

BLEEDING BOUNDARIES : RELIGION , RIGHTS AND RESTRICTIONS

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ABSTRACT

The article “Bleeding Boundaries: Religion, Rights & Restrictions” examines the constitutional legality and socio-legal consequences of limiting the access of menstruating women to places of worship in India. The study uses an empirical method to evaluate public opinion and lived experiences connected to this topic by surveying people aged 15 to 50 from various socio-economic, religious, and educational backgrounds. The research explores the intersection of traditional beliefs, cultural norms, and religious interpretations with the basic rights guaranteed by the Indian Constitution, especially those found in Articles 14, 15, 21, and 25.

This study's main goal is to determine whether the prohibition on temple entry during menstruation constitutes a type of gender-based discrimination that infringes upon the rights to equality, dignity, and religious freedom. The empirical data gathered shows significant differences in opinion based on generation and gender. Older respondents and some religious groups see the restriction as a question of faith and purity, but younger respondents and women largely see it as discriminatory and antiquated.

This article examines the legal conflict between individual rights and collective religious practices through doctrinal analysis and case studies, such as important judicial precedents like *Indian Young Lawyers Association v. State of Kerala*. The study also emphasizes the social repercussions of this exclusion, such as internalized shame, secrecy surrounding menstruation, and the marginalization of women in religious environments.

The paper concludes by advocating a constitutional reading that weighs religious freedom against the changing norms of human dignity, gender justice, and bodily autonomy. It demands legislative changes, education initiatives, and inclusive policy actions that support the rights of all people to equal involvement in religious life and confront menstrual taboos. The paper aims to provide a grounded and nuanced viewpoint to the continuing discussion on gender, religion, and the Constitution by combining empirical evidence with legal reasoning.

INTRODUCTION

In India, the intersection of gender, religion, and constitutional rights frequently results in intricate and highly divisive discussions. One such problem is the prohibition against menstruating women entering certain places of worship, which is based on traditional religious

beliefs and cultural taboos. These bans, which are observed in places of worship like the Sabarimala shrine in Kerala, have ignited debates across the country on the State's role in controlling religious activities, gender equality, and bodily autonomy. Critics of the ban contend that it infringes on women's

fundamental rights, particularly Articles 14 (equality before law), 15 (prohibition of discrimination), and 21 (right to dignity and personal liberty), while supporters argue that it is a crucial religious rite safeguarded by Article 25 of the Indian Constitution.

Although menstruation is a natural biological process, it has been stigmatized in many cultures throughout history. In India, this stigma is seen in limitations placed on menstruating women in social, domestic, and religious settings. Despite scientific and feminist discussions disputing such perspectives, the notion that menstruation is unclean or contaminating endures across cultures and ages. The perceived holiness of tradition has often led to religious practices that bar women from entering during their menstruation being unchallenged. The constitutional framework, however, necessitates that such customs be evaluated in light of the principles of human dignity and equality.

The matter was brought to the forefront by the 2018 Supreme Court decision in *Indian Young Lawyers Association v. State of Kerala*, which held that the Sabarimala temple's ban on women of menstruating age (10 to 50 years) was unconstitutional. The majority opinion concluded that the practice was discriminatory and not a vital religious practice safeguarded by Article 25. Although this historic decision was celebrated as a triumph for women's rights, it also sparked intense public discussion and opposition, exposing a divide between constitutional morality and public opinion.

This article takes a mixed-methods legal research approach, combining doctrinal analysis with empirical evidence, to further investigate this topic. To gauge societal views, religious justification, and perceived constitutional breaches connected with this practice, a survey was carried out among people aged 15 to 50 from diverse areas and demographics. The empirical data shows that older and more traditionally minded people frequently justify such prohibitions on religious

grounds, while younger respondents generally oppose them.

This piece also looks at the larger social consequences of menstrual exclusion. In addition to legal justifications, the ban exacerbates social stigma, promotes silence around menstruation, and adds to the estrangement of women from religious environments. The practice undermines attempts to achieve gender justice and challenges the inclusive principles guaranteed by the Indian Constitution.

In this instance, *Bleeding Boundaries* examines if constitutional assurances of equality, dignity, and freedom of religion are compatible with religious practices that prohibit menstruating women from entering temples. By integrating survey data, case law, and legal reasoning, the article seeks to provide a comprehensive insight into the legal and social consequences of this controversial topic.

