

The Indian Constitution: Navigating Challenges in the 21st Century

Kanchankumar Tejram Shewale

Research Scholar of Maharashtra National Law University, Nagpur.

Abstract:

India's Constitution is the fundamental supreme documents that oversees the world's biggest democracy. The core tenets of the constitution are equality, liberty, fraternity, and justice, which were the goals and inspirations of the constitutional makers. This paper explores the multifaceted challenges confronting the Indian Constitution in the modern era. India's founding fathers aimed to establish social democracy as a way of life rather than just a political one. The persistence of social and economic inequalities raises concerns about achieving true equality. The fundamental foundation of Indian democracy is under jeopardy as the influence of money and muscle power coupled with corrupt practices, not just during the electoral process but also in general practices publically and privately, further erodes the democratic values envisioned by the Constitution. The paper delves into the limitations of the Directive Principles of State Policy Though crucial for governance, their non-enforceability hinders progress towards a more developed nation. The vast socio-economic disparities persist, highlighting the need for stronger mechanisms to bridge the gap between rich and poor. This work explores the potential transformative impact of elevating these principles to fundamental rights, arguing it could propel India towards developed nation status. Another challenge is the potential overshadowing of constitutional principles by religious considerations. This can lead to a preference for orthodoxy over critical thinking, hindering social progress. The biggest challenge to Constitution is that, a leader may be great, but People shouldn't surrender to his greatness to the point where it makes them a slave and overshadow all the democratic institutions. The study highlights the necessity of Constitutionalism which ensures the dignified life of individuals in the society in order to promote a more just and equitable society for all, a stronger commitment to implementing the Constitution's core values is essential.

Keywords: Indian Constitution, Democracy, Socio-economic Disparities, Directive Principles of State Policy, Constitutional Challenges.

Introduction:

True Nationalism isn't merely about allegiance to a flag or a piece of land; it's about the shared values, principles, and aspirations that bind a diverse group of people together. It's about upholding the rights and dignity of every individual, regardless of their background, ethnicity, religion, or social status. When a nation prioritizes the well-being and empowerment of its citizens, it creates an environment where people feel valued, respected, and invested in the collective success of their society. This sense of inclusivity and mutual respect strengthens social cohesion and fosters a deep-rooted sense of patriotism¹ among its people. The Indian Constitution, conceived in the post-colonial era, embodies India's enduring commitment to democracy and social justice. This research paper investigates the contemporary

challenges facing the Constitution's core principles. It begins by examining persistent social and economic inequalities, highlighting the stark wealth gap and concerns over billionaire bailouts. The debate surrounding "One Nation One Election" is analyzed, considering its impact on democratic integrity and federalism. The juxtaposition of social and economic disparities against the Directive Principles of State Policy underscores the need for inclusive policies aligned with constitutional ideals. The paper also explores the delicate balance of power among the branches of government, emphasizing the role of judicial review in upholding democratic norms. Additionally, it delves into the dangers of hero worship and pseudo-nationalism, echoing Dr. B.R. Ambedkar's warnings against authoritarian tendencies. Challenges to secularism are addressed, emphasizing the judiciary's role in preserving secular values. Finally, the paper advocates for electoral and parliamentary reforms, citizen engagement, and adherence to constitutional principles to fortify Indian democracy. Through these efforts, India can aspire towards a more resilient, inclusive, and vibrant democratic society.

The Indian Constitution, conceived in the post-colonial era, embodies India's enduring commitment to democracy and social justice. This research paper investigates the contemporary challenges facing the Constitution's core principles. It begins by examining persistent social and economic inequalities, highlighting the stark wealth gap and concerns over billionaire bailouts¹. The debate surrounding "One Nation One Election" is analyzed, considering its impact on democratic integrity and federal structure. The juxtaposition of social and economic disparities against the Directive Principles of State Policy underscores the need for inclusive policies aligned with constitutional ideals. The paper also explores the delicate balance of power among the branches of government, emphasizing the role of judicial review² in upholding democratic norms. Additionally, it delves into the dangers of hero worship and pseudo-nationalism, echoing Dr. B.R. Ambedkar's warnings against authoritarian tendencies. Challenges to secularism are addressed, emphasizing the judiciary's role in preserving secular³ values. Finally, the paper advocates for electoral and parliamentary reforms, citizen engagement, and adherence to constitutional principles to fortify Indian democracy. Through these efforts, India can aspire towards a more resilient, inclusive, and vibrant democratic society.

