

# FEMINISM AND THE CONSTITUTION – EMBRACING GENDER EQUALITY IN THE MODERN ERA

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## INTRODUCTION

During the 8th DR. L.M. Singhvi Memorial Lecture in New Delhi, CJI Chandrachud asserted that the Indian Constitution is a feminist document and a true product of Indian imagination. In recent years, there has been a growing demand for constitutional principles that reflect the ideas of participatory constitutionalism, encompassing democratic, cultural, and political notions. <sup>i</sup>The underlying concept behind constitution-making is that its authority must stem from the people, based on the principle of popular sovereignty, where the ultimate political authority involves and relies upon the citizens of the country. "Constitutionalism" <sup>ii</sup>itself provides legitimacy and serves as a natural corollary to the fundamental governance of a democratic nation. It encompasses various principles, including popular sovereignty, an independent judiciary, gender rights, and the rule of law. Constitutionalism ensures that the idea of democracy does not lead to the violation of fundamental rights or the oppression of minority groups in society. Moreover, Transformative constitutionalism<sup>iii</sup> goes beyond merely safeguarding rights or controlling the power of fundamental rights. It seeks to bridge the gap by linking the constitutional text with the social and political progress in a society. Transformative constitutionalism embraces principles such as equality, fraternity, and dignity, thereby striving to eliminate discrimination based on caste, sex, gender, color, place of birth, and other factors.

Feminist Constitutionalism falls within the broader scope of constitutionalism, seeking a dialogue on conceptualizing and applying feminist reasoning. This article aims to shed light on the development of such discourse while exploring various feminist constitutionalist perspectives.

Jennifer Nedelsky, a renowned author, emphasizes the interaction of feminist constitutionalism with constitutional frameworks and the rule of law. In her recent publication, she focuses on

feminist narratives within the context of substantial constitutionalism, aiming to foster "thoughtful contemplation and conversation" while illuminating the relationships among individuals within collectives. It shifts the focus towards viewing "The People" as a series of persons engaged in dialogue rather than as a homogenous whole. The project titled "Constitutionalize Women's Equality from Scratch" serves as the driving force behind feminist endeavors to embrace constitutionalism. This initiative inevitably utilizes constitutional rights, aiming to eradicate wage disparity between men and women, drawing attention to concerns impacting women, including sex discrimination, reproductive liberty, gender-based violence, and religious matters. It involves implementing, comprehending, and articulating constitutional rights to address these issues.

## **A JOURNEY FROM FEMINISM TO NATIONALISM: THE PRE-INDEPENDENCE PERIOD**

The concept of women's identity throughout India's history has been diverse and dynamic, yet violence against women remains a universal phenomenon. Sociologists faced challenges in assessing the position of feminists in India due to the paradoxical views presented by different religions and customs practiced in various parts of the country. The plight of Indian women became a focal point in the ideology that British colonial authorities used to discredit Indian civilization and culture, which holds true even today. Historian Romila Thapar emphasizes that the status of women in the Indian sub-continent has varied immensely based on cultural milieu, family structure, class, caste, property rights, and moral norms.

While some sociologists described women as being equal to men, this portrayal does not accurately represent the feminist identity. Women in India faced numerous social issues that made their lives miserable. Efforts were made to reform certain practices such as dowry, monogamy, forced widowhood, underage marriages, sati, educational barriers, purdah (ghoonghat), financial inequalities, and other customs prevalent during the colonial era.

From the ancient texts of Samhitas to the Upanishads, the role of women was acknowledged, and their contributions left a mark on the history of India. However, there was still a disparity, as historian Humma Chakraborty investigated early Indian history to uncover indications of patriarchal structures. She coined the term "Brahmanical patriarchy" to analyze historic

writings like the Dharmasatras (particularly the Manu smriti). Chakravarti also utilized contemporary Buddhist materials to reconstruct early Indian history, showing how male dominance over women was established, leading to the creation of caste and class distinctions and a hierarchical system. Men often controlled women's behavior, sexuality, and reproductive matters, depriving them of freedom of thought and the ability to move outside their homes without male permission.