MENSTRUATION AND RELIGIOUS PRACTICES IN INDIA

In India, menstruation is a normal biological event that has historically been frowned upon for religious, cultural, and societal reasons. Menstruating women are frequently seen as "impure" or "polluting" in many religions, which results in a variety of limiting behaviors, especially in religious contexts. These limitations incorporate restricting people from entering temples, forbidding them from taking part in ceremonies, and even isolating them inside their own homes. Although the intensity and expression of these beliefs vary by region and religion, the fundamental idea of menstrual impurity is firmly rooted in social awareness.

Ancient writings like the *Manusmriti* and some readings of the Vedas have helped create the view of menstruation as a period of contamination in Hinduism, which underpins many of these behaviors in India. Sabarimala shrine in Kerala is one example of a temple that explicitly prohibits women of menstruating age (10 to 50 years) due to religious practices that

prioritize ritual purity and celibacy. Other religious traditions also have similar restrictions. For example, certain Orthodox Christian and Jain communities discourage women who are menstruating from entering places of worship or handling holy things.

There is no universal religious authority throughout all faiths mandating such exclusions, however these ancient truths exist. In fact, numerous modern theologians and progressive religious scholars contend that these behaviors are influenced by patriarchal standards rather than heavenly revelation and are more cultural than doctrinal.

These customary views are being challenged more and more, especially by younger people and women's rights activists, as India continues to modernize. This topic is brought to the forefront of socio-legal debate by the tension between maintaining religious traditions and adhering to the constitutional principles of equality and dignity. Any effective legal or policy action aimed at combating gender-based discrimination in religious settings must first comprehend the religious origins of menstrual taboos.

CONSTITUTIONAL FRAMEWORK AND FUNDAMENTAL RIGHTS

A broad range of fundamental rights intended to guarantee equality, freedom, and dignity for every person is enshrined in the Indian Constitution. Several constitutional articles—especially Articles 14, 15, 21, and 25—immediately come to mind in relation to limitations on menstruating women entering places of worship.

Equality before the law and equal protection of the laws are guaranteed by Article 14. This article can be used to analyze any discriminatory religious practice that prohibits menstruating women from entering places of worship for a violation of the equal treatment principle.

Discrimination based on religion, race, caste, gender, or place of birth is prohibited by Article

15(1). Since a temple's policy that restricts women of menstruating age specifically targets them based on a biological function associated with sex, it may be considered sex-based discrimination.

The Supreme Court has broadly interpreted Article 21, which guarantees the right to life and personal liberty, to also cover the right to privacy, bodily autonomy, and dignity. Shaming or ostracizing women who are menstruating violates the Article 21-protected dignified facets of life.

Conversely, Article 25 grants everyone the right to freely practice, profess, and spread their religion, provided that public order, morality, and health are upheld. The Supreme Court has stated that religious freedom is not absolute and must be weighed against other constitutional rights, even though religious organizations seek protection under this clause to defend exclusionary behaviors.

The judiciary has consistently stressed that the Indian Constitution prioritizes constitutional morality over social morality. Consequently, the constitutional framework favors safeguarding individual rights, particularly those of historically marginalized groups like women, in issues where religious practices sustain inequality or discrimination.

SACRED SPACES AND SECULAR LAW : THE COURTS SPEAK

To guarantee that religious practices do not violate fundamental rights, the Indian judiciary has been instrumental in interpreting the Constitution. Courts have been asked to strike a careful balance between religious liberty and constitutional equality in relation to limitations on the entry of menstruating women into temples. The Sabarimala case—*Indian Young Lawyers Association v. State of Kerala* (2018)—was a pivotal point in this discussion, as it challenged the legality of barring women between the ages of 10 and 50 from entering the Ayyappa temple in Kerala.

The Supreme Court ruled the prohibition illegal by a 4-to-1 vote. The Court determined that the practice contravened Article 14 (equality), Article 15 (non-discrimination), and Article 25 (freedom of religion), particularly because the exclusion was a social custom disguised as a religious one rather than an essential religious practice. In a concurring opinion, Justice D.Y. Chandrachud underscored that denying women access due to menstruation was a blatant infringement of their dignity and autonomy as guaranteed by Article 21.