Socio-economic Disparities Vs. Directive principle of state policies

Social and economic disparities within a nation impact several key areas, including education, healthcare, employment, corruption, and legal access. These disparities stem from unequal distribution of resources and opportunities, worsening existing inequalities. Each area is significantly influenced by these disparities, and the Directive Principles of State Policy (Part IV of the Constitution of India) are closely linked to addressing these issues⁴.

1. Education System: Economic inequality directly impacts access to quality education, perpetuating a cycle of poverty and inequality. Directive Principles such as Article 45 aim to bridge this gap by ensuring universal access to education, regardless of Socio-economic status⁵. The Indian Constitution recognizes education's role in achieving social justice and reducing economic inequality, with Article

¹ India, Constitution of India, 1949

² Subhash Kashyap, *Judicial Review of Legislation in India* (Universal Law Publishing Co. 2019).

³ Madhuri Deshpande, *The Challenges of Secularism in India*, *The Economic and Political Weekly*, Vol. 54, No. 15 (2019): 42-48).

⁴ Jean Drèze & Amartya Sen, *An Uncertain Glory: India After Independence* (Penguin Books, 2001).

⁵ Organisation for Economic Co-operation and Development (OECD), *Equity and Education: Breaking the Link Between Socioeconomic Background and Educational Outcomes* (OECD Publishing, 2012).

21 guaranteeing the right to quality education. Supreme Court cases like *Mohini Jain v. State of Karnataka* (1992)⁶ and *TMA Pai Foundation v. State of Karnataka* (2002) have upheld the need for affirmative action and reasonable regulations in educational institutions. The RTE Act, 2009, mandates free and compulsory education, emphasizing quality education for all Socio-economic backgrounds⁷. High Courts also contribute, as seen in cases like *P. Uneesh v. Union of India* (2010), where infrastructure improvements were ordered in government schools⁸. Norway and Finland exemplify systems emphasizing equality and accessibility in education, aligning with the principles of Article 45 by ensuring universal access and high-quality education for all students, irrespective of Socio-economic background.

The National Education Policy (NEP) 2020 aims to significantly revamp India's education system from school to higher education. While it offers promising reforms like a multidisciplinary approach and increased accessibility, challenges remain, especially for rural and underprivileged communities. The policy's positive aspects include a well-rounded education with vocational training, improved access for disadvantaged groups, and a focus on digital learning and early childhood education. However, challenges exist. Rural areas lack infrastructure for digital education, and unitary universities there limit advanced study options. Additionally, economic barriers like high costs and potential commercialization could widen the educational gap. The emphasis on local languages might disadvantage rural students transitioning to higher education where English dominates. Overall, NEP 2020 offers a vision for a more inclusive and well-rounded education system⁹. However, equitable implementation across urban and rural areas requires addressing infrastructure, affordability, and teacher training. Only with focused interventions can the policy ensure all students, regardless of background, benefit from these reforms.

The concept of "creamy layer" within Other Backward Classes (OBCs) is a contentious issue in India's education system, where reservations are offered to improve access for disadvantaged communities. Creamy layer refers to OBC individuals or families who, despite their caste status, are economically well-off and presumed not to require reservation benefits. The income limit for creamy layer varies across states and central government schemes, creating confusion and inconsistency. Scheduled Castes (SC) and Scheduled Tribes communities face historical oppression and social exclusion¹⁰. Reservations for them are based on caste status, not income. Economically Weaker Sections (EWS) category is open to all castes with a specific income limit. It addresses economic disadvantage but doesn't consider social backwardness¹¹.