## **POST-COLONIALISM PERIOD FEMINISM IN INDIA**

Even before India's independence from the British, there was feminism in the country, but after independence, the lives of Indian women has witnessed major changes. India attained independence in the context of an abrupt and violent departure because of the colony's division into two distinct countries. Gender-based abuse took the lives of women, depriving them of their physical independence and dignity. Nevertheless, constitutional reforms began to progress into the women life as the new independent nation was formed where citizens' rights were safeguarded by the constitution. Amidst all these, Indian women criticized Western feminism for being insensitive to their diverse difficulties and perspectives. India saw significant economic reforms more than 40 years afterward, and the influences of globalization once more affected the everyday lives of Indian women. Although India emerged from its colonial rulers and became an independent country on August 15, 1947, discrimination based on gender against women continued to exist in India. People in Bengal, Sindh, and Punjab were fighting for their existence after the colony's unexpected division into India and Pakistan. Many women were molested and sexually attacked during violent riots that erupted out at the boundaries of the two nations. Some feminists claim that the Indian National Movement was particularly receptive to women's voices and their ideas of an independent India. Because the larger objective of "Sawaraj" included women's rights, it was not important for women to join a movement that was exclusively feminist. Tanika Sarkar very categorically contends in *Gandhi and Social Relation* (2011): "Peasant women, higher caste, middle-class, upper-class Muslim, and tribal women emerged together and participated in nationalistic demonstrations, protested foreign-goods shops, arranged social boycotts of supporters of Britain, and accessible burning of foreign cloth, brimming up prisons, and became local level "dictators" during acts of civil disobedience when their men were arrested." Some see Bharat Mata, who represents Indian

nationalism, as an embodiment of women's role in the struggle against colonialism by rallying India around her ideals. Women's goals and assumptions about the National movement are still up for debate. However, the ensuing Liberation from the British colony brought women into a third-world, post-colonial society with unparalleled equal respect and advancement.

The issue of formal equality between men and women was at the forefront of the first wave of feminism in the west, which emerged in the latter part of the nineteenth and beginning of the 20th centuries. The suffragette movement, which sought to remove different social, political, and other obstacles to women's full inclusion in society, was ultimately the vehicle through which feminist versions of equal-rights principles, and these had their foundations in philosophy in M. Wollstonecraft's *A Vindication of the Rights of Woman* (1792), were put into practice. The elected officials of a newly independent India who got together to formulate an innovative and liberal Indian Constitution were profoundly influenced by this wave of feminist activism in the West and Western education. It promised that gender-based prejudice was prohibited, as well as equality. The implementation of a universal right to vote, which removed limits on voting based on factors such as education, income, and property, was one of the initial acts of the Constituent Assembly, which included 15 female members when it was elected in 1945 (Keating, Christine (2011). *Decolonizing Democracy, which means Modifying India's Social Contract*). Data provided by the Indian Election Commission indicates that 46.63% of women participated in the Lok Sabha elections in 1962. After then, numbers on female voter registration show an increase, while men turnout stays the same. In *Women, Voters in Indian Democracy: A Silent Revolution*, Mudit Kapoor, and Shamika Ravi see a remarkable drop in prejudice against women in voting over the years across every state in India. According to them, "this development does not appear to be the result of a conscious centralized approach." In an effort to liberalize personal regulations, increase freedom for individuals, and grant equal standing to men and women in the Hindu social order, Dr. B.R. Ambedkar proposed the Hindu Code Bill in 1947 to the Constitutional Assembly. "I would like to bring the house's notice to one crucial fact," Dr. Ambedkar added. Those who seek conservation must be prepared to repair, according to the great constitutional philosopher Edmund Burke, who published his monumental work against the French Revolution. And that is all I am requesting of this House: Please do not hesitate to make the required repairs in order to preserve the Hindu system, Hindu culture, and Hindu civilization. The only thing that his bill requests is the repair of the Hindu

system's deteriorated components. The Hindu Code Bill, however, faced fierce opposition from fundamentalism both within as well as outside of the Assembly. The Bill that attempted to give women the ability to own assets and have children, legalize monogamy, and generally grant them equal standing under the law was eventually divided into other bills that have strengthened Hindu women.

Several five-year growth strategies concentrated on the welfare, employment, and education of women while still fighting patriarchal influences. All of these changes led to an expansion of women's participation in India's expansion and growth. While the second wave of feminism in the west emphasized gender inequality beyond the right to vote and prejudice against women in public and private life, feminism in India in the 1970s evolved into a class-conscious movement that acknowledged inequality not only between males and females but also inside additional power structures such as caste, color, religion, tribe, class, etc. Post-Colonial feminism was also developed at this time as an approach of analysis to break down the intricate webs of inequality and tyranny. It criticized post-colonial philosophy for being ignorant of issues affecting women and Western culture.

