

ISSN: 2583-8725

Lex Scripta Journal

Quarterly Online and Print Edition

Law & Policy

“Join the League of
National & International Scholars”



EDITORIAL TEAM

DR. AJAY BHUPENDRA JAISWAL

Professor & Former Head
Department of Law
V.S.S.D. College, Nawabganj,
(C.S.J.M. University, Kanpur)

DR. MEGHA OJHA

Associate Professor | Legal Consultant
| Author | KLEF College of Law

PROF. DR. DEEVANSHU SHRIVASTAVA

Founding Dean and Professor,
GL Bajaj Institute of Law,
Greater Noida

DR. GAURAV GUPTA

Assistant Professor,
Faculty of Law, Lucknow

MR. TUHIN MUKHARJEE

Leadership Strategist | Business Coach
| Author | Speaker

MR. PRAKARSH PANDEY

Author and
Advocate, Allahabad High Court

MR. AMARESH PATEL

Assistant Professor
at Law School,
Amity University, Patna



LEX SCRIPTA MAGAZINE OF LAW AND POLICY (VOL-2, ISSUE-3)

Copyright © 2025, LexScripta

ISSN-2583-8725

Vol - II, Issue - III

Published by INTEGRITY EDUCATION INDIA

New Delhi

First Floor, 4598/12-B, 1st Floor,
Padam Chand Marg, Daryaganj,
New Delhi, Delhi 110002

Phone: +91 98 11 66 62 16 (M)

Phone: +91 70 11 60 56 18 (M)

Bengaluru

Jallahalli East

Bengaluru, Karnataka. India.

Phone: +91 98 11 66 62 16 (M)

Email: publisher.integrity@gmail.com

USA

New Jersey

14 Grandview Ave, Upper Saddle River,

NJ-07458, USA

Phone: +14805226504 (M)

London

37 Degree Media

64, Hodder Drive, Perivale, London UB68LL.

United Kingdom.

Phone: +44 7950 78 18 17 (M)

Website: integrityeducation.co.in

© Lex Scripta Magazine Of Law And Policy, 2025

Disclaimer

All Copyrights are reserved with the Authors. But, however, the Authors have granted to the Journal (Lex Scripta Magazine of Law and Policy), an irrevocable, non-exclusive, royalty-free and transferable license to publish, reproduce, store, transmit, display and distribute it in the Journal or books or in any form and all other media, retrieval systems and other formats now or hereafter known. No part of this publication may be reproduced, stored, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior permission of the publisher, except in the case of brief quotations embodied in critical reviews and certain other non-commercial uses permitted by copyright law.

The Editorial Team of Lex Scripta Magazine of Law and Policy Issues holds the copyright to all articles contributed to this publication. The views expressed in this publication are purely personal opinions of the authors and do not necessarily reflect the views of the Editorial Team of Lex Scripta Magazine of Law and Policy.

[© Lex Scripta Magazine of Law and Policy. Any unauthorized use, circulation or reproduction shall attract suitable action under application law.]

For any Query / Feedback
Phone: +91 98 11 66 62 16 (Vineet Sharma)

Printed in India @ New Delhi

ISSN: 2583-8725

Lex Scripta Journal

Quarterly Online and Print Edition

Law & Policy

**"Join the League of National
and International Scholars"**



Lex Scripta Journal

Constitution and society at disjuncture

Author
Siddarth Gautam



Constitution and society at disjuncture

Siddarth Gautam,
Advocate at Jharkhand High Court.

The judgement of the Honourable Supreme Court in the matter of the Sabrimala temple is a wonderful example to portray how the Constitution of India and the laws which are of course the genesis of the former and the social edifice needs to be in consonance, for a comprehensive and all inclusive development. Alluding the progressive and dynamic strands of the Constitution, former CJI Justice Dipak Misra held the fundamental right to equality and equality of opportunities under Article 14 and 15 as paramount. The judgement in a 4:1 verdict quashed the traditional custom barring the entry of woman to the temple from the age group of 10 to 50

predominantly due to an established dogma of menstrual cycle being impure in nature. Advancement and development don't mean simply to advance in the economic or political realm of the country, true emancipation as envisaged by B.R. Ambedkar is when the existing political democracy will lead to social democracy i.e. outcasting all the existing social evils and dogmas followed out without being questioned .Modernism and development can be realised only when these social taboos are questioned and cleared as being the impediments to the sense of social equality.