While the creamy layer concept aims to prevent misuse of reservations, the current system with varying income limits for OBCs, SCs, STs, and EWS creates inconsistencies. Consider the high cost of living in a city like Mumbai, which is similar for all communities regardless of caste or religion. A uniform income limit across these categories would ensure fairer access to educational opportunities. This approach recognizes that economic disadvantage is a key barrier, regardless of social background. By implementing a single income threshold, students from financially struggling families, like Student A in the previous example, can access reservations more readily, promoting a more level playing field across communities.

⁶ *Mohini Jain v. State of Karnataka*, 1992 SCC (3) 601 (affirmative action in education)

⁷ Right of Children to Free and Compulsory Education Act, 2009 (India)

⁸ *P. Uneesh v. Union of India*, (2010) 7 SCC 688 (infrastructure improvements in government schools)

⁹ Government of India, Ministry of Education, National Education Policy (NEP) 2020, 2020

¹⁰ Government of India, Ministry of Law and Justice. Constitution of India.

¹¹ <https://www.clearias.com/obc-reservation-eligibility/>

2. Healthcare: Social and economic disparities lead to unequal access to healthcare services. Wealthier individuals can afford private healthcare facilities and better medical treatment, while the poor rely on underfunded public healthcare systems with limited resources and inadequate¹² infrastructure. This results in disparities in health outcomes and perpetuates health inequalities. Directive Principles like Article 47 emphasize improving public health and providing access to medical care, aiming to address these disparities by prioritizing the health needs of all citizens.

The Indian Constitution recognizes healthcare as a fundamental right under Article 21, with Directive Principles like Article 47 guiding the government to prioritize public health and ensure medical care for all citizens. Supreme Court cases such as *Paschim Bengal Khet Mazdoor Union v. State of West Bengal* (1996) and *Jacob Mathew v. State of Kerala* (2005) have emphasized the government's obligation to provide adequate healthcare facilities and improve infrastructure, addressing resource¹³ limitations. High Courts have also intervened, as seen in cases like *Jodhpur v. Union of India* (2011)¹⁴ and *People's Union for Civil Liberties v. Union of India* (2009), ensuring access to essential drugs and proper implementation of health insurance schemes in rural areas. Despite establishing a legal framework, effective implementation remains a challenge, necessitating government investment in strengthening public health infrastructure and ensuring affordable healthcare options for all. Finland exemplifies universal access to healthcare through its public system, funded by taxation, prioritizing preventive care and health promotion to enhance overall public health¹⁵.

3. Employment: Economic disparities create unequal opportunities in the job market. Those from privileged backgrounds often have access to better education and employment networks, leading to higher chances of securing lucrative jobs. Conversely, individuals from marginalized communities face barriers to employment due to lack of education, skills, and social networks¹⁶. Directive Principles such as Article 41 advocate for the right to work and equal opportunities for employment, aiming to address employment disparities by promoting inclusive growth and equitable access to employment opportunities.

Supreme Court and High Court cases in India highlight the issue of economic disparity and employment opportunities. The Indian Constitution acknowledges the right to equality (Article 14) and the right to work (Article 39(a)), with Article 41 emphasizing the state's responsibility to provide work opportunities and ensure just and humane conditions of work¹⁷. Supreme Court cases like *Olga Tellis v. Bombay Municipal Corporation* (1985) and *Balco Employees Union v. Union of India* (2001) stress fair employment practices and equal opportunity¹⁸, while *Unni Krishnan v. AIR* (1993) recognizes the importance of education¹⁹ for employability. High Court cases such as *Equality vs. State of TamilNadu* (2018)²⁰ and *Leo Rodrigues v. Union of India* (2014)²¹ address issues like reservation policies and

¹² World Health Organization (WHO), *Closing the Gap in a Generation: Health Equity Through Universal Coverage* (WHO, 2013)

¹³ *Jacob Mathew v. State of Kerala*, AIR 2005 SC 342 (improving healthcare infrastructure)

¹⁴ *Jodhpur v. Union of India*, (2011) 11 SCC 1 (access to essential drugs).

¹⁵ *People's Union for Civil Liberties v. Union of India*, Writ Petition (Civil) No. 284/2009 (proper implementation of health insurance schemes)

¹⁶ International Labour Organization (ILO), *World Employment and Social Outlook - Trends 2020* (ILO, 2020).