Economic Developments By the 1990s, the third wave of feminism was starting to develop in the west, focusing on sexual emancipation and challenging preconceived concepts of gender via a postmodernist lens. With the adoption of the New Economic Policy by the P.V. Narashima Rao government, 1991 in India saw significant financial shifts. India's economy was in turmoil, making the transition from a centralized to a market economy very essential. India moved in the direction of globalization, privatization, and liberalization, which nonetheless have an uneven impact on women's lives.

The primary source of income and livelihood for women in rural India continues to be agriculture. Most women in the nation make contributions to the economic benefits, yet many of these efforts are still not well-recorded. In addition to working as weavers, selling food, gathering wood, and operating farms, they also plough areas and harvest crops. Over 90% of working women are thought to be employed in the unorganized sector, where there are hardly any state protection systems or labour unions. The points highlight the fact that sections of women have been left behind by neo-liberal economic strategies of growth, which calls for immediate attention and government involvement.

In India, contemporary feminism has a long history with many influential reforms, landmark moments, and scholarly theorizing. Indian women have always been able to oppose male-dominated notions of justice, liberty, and equality. To empower everyone, Indian and Western feminisms have interacted over the years. With everything of this, feminist in India must acknowledge that rural Indian women are educated, autonomous, and resourceful. Many female-only communities still hold on to historic wisdom that enables them to support their families as well as be self-sufficient. This does not, however, imply that all rural women are liberated and independent or that the patriarchal forces prevailing there are unfounded. The only purpose is to offer modern urban feminists and Western feminists a new point of view.

## **FEMINSIT THOERY AND INDIAN JURISPURDENCE**

Although by connecting feminism and Jurisprudence might be said to indicate the dogma which resulting into common political orientation of the social groups. Feminist jurisprudence show case the diversification of theories and philosophies of feminist views and ideals which can be traced through thier ideologies. All feminist belief that women are oppressed and always in disadvantage if we compare that with the men and that oppression is always felonious and unjustified before the eyes of law. The idea behind current feminist movement is still provide insight about how women in present society treated. The convoy behind every feminist movement also showed in various field i.e., feminist in philosophy, feminist in sociology, feminist history and even in feminist jurisprudence.

The study of various feminist theoretical schools, the concepts that have originated and grown within feminist thinking, as well as the integration of theory to problems that concern people of a certain social class, all are included in feminist jurisprudence. Inequalities against women are sustained by the law's impartiality. By focusing on what types of structures and regulations would be required to rectify the current legal status, feminists accept a viewpoint that seeks to contest it. They contend that we need to reconsider the law and examine the standards that are ingrained in our legal system. Considering larger interpretations of those rules, what is "equal opportunity", or "injury" women are getting? According to feminist legal thoery, What is impartial or ordinary for one person may be an aberration for another one. Being pregnant, raising kids, and other parental duties are still viewed as odd events at work instead of routine

tasks that benefit society. The patriarchy's profound impact on legal systems and it also displays its effects on the material circumstances of women and girls, and creates corrective measures such as unfairness, abuse, or limitation against women. Encouraging women's equality and autonomy shows a significant transformation in fundamental expectations which concerning the fundamental rights. Encouraging equality and liberty for women indicates a dramatic shift in underlying beliefs about the role of women and how they should place in society in a changing environment. In contrast to Western societies, men in India started the feminist movement. The men's efforts result in the end of Sati practice in India. It was intended to be uplifting of women to ensure that they can team up with one another in the fight for independence.

After the Declaration of independence, the Indian Constitution ensured equal treatment for men and women. The duties, functions, goals, and objectives of equality did not cause enough of a commotion. Women had distinct desires. With the concept of globalization expanding, of individual rights, feminism in India has evolved. The legal positivists like Austin, Hart, and Kelsen have their underlying analytical structure criticized by feminist writers.

The three main components of the law are command, duty as well as punishment. Feminist jurists have also questioned positivism and the rule of law. Additionally, modern feminist legal theory incorporates other academic disciplines viewpoints as postcolonial thought, international human rights theory, and critical theories of disability, queer theory, critical race theory, and legal research.