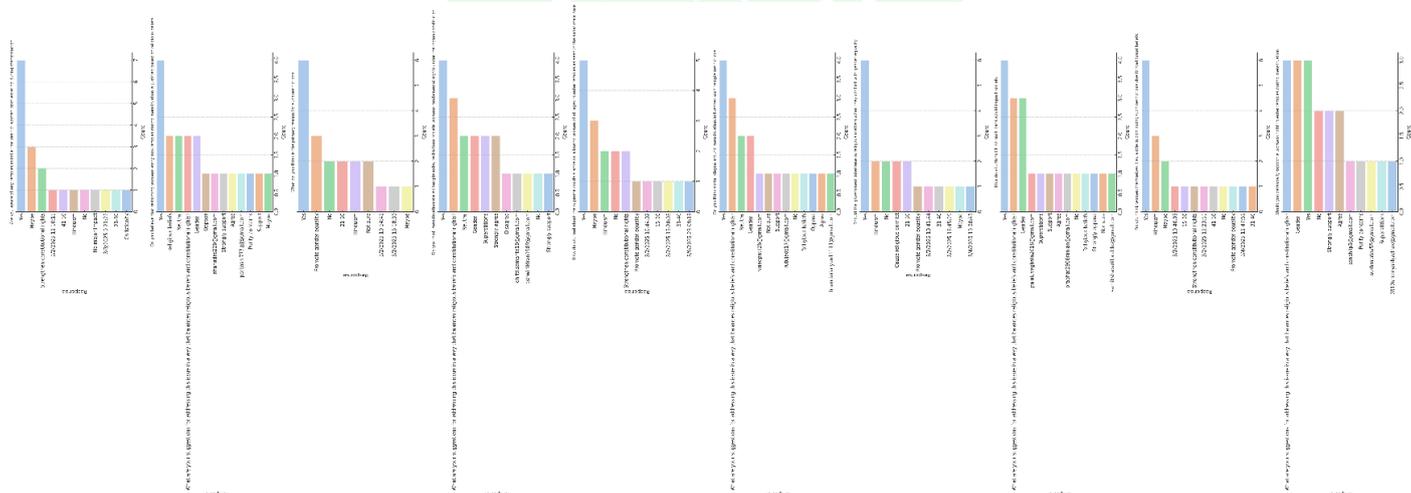
The ruling laid down the rule that religious freedom is subordinate to constitutional morality, which prioritizes the values of justice, equality, and dignity over strict traditional norms. However, the judgment was met with considerable resistance, which led to a review petition and continuing legal and social discussions about the limits of judicial intervention in religious issues.

The judiciary's changing view that sacred places should not be exempt from the Constitution's secular values is confirmed by these cases, along with others, such as *Shayara Bano v. Union of India* (2017) on triple talaq and *Navtej Singh Johar v. Union of India* (2018) on LGBTQ+ rights. The Court's readiness to eradicate discriminatory religious or social practices when they conflict with fundamental rights is further demonstrated by these cases.

To explore public opinion on the intersection of menstruation, religious practices, and constitutional rights, a structured survey was conducted among a diverse group of respondents. The responses reveal nuanced attitudes toward temple entry restrictions during menstruation and broader gender equality in religious spaces. The research sought to investigate geographic, gender, and generational differences in opinions, as well as how these opinions relate to constitutional ideals. The survey aimed to include a diverse group of respondents aged 15 to 50 from urban and rural areas of several Indian states.

The results showed a remarkably progressive trend: 90% of those surveyed voiced unequivocal support for permitting women of all ages, including those who menstruate, to enter temples. The vast majority of those surveyed thought that menstruation is a normal phenomenon and not a legitimate excuse to prohibit women from religious settings. Numerous respondents stressed that religious practices must change with the times, particularly when they conflict with the Constitution's principles of dignity and equality.

The results imply that societal attitudes are changing quickly, particularly among younger people, and that the constitutional principles of equality, non-discrimination, and dignity are resonating with the general population, thereby



SACRED BOUNDARIES THROUGH PUBLIC EYES : AN EMPIRICAL STUDY

questioning the legitimacy of exclusionary religious practices based on antiquated beliefs .

The vast majority of participants reported being aware of Indian temples that prohibit women from entering during their periods. While numerous people recognized religious beliefs as a justification for such limitations, a similarly large number placed the blame on superstitions and antiquated concerns about purity. This indicates that, beyond doctrinal prescriptions, there is a general awareness of the cultural origins of the problem. The majority of respondents feel that prohibitions on menstruating women infringe upon the Indian Constitution's basic rights. This is consistent with the Supreme Court's decision in the Sabarimala case, which permits women of all ages to enter temples, and has received extensive backing. The prevailing opinion supported maintaining gender equality, even in religious settings that are traditionally male-dominated. It was widely agreed that bans on temple entry are sustained by societal stigma associated with menstruation. This reinforces exclusionary behaviors not only within religion but also in other social areas, and it is consistent with wider cultural taboos that view menstruation as impure. Notably, a large portion of the respondents concurred that women frequently sustain restrictive norms as a result of conventional conditioning and internalized convictions. This suggests that community discussions and education at the grassroots level are necessary to challenge such beliefs. Personal endorsement for a woman's right to enter temples during menstruation was conveyed by an overwhelming majority, strengthening the wider call for reform and inclusivity.