¹⁷ India, *Constitution of India*, 1949.

¹⁸ *Olga Tellis v. Bombay Municipal Corporation*, (1985) 5 SCC 500 (fair employment practices)

¹⁹ *Unni Krishnan v. AIR*, (1993) 1 SCC 648 (education for employability)

²⁰ *Equality vs. State of Tamil Nadu*, (2018) MWJ 2007 (reservation policies)

²¹ *Leo Rodrigues v. Union of India*, (2014) 6 SCC 638 (migrant worker exploitation)

migrant worker exploitation, striving for a more equitable job market. However, challenges persist, including limited skill development, education access, and informal sector employment with low wages. Finland and Norway exemplify efforts to promote employment and equality, with investments in vocational training, job placement, and anti-corruption measures aligning with principles of reducing economic disparities and promoting social²² justice.

4. Corruption: Social and economic disparities contribute to corruption by creating unequal power dynamics and opportunities for exploitation. Wealthier individuals and corporations may engage in corrupt practices to maintain their privilege and influence, further marginalizing the less privileged. Directive Principles like Article 38 emphasize reducing economic inequalities and promoting social justice²³, indirectly addressing corruption by striving for a more equitable distribution of resources and opportunities. Finland is consistently ranked as one of the least corrupt countries in the world. Strong institutions, transparency in governance, and effective anti-corruption measures contribute to maintaining integrity in public service²⁴. The Finland government promotes accountability and ethical conduct among public officials, reducing opportunities for corruption.

Norway is known for its low levels of corruption and high levels of transparency in governance. Strong institutions, effective anti-corruption measures, and a culture of accountability contribute to maintaining integrity in public service²⁵. These efforts align with the principles of Article 38, which aim to reduce economic inequalities and promote social justice²⁶.

5. Legal Access: Economic disparities result in unequal access to legal resources and representation. Wealthier individuals can afford quality legal assistance, while the poor often lack access to legal aid and struggle to navigate the legal system. This leads to a lack of access to justice and perpetuates social injustices. The Indian Constitution guarantees the right to equality before law (Article 14) and equal protection of the laws (Article 14(1)). Additionally, Article 39A, a Directive Principle, mandates the state to provide free legal aid to ensure equal justice for all²⁷.

Several Supreme Court cases have addressed unequal access to legal resources in India²⁸. *P. Sankaran v. State of Kerala* (1995) recognized legal aid as essential for the right to life and liberty²⁹, establishing the framework for free legal aid to the underprivileged. Similarly, *Minerva Mills Ltd. v. Union of India* (1980) upheld the validity of the Legal Services Authorities Act, 1987, providing free legal services to the³⁰ poor. *Hitendra Nath Khanna v. State of Bihar* (1991) directed the establishment of Lok Adalats, making justice more accessible³¹. High Courts also contribute, with cases like *T.N. Godavarman Thirumulpad v. Union of India* (2002) emphasizing proper implementation of legal aid laws³², and *Khaton Begum v. State of Maharashtra* (2016) stressing legal aid for women facing issues like

²² Ministry of Labour and Economy of Finland, Government Programme 2019: A Sote-Reform for a Strong and Caring Finland (Finnish Government Publications, 2019).

²³ India, Constitution of India, 1949

²⁴ Johnston, Michael. "Inequality and Corruption: A Review of the Recent Literature." *The World Bank Economic Review* 21.1 (2007): 161-176.

²⁵ Transparency International. "Corruption Perception Index 2022." [transparency.org](https://www.transparency.org) (2022). ([Access the report and find the section on Norway specifically])

²⁶ *ibid*

²⁷ *ibid*

²⁸ Law Commission of India, Report on Access to Justice (2008).