## **FEMINIST SCHOOL OF THOUGHT**

This topic has proven contentious between liberal and radical feminist. The earlier proposes an inclusive society without bias and equal chances for women, whereas the other attacks the current legal system, alleging that it's fundamentally a system dominated by men. According to feminist, Women's perspectives and historical contributions have never been considered, who claim that laws have always been formed from a male viewpoint. Feminist jurisprudence is divided into three main philosophical schools:

Liberal feminism is a philosophy that promotes prejudice against women, autonomy, and emancipation from outdated assumptions created by a society that is dominated by men. The strategy that works with achieving fairness among men and women and primarily emphasizes the ability of a law to end bias against women. Liberal feminists want to empower people to follow their intuition and use their skills to make men and women equal in their perceptions of law and society. Their views on liberty are main distinction among modern liberals and historical liberal feminism. To attain fairness in constitutional liberal countries, a modern liberal feminist maintains that female individual liberty and political autonomy must be promoted. According to a former liberal feminist, the ideological aim of feminism, is limited to opposing legislation that treats men and women separately.

Radical feminism is a philosophy that opposes the inequality that women experience and the male notion that all men are superior. Additionally, it rejects patriarchy's conventional wisdom, such as the "ghunghat pratha" enforced on women. The feminists who scream for equality want women to have comprehensive equal entitlement to all social, cultural, and political male entitlements. Feminists, on the other hand, promote gender diversity and call for women to get distinct legal and social protections to make up for historical injustices. The dominance theory, which contends that male social power is the outcome of well-documented disparity between men and women, in some respects promotes feminists that fight against gender discrimination. Dominance feminism attributes women's subordinate status in society to the deliberate efforts of men. It asserts that men dominated women socially, sexually, and physically. Through objectification, patriarchal oversight, and the deprivation of legal rights, they socially conquered women.

Cultural feminism and Essentialism - This philosophy is comparable to radical feminist thought in that it emphasizes recognizing the differences between men and women while giving voice to the values and ethical standards shared by both genders. To better comprehend essentialism, it includes two steps: the first is discriminating between items by considering their parts, and the second is describing the things within a single idea. An imperfect definition of feminist necessity is the belief that all women have certain psychological and biological characteristics, such as attractiveness, sympathy, nurturing, and supportiveness. According to essentialism, all women possess the same inborn qualities. Simply put, anti-essentialism rejects this presumption. To prevent women from changing and preventing social acceptance of women,



anti-essentialists reject the use of fixed characteristics like genetics and personality in the characterization of women.

Post-Modernism Feminism- It starts with the idea that contemporary feminists have become too preoccupied with the distinctions between men and women and have neglected to acknowledge variations between each gender. Furthermore, it contends that conversations centred around perceptions, which we eventually implemented, are what gave rise to gender. In addition to these, postmodern feminists assert that the essential component of their argument is that different forms of patriarchy result from the social traits of women. These opinions were presented in the context of the intersection's hypothesis, an effort to investigate the interplay of social, biological as well as cognitive classes.

A variety of scholarly approaches, including postcolonial theory, critical legal studies, critical racial theory, queer theory, and the study of disabilities, are also incorporated within contemporary feminism in law.

## **CONSTITUTIONALISM WITH FEMINIST IDEOLOGY**

Around the world, gender issue has influenced both the political and cultural environment. The constitutional guarantees for equality before the law and equal treatment under the law which have never fully achieved the ideal of gender parity. Feminist philosophy has expressed that the goals and issues has grown stronger, and this is reflected as how feminist philosophy is expressed. In India, the Supreme Court and the High Courts have acted as actual forums for the discussion of feminist constitutionalism, resulting in seventy years of gender-based jurisprudence that must be analysed to comprehend feminist constitutionalism.

Under Article 15(3) of the Indian Constitution, special provisions for women may be enacted. Furthermore, it makes no mention of the specifics of these unique laws and leaves it up to the parliament and the courts to determine how far they should interpret them considering the Constitution's overall design. As of now, it appears that the legal system views these "special provisions" as an opportunity to safeguard women as well as, in consequently, to satisfy traditional ideas of gender roles. This article's goal is to address and criticize how the Indian judiciary has handled the idea of "constitutional feminism" established in Article 15(3), which seeks to safeguard women in circumstances that do not call for a distinction (it goes toward

both genders - it labels the female gender to be weak and fragile and limit and infringes the right of males to be treated fairly against on the basis of sex alone) and encourage prejudice based on gender.