Now, interestingly the minority judgement or the view expressed by Justice Indu Malhotra put forward a food for thought .Indu Malhotra opined that *in a secular polity ,it was not for the courts to interfere in the matters of religion and the same must be left to those practising the religion*. Moreover, the review petition against the SC verdict has been filed by the National Ayyappa Devotees (women) Association which makes it quite difficult to digest the fact that woman themselves are standing tall against the judgement and are the forerunner of these protests against the verdict. They themselves are reluctant to refute the

customary practises which are archaic to them and don't want to break the celibacy of Lord Ayyappa by distraction due to an opposite sex. However it must not be forgotten that there was no blanket ban on women of fertile age going to the temple until 1991 when Kerala High Court acting on a complaint by an individual named S.Mahendran, gave an order that henceforth, no women aged between 10 to 50 can go to the temple. However, the judgement itself gave examples of how women, including the Maharani of Travancore in 1940 had not only worshipped at the temple but participated in many temple ceremonies. In recent years, many worshippers had gone to the temple with lady worshippers within the prohibited age group for the first rice feeding ceremony of their children. The Travancore Devaswom Board uses to issue receipt on such occasions on payment of the prescribed charges. The board changing stances to suit favourable positions and the ongoing turmoil in the state are self explanatory to indicate the implications of judgement of the Supreme Court. What seems more important is the fact that in such social unrest and political maneuvering, the need to strike a balance between Constitutional face off between article 14 & 15(3) and article 25 & 26 seems indispensable for mediating a tussle between the legality and social sides of existing customs.

EDITORIAL TEAM

PROF. (DR.) BANSHI DHAR SINGH

Professor,
Ex. Dean & Head,
Faculty of Law,
University of Lucknow

DR. KALPESHKUMAR L GUPTA

Founder ProBono India, Legal Start-ups,
Law Teachers India

DR. SUDHANSHU CHANDRA

Assistant Professor, Manuu Law
School, Maulana Azad National Urdu
University (Central University),
Hyderabad

PROF. (DR.) SANJAY SINGH

Director
of IIMT College of Law

INTERNATIONAL EDITORIAL TEAM

PROF. DR. MARC OLIVER OPRESNIK

President and CEO
Opresnik Management Consulting
and Opresnik Business School

*PROF. DR . COMRADE AMB.
CHUKWUNONSO C
HARLES OFODUM ESQ*

Chancellor, ALSA University.
Legal Director for Nigeria, World
Association for Humanitarian Doctors

ABOUT LEX SCRIPTA JOURNAL

Lex Scripta Magazine is a premier peer-reviewed online and print journal dedicated to advancing scholarly research in law, policy, and social sciences. With the vision of promoting academic excellence and fostering a culture of intellectual exchange, the magazine provides a distinguished platform for academicians, researchers, legal professionals, and students to publish their original work and contribute to contemporary legal discourse.

Each submission undergoes a rigorous double-blind review process conducted by a panel of eminent national and international professors, ensuring the highest standards of quality and academic integrity. Lex Scripta not only encourages original and innovative research but also strives to bridge the gap between theoretical insights and real-world applications in the legal domain.

Contributors and editorial members receive global recognition through certificates and publication opportunities, while readers gain access to insightful, authoritative, and thought-provoking content across diverse areas of law and policy.

Now managed by Integrity Education India, Lex Scripta Magazine is committed to expanding its academic footprint through enhanced digital presence, global collaborations, and university partnerships. Upholding its ISSN identity, Lex Scripta continues to evolve as one of India's most trusted and respected journals in the field of legal research and education.

KEY FEATURES

- | **Scholarly Insights** – Access in-depth, peer-reviewed research articles written by distinguished academicians and legal experts.
- | **Global Perspectives** – Explore diverse viewpoints on law, policy, and governance from national and international scholars.
- | **Authentic Content** – Read verified and academically sound articles that uphold the highest standards of research quality.
- | **Knowledge Enhancement** – Stay updated with emerging trends, case studies, and policy developments across multiple legal domains.
- | **Easy Accessibility** – Enjoy seamless access to online editions and exclusive hardcover issues for academic and professional use.



CONNECT WITH US **9811 666 216**
7011 605 618