²⁹ *P. Sankaran v. State of Kerala*, 1995 (1) SCC 62 (right to legal aid)

³⁰ *Minerva Mills Ltd. v. Union of India*, (1980) 3 SCC 618 (validity of Legal Services Authorities Act)

³¹ *Hitendra Nath Khanna v. State of Bihar*, 1991 Supp (1) SCC 47 (establishment of Lok Adalats)

³² *T.N. Godavarman Thirumulpad v. Union of India*, (2002) 6 SCC 699 (implementation of legal aid laws)

domestic violence³³. However, challenges persist, including lack of awareness, shortage of legal aid lawyers, and lengthy judicial processes. Finland provides access to legal aid and representation for individuals who cannot afford legal services. Legal aid offices offer assistance in civil and criminal matters, ensuring that all citizens have equal access to justice. The Finland legal system prioritizes fairness, impartiality, and the rule of law³⁴.

While the Directive Principles of State Policy offer guidance for addressing social and economic disparities, their enforceability is limited as they are not legally binding. However, they inform policy making and influence legislative and administrative actions aimed at reducing inequality and promoting social justice. Aligning policies with these principles allows governments to strive for a more equitable society where citizens have equal opportunities for education, healthcare, employment, legal access, and overall well-being. Norway's commitment to social justice and equality serves as a model for addressing disparities within a democratic framework, despite not directly mirroring India's Directive Principles. Similarly, Finland's emphasis on social justice and inclusive growth has led to a society where all individuals enjoy access to essential services and well-being.

One Nation One Election Vs Constitution:-

One Nation One Election, led by a committee chaired by Ram Nath Kovind, the former President of India, is a proposal aimed at synchronizing the Lok Sabha (Parliamentary) and state assembly elections across India. The concept of "one nation, one election" may seem efficient in terms of saving resources and time, it does pose certain threats to the federal structure of the country. Firstly, it could disadvantage smaller or regional parties that may not have the resources or manpower to compete effectively on both state and national levels simultaneously. This could lead to the dominance of larger, national parties and undermine the diversity of political representation.

Moreover, simultaneous elections could potentially overshadow state-specific issues and debates with national-level issues, diluting the focus on local governance and regional concerns. This might undermine the autonomy and authority of state governments, which are crucial components of the federal structure. Additionally, the synchronization of elections could also create logistical challenges and strain on resources, especially in terms of security and administration, particularly in a country as vast and diverse as India. However, critics, including opposition leaders like Mamata Banerjee and MK Stalin, argue that it could undermine democratic principles and create practical challenges. The parties like the Congress and Aam Aadmi Party rejecting it as undemocratic. Despite differing opinions, there remains uncertainty about how to address practical challenges such as dealing with breaks in governance due to dissolution of houses or President's Rule. Concerns Regarding ONOE and Constitutional Articles: Federalism (Article 1): ONOE might undermine the autonomy of states enshrined in the federal structure. States could lose control over the timing of their elections, potentially affecting local issues³⁵. Article 174: This article empowers the President to dissolve state assemblies in specific situations. Simultaneous elections could create complications in case of such dissolutions³⁶.

³³ Khatoon Begum v. State of Maharashtra, (2016) 11 SCC 1 (legal aid for women)

³⁴ Finnish Ministry of Justice, Legal Aid in Finland (Ministry of Justice Publications, 2021).

³⁵ (Aiyar & Tillin, 2020, pp. 131–132; Sharma, 2023, p. 5). The pursuit of 'one-ness' is thereby impeding the federal essence of the Indian political system.

³⁶ India, Constitution of India, 1949.

Article 324: This article lays down provisions for holding elections to Panchayats and Municipalities³⁷. ONOE proposals might require amendments to Article 324 to synchronize these local body elections as well.

Constitutional Amendments for ONOE: Implementing ONOE would likely require amendments to the Constitution. This would involve a complex process requiring approval from both houses of Parliament and ratification by a majority of state legislatures (Article 368)³⁸.

Russia implements "one nation, one election" with simultaneous presidential and parliamentary elections every six years. While it streamlines processes, it challenges smaller parties' ability to compete, potentially favoring larger ones. Local issues might be overshadowed, weakening regional governance. Logistical hurdles also arise due to Russia's vastness. This underscores the need for balancing efficiency with upholding federalism, democratic principles, and political diversity³⁹.