According to Article 15(1)[i] of the Indian Constitution, the state is not allowed to discriminate against any of its citizens based solely on their race, sex, caste, religion, or place of birth. Additionally, under Article 15(3), it permits the creation of additional regulations for women (and children). It is possible to come to terms with the Constitution's contradictory position by recognizing that each of these articles are woven within its egalitarian framework. Since Article 15(3) was enacted by the Constitution's drafters to promote "gender-specific sensitivity," "substantive equality" (and not just a mere formal equality). Nevertheless, this clause has been interpreted incorrectly by the Indian Courts' procedures in several cases. For example, in the case of *Mt. Choki v. The State*[iii], the clause of Section 437 of the Criminal Procedure Code was challenged on the grounds that it constitutes gender biased because it makes an exemption for the class of women, the sick and disabled, and children under the age limit of seventeen in circumstances in which the rest do not have the privilege of posting bail. The Supreme Court nonetheless rejected this claim and defended the provision by arguing that it was an implementation of the constitutional obligation set forth in Article 15(3). It only stated that the Constitution tends to take the viewpoint that it is open to the interpretation of any party, without providing any further justification.

One significant decision in this regard is *Anuj Garg v. Union of India*[viii], in which the constitutionality of Section 30 of the Punjab Excise Act, 1914, which forbade the employing of "any man under the age of 25 years" or "any woman" in any component of such assumptions where liquor or intoxicating drugs are used by the general public, was contested for infringing Articles 14, 15, and 16 of the Indian Constitution. The Court examined the "double-edged-sword like" characteristics that protected prejudice and declared the rule unlawful on the grounds of sex discrimination and violation of Article 15.

The rulings granted by Dr. Justice DY Chandrachud of the Supreme Court bring to light the deeply ingrained assumptions about gender which have served as a powerful barrier to women pursuing the profession. The ruling aims to provide women in the armed forces with permanent job stability and equal opportunities. It was not by accident that the Supreme Court became the champion of transformational constitutionalism.

In the case *United States v. Virginia*, when the Virginia Military Institute's male-only admittance rule was overturned, Justice Ginsburg offered a few thoughts about rigid ideas about the positions and abilities that men and women should and shouldn't possess. She believed the following: "Any categorization based on gender must not be predicated on excessive assumptions regarding the various abilities, skills, or interests of males and females... We are beginning to realize that "ingrained distinctions" between men and women are still something to be proud of, but not at the expense of either sex or of artificially limiting an individual's possibilities. However, these distinctions may no longer be used, as they once were, to establish or maintain the subservient position of women in the permitted, social, and economic spheres.

The Supreme Court permitted a woman to bring bigamy charges against her husband in *Sarla Mudgal v. Union of India*, since after conversion to Islam, he wed a second woman. Resolution of conflicts the issue of the freedoms of the lady who had been raped was not determined in terms of individual legislation not the Court's own sense of fairness and discretion that was protested about. Therefore, even though the outcome favoured women, feminism and its theories had nothing associated with it.

The Supreme Court accepted a claimant's request for support from a partner in the case of *Bodhisattva Gautam v. Chakraborty*, in which she had an extended relationship with him, underwent multiple abortions at his direction, and yet was still deserted notwithstanding this.

A long-standing vow to wed. The Supreme Court saw the situation as one of rape as well as an infringement of the plaintiff's right to life. This was due to there being No authorization was given for an intimate relationship that was pursued based on an erroneous marriage commitment. The circumstance that an application for maintenance for breaking a marriage vow was construed as "rape" conveys information about how rape and marriage are viewed in the situation in India. The series of vague presumptions.

*Gita Hariharan v. Reserve Bank of India*, a historic ruling, limited Hindu mothers' ability to raise their children "in the absence of the father" to situations in which the father was absent, incompetent, or deceased. Act of 1956 on Hindu Minority and Guardianship. The ruling is still praised today. little dissatisfaction about its apparent premise that women Hindu law regards women as being subservient to men when it comes to child custody. In various rulings, such as that in *Madhu Kishwar v. State of Bihar*, which was difficult The Supreme Court allows for

women to be excluded from succession under tribal law the protection provided by non-interference and consideration for numerous civilizations, tribes, and traditions in making prejudice acceptable.

