreme Court and it has been their duty to make it in force.

On behalf of this petition, so many institutions and individuals came forward to agree and disagree the petition. So, there is a group of petitioner and respondents filed their part on court. After the arguments and counter-arguments, five members Division Bench published the Sabarimala judgment on September 28 2018. Dipak Misra as chief Justice included other justices R.F. Nariman, Dhananjay. Y. Chandrachud, A.M. Khanwilkar, Indu Malhotra in the division bench. C.J. Dipak Misra, J. Khanwilkar, J. Nariman, and J. Chandrachud judged that the exclusion of women on particular age group is unconstitutional and J. Indu Malhotra judged that the customs and practices must be protected. In 4:1 ratio, Supreme Court judged that the exclusion of women in particular age group is unconstitutional and supported the entry of women in any age group, which is favorable to the petitioners, Young Lawyers Association. This judgment is a historical event which established constitution is more valuable than any religious customs and practices. This judgment is also against the unequal activities against women. Inequality is highly expressible in religion. A male-centered society is built by religion. The rituals, customs and practices are more favorable to men. Gender Equality explained in constitution is remained only in the written text. Society is highly unequal. This inequality was questioned here by the Justices. So, this judgment is acceptable and agreeable in the sense which give equal rights to enter into the Sabarimala temple and highlighted the point religious beliefs have lesser importance in front of human dignity.

Chief justice Dipak Misra and justice Khanwilkar opinioned, the customs and practices followed by the society is sometimes irony to the society itself. Women are the victims of such customs and practices. All human-valued theories are stay confined in papers. Historically, women became the part of discrimination, so they fought for their equal rights. Justice Nariman explained prohibition of women belonged in particular age group is the violation of Article 25(1) and 1965 Act. Justice

¹³ ibid

¹⁴ ibid

¹⁵ ibid

Chandrachud remembered that our constitution highlighted the real meaning of Liberty, Equality and Fraternity. Human dignity postulates equality between persons. Exclusion is destructive of dignity. The menstrual status of women is deeply personal and an intrinsic part of her privacy. Justice Indu Malhotra, one of the members in five member division bench had different opinion. Indu Malhotra supported the exclusion of women belonged in particular age group and considered this as essential religious practice. So, as I said, the final judgment of Chief Justice Dipak Misra was favoring the petitioners. Women without age limit can worship and go in for Sabarimala. But Kerala society is not ready to accept this judgment.

Constitution versus Tradition: Conflicts in Kerala Society

There have been many protests in Kerala over the Sabarimala verdict. As part of this, the *Namajapa Yatra* and *Vanithamathil* were held in Kerala. The Chief Minister said that the Sabarimala verdict is part of the constitution and the Government of Kerala is well-placed to implement it. Political organizations including the UDF and the BJP refused this verdict and protest against Kerala government. There was complete political Exploitation in Kerala. Women came out pretending that they were unclean. Political organizations and people have rallied to protect Ayyappa's celibacy with the preaching that women will not be allowed to enter Sabarimala. A series of violence has taken place in Kerala.

In September 28, 2018, Supreme Court announced that the ban to young girls in the Sabarimala pilgrimage is not in accord with the Constitution. Such an activity is against the constitutional values. Various political parties have also expressed their views on these issues. Immediately following the Supreme Court verdict, the ruling and opposition parties welcomed the verdict. But then the situation changed. Both the UDF and the BJP did not condone the verdict and said women were not allowed to enter there. The RSS and the Leader of the Opposition, Ramesh Chennithala have said that it is impossible to pretend that the sentiments of the devotees¹⁶. With their backing, many political organizations and caste organizations, including the NSS (Nair Service Society), have come out against the verdict. October 18 2018, strike (*hartal*) was organized by various political parties. The *Namajapamyatra* procession was also observed on this day. Kerala has witnessed women taking to the streets to declare them unclean. There have been agitations in Kerala and attacks on journalists over the entry of young women¹⁷.

Many women came for the Sabarimala expedition, but were blocked near Pampa and all returned without entering Sabarimala. As such programs continued the Kerala government and other organizations and political parties who advocates for the

¹⁶ Mathrubhumi Newspaper; October 4 2018;p,6

¹⁷ news@18; October 18,2018

implement of judgment announced a programme named '*vanitha mathil*'. It is the programme of unite of women against protests. The '*vanitha mathil*' was implemented by the government of Kerala; political organizations such as the CPM, the CPI; and the caste organizations like the SNDP (Sree Narayana Dharma Paripalana Yogam), the KPMS (Kerala Pulayar Maha Sabha) at January 1 2019. The women's wall will join the line from Kasargod to Thiruvananthapuram on January 1, 2019. Punnala Sreekumar, General Secretary of KPMS is the convener of the *vanithamathil*.¹⁸ More than 55 lakh people participated in the 620 km long women's wall. CPI(M) PB(Polit Bureau) member Brinda Karat and CPI leader Annie Raja were the last links, when Minister K K Shailaja and daughter of Comrade. AKG, Laila Karunakaran joined as the first links in the women's wall.¹⁹

Many social activists viewed women and men as equals in the '*vanithamathil*' American journalist, Gloria Staynam called this a "grand plan" of the state government and the Left Democratic Front.²⁰ "This is a historic victory for women's struggle and it is for women all over India,"²¹ CPM PB member Brinda Karat said. CPM PB member Subhashini Ali writes that fraternity and equality are the message of this unity and model for the country to follow²². But the NSS (Nair Service Society) has suggested that it is against women and to break Sabarimala rituals²³. They also said the women's wall is a failure. RSS has also taken some steps to demolish the women's wall. In Kasargod, place named Chettukundu near Kanjad, BJP-RSS activists set fire to a field and tried to break the women's wall²⁴. The historic wall is a women's wall organized by millions of people. The very next day, two women entered Sabarimala, a shock to Kerala.

On the morning of January 2, 2019, Wednesday, 3.53AM two young women, Kanakkadurga from Perinatalmanna, Malappuram and Bindu Ammini from Edakulam, Kozhikode entered into the Sabarimala pilgrimage center. The Sabarimala Thanthri shut down the temple in protest of their entry²⁵. The admission of the young woman comes two months after the verdict. But with their propaganda the violence became more widespread. On January 3, a strike (bandh) was held in many places in Kerala. UDF calls this day as *Karidinam*. Leader of opposition, Ramesh Chennithala said the implementation of this was CM's misconduct. BJP president P.S Sreedharan pillai said that the government cheated Kerala²⁶. There have been many instances of violence since the admission of the young woman. Such an attack was called the

¹⁸ Mathrubhumi newspaper; January 2, 2019; p,1

¹⁹ Ibid

²⁰ Ibid; p,6

²¹ Ibid

²² Ibid

²³ Ibid; p,7

²⁴ Ibid; p,1

²⁵ Mathrubhumi Newspaper; January 3 2019; p,1

²⁶ Ibid

‘*Edappal ottam*’. The CPM and the mass of people blocked RSS protesters who were riding bikes in the city of Edappal²⁷. This was referred to by the media as the "Ettapal Ottam". CPIM -RSS clashes have occurred in many places.

The devotees were admitted to Sabarimala after conducting *sudhi kalasham* after the young woman's expedition. Ayyappa's celibacy was one of the main reasons for the objection to women entry. The celibacy has not been discussed since women entered. It may be that the lost celibacy is being recovered through *sudhikalasham* and then no one will say the same thing. As the world of science grows, and there is development in the technological world there must be change in human attitudes and feelings. Man's narrow-mindedness need to be change and requires him to be free from slavery.

²⁷ Asianetnews.com; October 28,2018