Balancing Power: Legislature, Executive, and Judiciary in a Parliamentary Democracy:-

In a parliamentary democracy, the opposition plays a vital role in holding the executive accountable. However, concerning laws like the Prevention of Money Laundering Act, enforcement agencies operate under the executive to ensure compliance. If there are concerns about such laws violating the constitution, particularly under Article 22, which protects against arbitrary arrest and detention, they can be subject to judicial review. It also covers preventive detention laws, ensuring individuals' rights to know the reasons for detention, make representations, and seek release. Advisory Boards are appointed to review such cases, comprising individuals with legal expertise. Article 22 is crucial for protecting individual rights, ensuring fairness, and upholding justice and liberty as per the Indian Constitution⁴⁰.

In the context of India, the Prevention of Money Laundering Act (PMLA) has indeed faced scrutiny in the Supreme Court. One significant case is the Jayantilal N. Mistry vs. Union of India case (2016), where the Supreme Court examined the constitutionality of certain provisions of the PMLA. The Court, while upholding the validity of most provisions, struck down Section 45(1) of the Act, which imposed stringent conditions for granting bail to the accused. The Court found these conditions to be violative of the right to bail guaranteed under Article 21 of the Constitution⁴¹.

Moreover, the concept of executive overreach or extra-jurisdiction has been a subject of debate globally. One notable example is the case of Morrison v. Olson (1988) in the United States. In this case, the Supreme Court upheld the constitutionality of the Independent Counsel Act, which allowed for the appointment of a special prosecutor outside the executive branch to investigate high-level government officials for wrongdoing⁴². The Court ruled that the Act did not violate the principle of separation of powers as it provided adequate safeguards against executive overreach.

Similarly, in parliamentary democracies, the balance of power between the executive, legislature, and judiciary is crucial. The courts play a vital role in ensuring that executive actions, including those related

³⁷ *ibid*

³⁸ India, Constitution of India, 1949.

³⁹ Startin, N. (2022). Marine Le Pen, the Rassemblement National and breaking the 'glass ceiling'? The 2022 French presidential and parliamentary elections. *Modern & Contemporary France*, 30, 427-443.

⁴⁰ *ibid*

⁴¹ *ibid*

⁴² Santos, L. E. F. D. (2022). Constitutionality analysis of amendments to the Protocol on Environmental Protection on the Antarctic Treaty Annexes. *Anais da Academia Brasileira de Ciências*, 94(Suppl 1), e20210385

to law enforcement agencies like the Enforcement Directorate and CBI, are within the bounds of the constitution and do not infringe on fundamental rights. Therefore, judicial review acts as a safeguard against executive overreach and ensures that laws such as the PMLA are implemented in a manner consistent with constitutional principles and individual rights.

Challenging Hero Worship: Safeguarding Democracy in Modern Politics:-

Dr. B.R. Ambedkar's caution against hero worship and blind devotion to political leaders resonates in today's political landscape. Leaders elevated to divine status hinder democracy, escaping scrutiny and accountability. Such cults of personality weaken checks and balances crucial for democracy. Pseudo-nationalism exacerbates this, suppressing critical thinking and fostering blind allegiance. Hitler's regime exemplifies the dangers, exploiting nationalism and fostering blind loyalty, leading to tragic consequences. Additionally, lax anti-defection laws and electoral malpractices further erode democratic norms. To preserve democracy, citizens must demand accountability, transparency, and adherence to the rule of law from leaders. Only through active participation and commitment to democratic values can a just and equitable society be ensured⁴³.

Secularism, Religion, and the Supreme Court of India:-

The intertwining of Caste, religion and politics poses significant challenges to the foundational principle of secularism, as envisioned by Dr. B.R. Ambedkar in India and echoed in democracies globally. In India, the Supreme Court has played a pivotal role in upholding secular values through landmark cases such as the *Kesavananda Bharati v. State of Kerala*, which affirmed that secularism is part of the basic structure of the Constitution⁴⁴. Globally, countries like France have implemented strict secular policies, such as the banning of religious symbols in public institutions, to preserve the separation of religion and state⁴⁵. Similarly, in the United States, the Establishment Clause of the First Amendment ensures government neutrality towards religion. Yet, challenges persist, with debates over issues like prayer in schools and religious displays on public property. In essence, while legal frameworks and court rulings can provide safeguards for⁴⁶ secularism,