THE SOCIAL COST OF MENSTRUAL EXCLUSION

Menstrual exclusion is a widespread social problem that has a serious effect on women's mental health, sense of self-worth, and place in society. The stigmatization of menstruation frequently results in women's exclusion from religious and public venues, fostering a culture of shame and silence around this normal biological occurrence. By removing menstruating women from the equation, this

exclusion strengthens the perception that they are 'impure' or 'unclean,' depriving them of the opportunity to engage fully in everyday activities, including social, educational, and spiritual ones.

The idea of purity, which views menstruation as something to be concealed, provides rationale for the banning of menstruating women from temples or holy places in many religious beliefs. This practice reinforces women's subordination within spiritual and social systems and is fundamentally rooted in patriarchal beliefs, which contributes to the ongoing existence of gender-based inequality. Women's agency and autonomy are frequently reduced by the religious discourse, which assesses their value according to their capacity to adhere to these purity norms.

Such exclusion has serious psychological consequences. Menstrual stigma can cause women to feel isolated, anxious, and have lower self-esteem. The mental strain of having to conceal or reject a fundamental biological function fosters a self-shaming culture, resulting in internalized negative perceptions of one's body. Additionally, this exclusion strengthens gender stereotypes that link women to weakness and impurity, and it also raises male authority in public and religious contexts.

To combat these damaging behaviors, it's crucial to shatter the silence around menstruation and encourage open, supportive discussions. For the mental health, dignity, and equitable treatment of women in every area of society, it is essential to recognize and respect menstruation as a natural process that is free from shame or exclusion.

FROM TRADITION TO TRANSFORMATION

This paper examines the intricate crossroads of religious freedom and gender equality, with an emphasis on the prohibition of women who are menstruating from entering temples. The main points highlight the necessity of balancing the safeguarding of religious traditions with the

exercise of individual constitutional rights. Although Article 25 of the Indian Constitution guarantees freedom of religion, this freedom is not unlimited and must be balanced against other fundamental rights, such as Articles 14 (equality), 15 (non-discrimination), and 21 (right to dignity and liberty).

The landmark Sabarimala decision of 2018 emphasized the Court's responsibility in examining laws that contravene constitutional norms. The Court determined that, despite their constitutional protection, religious activities cannot be used to justify discrimination or exclusion on the basis of gender or sex. This choice represented a major change, promoting constitutional morality over traditional patriarchy. Constitutional morality, as described in the ruling, pertains to a group of principles—justice, equality, and dignity—that, when they violate people's basic rights, should take precedence over ingrained cultural practices.

This perspective is bolstered by the empirical data collected, which shows that 90% of respondents favor allowing menstruating women entry to temples. This broad public backing indicates that the values of individual dignity and equality resonate with society, calling into question the legitimacy of patriarchal religious traditions. The piece asserts that although we must respect religious practices, they should not take precedence over the constitutional protections afforded to everyone, especially oppressed people like women.

To sum up, the article promotes a shift in the law and society toward constitutional rights and gender equality in sacred spaces. It argues that India's religious practices must conform to constitutional morality, which means that modern society cannot tolerate gender-based exclusion.

CONCLUSION

The question of prohibiting menstruating women from entering temples reflects a deep conflict between ancient religious practices and

the changing ideals of individual dignity and gender equality as outlined in the Indian Constitution. Although Article 25 protects religious freedom as a basic right, this freedom cannot be used to justify discriminatory behaviors that infringe on women's rights as guaranteed by Articles 14, 15, and 21. The judiciary has made notable progress in combating discriminatory religious practices, declaring that constitutional morality must prevail over traditional patriarchy in the landmark Sabarimala ruling and other precedents.

This argument is additionally supported by the empirical study carried out as part of this research, which shows a strong public consensus in favor of permitting women who are menstruating to enter religious facilities. The research highlights a developing societal trend in favor of viewing menstruation as a natural biological process rather than an impediment to spiritual participation, with 90% of respondents agreeing. This display of support, especially among younger people, indicates a disapproval of old taboos that have been used for a long time to justify gender exclusion.

Considering these judicial and societal changes, it is crucial for India to maintain a legal framework that supports constitutional rights, particularly those pertaining to gender equality, even in religious settings. Deeply ingrained practices that sustain patriarchal systems must not overshadow the respect of personal dignity, freedom of choice, and equality.

The way ahead is to make sure that India progresses toward a more inclusive and equitable future, establishing a culture that honors both the rights of women and religious freedom.

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