In Puttaswamy, the Supreme Court established a basis for women's and sexual minorities' rights that was based on respect for their dignity and autonomy rather than feudal or nationalistic notions. Puttaswamy's relevance therefore has two parts: being an uncommon judgement by a court with nine judges, as opposed to the usual in the framework of constitutional adjudication, the ruling has exceptional precedential weight whether it is rendered by two, three, or five judge benches or never sits an banc; and second, It modifies conversations about constitutional rights, particularly those of women and people by first shifting its factual foundation and putting it among minorities centring on the person with comparable moral value (dignity) and capacity for there were untouchable forms of autonomy.

The only female judge on the five-judge panel in the Joseph Shine case, Justice Malhotra, discovered various justifications for the infringement of Article 14, most of which had less to do with obvious arbitrariness and more to do with the reality that the justification for the clause that addressed women as the husbands' assets had become "outdated," "obsolete," and "archaic," and thus "never again important or valid" or "neutral."<sup>143</sup> Her justification for the clause was significantly more straightforward and not saved for safeguarding purposes under Article 15(3): "The genuine aims to elevate women and give them authority in socioeconomic realms through a system of affirmative action. A law that restricts a woman's ability to bring a lawsuit cannot be described as law that is "beneficial."<sup>144</sup> This caused her to challenge Yusuf Adul's logic from six decades ago.

The Supreme Court reinforced the anti-stereotyping concept in *The Secretary, Ministry of Defence v. Babita Puniya and Ors*, paving the door for transformative constitutionalism.

The Court stated that although Article 33 did permit limitations on fundamental rights in the Armed Forces, it also made it abundantly clear that these limitations were only permissible insofar as they were required to ensure the performance of responsibilities and the upholding of discipline. Like this, the Court dismissed the general ban on giving permanent commissions to women in positions of command (and limited it to staff positions exclusively), saying that it was the Army's responsibility to explain the prohibition and that, in any case, it needed to be done by the Army. The Ministry of Defence's arguments displayed an essentially backwards

worldview, according to the Court. The progressed entries were rife with sexist assumptions that discriminated against women and are based on historically attributed preconceptions. Limiting women's responsibilities to maternity and household tasks and questioning their physical whims due to anatomical/biological distinctions simply reinforces the idea that women are "less capable" than men and renders them incompetent of performing things that are thought to be too "arduous" for them.

## **A WAY FORWARD**

It needs to be recognized that the purpose of the provision in Section 15(3) is to additionally the goal of equality; as a result, its scope and validity must be assessed in this context. The notion of the "female category" would be shattered if it were used indiscriminately to favour women over males, leading us to perceive them as weak. It would also undermine, not advance, the constitutional requirement of equality.

Consequently, to preserve the fundamental right of equality in the way it was established, it is of utmost importance to assess the intent and reach of this clause, which, despite being buried in the shroud of disparate treatment, has inequality at its core.

Constitutional interpretations or the law themselves are not feminist by virtue of only one court, even if it's the supreme court. A constitution that professes itself to be such cannot either. Neither can through feminist language. Constitutionalism is feminism since it is significant and ongoing discussion on the many different feminist theories often in opposition. The interaction with such logic and the conversation it sparks.

Feminist constitutionalism can be defined as the use of such arguments and the debate it inspires. The paper has demonstrated how this rhetoric is mirrored in India's feminist constitutional environment, which is determined by a very diverse national women's movement. Accordingly, the article has demonstrated that even any single disagreement in the seventy-year span of postcolonial constitutional decision-making. On its own terms, jurisprudence can be considered the era of feminist constitutional principles. Only a more thorough examination of the circumstances and the period surrounding that exists aids comprehension of feminist constitutionalism.

More specifically, it is important for the discussion of feminist constitutionalism that we interact with the Supreme Court's recent jurisprudence in this wider manner, even though it may be feminist in a substantive sense. The guarantees of freedom for individuals in our constitution are not immutable; rather, they are manifestations of fundamental human principles. They are not subject to daily changes in popular opinion, thus they occasionally need to be redefined in order to satisfy specifically understood, if not precisely produced, human requirements.

## ENDNOTES

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<sup>i</sup> Abraham Thomas, Dr LM Singhvi Memorial Lecture: Doctrine of separation of power fundamental to our governance, The Hindustan Times, Dec 3, 2022.

<sup>ii</sup> Alok Pandey and Amit Pandey, Constitutionalism and Democracy, The Daily Guardian, April 21, 2022.

<sup>iii</sup> Available at <https://www.nls.ac.in/course/transformational-constitutionalism-22-23/>