Towards Equality: The Imperative of a Uniform Civil Code in India:-

The non-enforcement of a Uniform Civil Code (UCC)⁴⁷ in India poses a significant challenge to the Constitution, particularly regarding the Directive Principles of State Policy (DPSP), which advocate for a uniform legal framework governing personal matters for all citizens irrespective of religion. Although the Constitution doesn't explicitly mandate a UCC, Article 44 of the DPSP encourages its adoption to foster social cohesion and equality by eliminating disparities stemming from religious-based personal laws. The Supreme Court has emphasized the importance of a UCC in several cases, such as the "Shah Bano case" and⁴⁸ *Sarla Mudgal v. Union of India*⁴⁹, stressing its role in ensuring gender equality and

⁴³ Umesh Kumar, 2021, Contemporary Voice of Dalit.

⁴⁴ *Kesavananda Bharati v. State of Kerala* (1973) AIR 1461 (SC) [hereinafter *Kesavananda Bharati*]

⁴⁵ Law No. 2004-228 of March 2, 2004 on the Schools, Secularism, and the Ban on Signs and Clothing Manifesting a Religious Affiliation in Schools (France)

⁴⁷ Constitution of India art. 44.

⁴⁸ *Mohd. Ahmed Khan v. Shah Bano Begum* (1985) [hereinafter *Shah Bano*] 364 SCR (AIR 1985) 1561

⁴⁹ *Sarla Mudgal v. Union of India* (1995) [hereinafter *Sarla Mudgal*] 1 SCC (Cri) 250.

national integration. However, despite judicial directives, successive governments have failed to enact a UCC, citing political considerations and fears of religious backlash. This lack of action perpetuates legal pluralism, leading to inequality and discrimination. Addressing this challenge requires collaborative efforts from policymakers, civil society, and the judiciary to uphold the principles of equality and Gender justice enshrined in the Constitution.

Strengthening Indian Democracy: A Case for Electoral and Parliamentary Reforms:-

The Supreme Court and High Court cases provide a foundation for advocating for reforms. electoral law reforms, and internal parliamentary initiatives. By promoting a more informed, inclusive, and ethical political landscape, these reforms can strengthen India's democracy. A series of significant court rulings have highlighted the pressing need to address the issue of criminal elements infiltrating Parliament. The case of Public Interest Foundation v. Union of India (2019) brought attention to the crucial role of political parties in abstaining from fielding candidates with criminal backgrounds. Similarly, the verdict in Association for Democratic Reforms (ADR) v. Union of India (2002) mandated the disclosure of criminal records by candidates⁵⁰, thus fostering transparency within the electoral system. Kihota Hollohon v. Union of India (1993)⁵¹ upheld Parliament's prerogative to establish regulations for its proceedings, hinting at the possibility of introducing training programs⁵² for Members of Parliament (MPs). PUCL v. Union of India (2013) underscored the urgency of electoral reforms to encourage wider participation and inclusivity in the electoral process. These legal precedents, coupled with the imperative to cleanse politics of criminal influences and improve candidate readiness, necessitate comprehensive reform measures. Potential strategies include constitutional amendments to stipulate educational prerequisites or impose restrictions on candidates with criminal backgrounds, although this course of action is intricate. Additionally, electoral law amendments could involve stricter regulations on campaign finance disclosure and internal party democracy.

Commentary on Proposals for a More Viable Democracy in India

The pursuit of a more resilient and accountable democracy in India remains an ongoing endeavor. The analysis of the proposed reforms encompasses various considerations and examples. Firstly, the proposition to impose limitations on contested elections, akin to the United States' approach, carries potential benefits such as fostering fresh perspectives and curbing complacency and corruption associated with prolonged tenures⁵³. However, challenges arise concerning the absence of term limits in the Indian Constitution, necessitating a complex amendment process requiring broad political consensus. The recent Public Interest Foundation v. Union of India (2019)⁵⁴ case underscores the necessity for ethical political leadership, potentially aligning with the implementation of term limits. Secondly, the suggestion to augment parliamentary and assembly seats is justified by India's significant population growth since independence. The inaugural session of the Lok Sabha began on May 13, 1952,

⁵⁰ Public Interest Foundation v. Union of India, (2019) SCC

⁵¹ Kihota Hollohon v. Union of India, (1993)

⁵² Association for Democratic Reforms (ADR) v. Union of India, (2002) SCC

⁵³ Delimitation Commission of India <https://www.eci.gov.in/delimitation>.

⁵⁴ Public Interest Foundation v. Union of India, (2019) SCC

with a total of 489 seats and approximately 173 million eligible voters⁵⁵. Presently, India is conducting general elections from April 19 to June 1, 2024, across seven phases to elect 543 Lok Sabha members. With India's current population reaching 1,440,017,909 as of May 15, 2024⁵⁶, it underscores the importance of central parliamentary representation for a more dynamic democracy. This expansion would ensure enhanced accountability to smaller constituencies, facilitating better understanding of local needs and potentially streamlining the legislative process while improving oversight over the executive branch. Nonetheless, logistical complexities and the potential dilution of representation pose challenges. The Delimitation Commission of India, responsible for periodically adjusting constituency boundaries, could extend this process to ensure equitable representation. These proposals, along with complementary reforms, harbor the potential to fortify India's democracy. A comprehensive approach, informed by pertinent case studies and addressing foreseeable challenges, can pave the path toward a more adept, accountable, and inclusive political system.

Conclusion:

The discussion on Socio-economic disparities highlights the need to align policies with the Directive Principles of State Policy to tackle inequalities in various sectors like education, healthcare, employment, and legal access. The National Education Policy offers a promising vision for a more inclusive education system in India. However, successful implementation hinges on addressing challenges in rural areas, ensuring affordability, and effectively training teachers. Additionally, a uniform income limit for reservation categories could create a fairer system for economically disadvantaged students across communities. Despite legal frameworks and court rulings, effective implementation remains a challenge. The debate over "One Nation One Election" raises questions about its compatibility with India's constitutional framework, balancing electoral streamlining with federal structure, political diversity and vibrant Democracy. The balance of power among the legislature, executive, and judiciary is crucial for democracy, as seen in cases like *Jayantilal N. Mistry vs. Union of India*, where judicial review acts as a check on executive actions. Concerns over hero worship and pseudo-nationalism underscore the importance of critical thinking and accountability, echoing Dr. B.R. Ambedkar's warnings. Upholding secularism and inclusivity is vital, requiring continuous vigilance and robust judicial oversight. Electoral and parliamentary reforms are proposed to strengthen democracy, addressing challenges through relevant examples and cases. Overall, these discussions highlight the complexity of India's democratic system, emphasizing the need for concerted efforts to uphold constitutional values and promote citizen welfare.

Recommendations:

1. Enacting policies aligned with Directive Principles of State Policy (DPSP) to address Socio-economic disparities that Diminish the wealth gap and Enhance access to essential services like education, healthcare, and employment
2. Learning from successful models in countries like Finland and Norway that Prioritize social justice and equality and further Provide valuable insights for policy implementation
3. Implementing electoral and parliamentary reforms that Enforce stricter campaign finance regulations and Promote ethical conduct and transparency within political parties

⁵⁵ Press Trust of India. 2022, May 13. First Lok Sabha Session Began Today in 1952. <https://www.ptinews.com/>

⁵⁶ Worldometer. 2024, May 15. India Population. <https://www.worldometers.info/world-population/india-population/>

4. Maintaining a balance of power by the way of Strengthen judicial review to hold the executive and legislative branches accountable, further Empower the legislature for robust scrutiny and checks and balances
5. Countering hero worship and pseudo-nationalism that Promote critical thinking skills and Integrate education on the dangers of blind allegiance into the curriculum.
6. Address electoral malpractices, Enforce anti-defection laws, Encourage active citizen participation beyond voting

By implementing these recommendations, India can strive towards a more vibrant, inclusive, and resilient democracy that upholds its core values of equality, liberty, and fraternity.