

WORLD CONSTITUTION

A New Horizon of Human Rights

(Peer Reviewed Research Publications)



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Constitutional Law: Current Trends and Challenges

Dr. (Mrs.) Madhura Kalamkar

ABSTRACT

India- a land of Paradoxes, became independent in 1947 and 16.9¹ per cent of the world's population lives in India. However, India holds bare minimum percent of the world's money. After sheer hard work by our founding leaders, we have come up with a very capable and flexible Constitution, so we can proudly say that the Constitution is our guide and is capable of meeting the challenges of the future. Although the economy of the country is not very strong, there are alternative means available in the country to make it stronger.

However, our country has abundant human resources, power and natural resources but due to inequality, these resources have not been used equally. The result of the same is that some people here are very rich, while others are living in poverty and unemployment. Our Constitution provides Freedom, equality, brotherhood and justice to people of our country. Gender equality is also backbone of our Constitution. Even though India is an advanced country today, we still do not have faith in the principle of equality and unity for many reasons. As a result, the people of our country are in dire need of abandoning old ideas, embracing new ones and undergoing emotional purification.

Keywords: *World Constitution, Comparative Analysis with World Constitution, Current Issues and challenges, Constitution: Human Rights, International Law & Penal law.*

1. Introduction

"The state owed its authority to the general will of the governed. The nation itself is sovereign, and the law is none other than the will of the people as a whole"²

- 1 Ministry of Home Affairs, Government of India, *Office of the Registrar General & Census Commissioner, India*. https://censusindia.gov.in/census_and_you/area_and_population.aspx
- 2 Jean-Jacques Rousseau, *Britannica*, available at <https://www.britannica.com/topic/state-sovereign-political-entity>

If a society has to be formed, the state must be established for it, and once the state is established, there is no other way for its order but the Constitution. After our country got independence, the sculptor of the Indian Constitution Dr. Babasaheb Ambedkar gifted the Indian Constitution to the people of India to make them aware of their rights and duties based on the principle of equality. By burning the midnight oil, our Parliament has passed many new laws but still we are stuck in the viscous cycle of poverty, unequal access to resources and unemployment. If a society needs to be formed, a State must be established for it, and once the state is established, the Constitution will be a perfect source for its order. If the Constitution is ready for every state, then the government should run the State according to its rules, so the people will have faith in the Constitution, assuming that the State is the Rule of law. The main reason is our economy. The development of the Indian way of life is possible only when the people of our country will not be deprived of the necessities of life and for that, the laws need to be tightened to strengthen the three objectives of population control, compulsory education and preservation of morality and for that, everyone needs compulsory education. The government has enacted many strict, amended laws for the protection of women and child development. However, law enforcers are endangering the safety of women by engaging in custodial violence and misuse and abuse of power. The thought-provoking question here is how safe our children are in the hands of those who have a responsibility to support, improve and rehabilitate orphaned and exploited children.

2. To be or not to be?

According to A.V.Dicey, "there is no Constitutional law in Great Britain." There is no special procedure for making Constitutional law in England. A bill may be passed by both the houses of parliament by a simple majority.

England does not have a written Constitution. However, still it has followed the principle of Constitutionalism. A country may have a written Constitution, but still lack in the spirit of Constitutionalism, whereas a country may not have a written Constitution, but uphold and give full effect to the spirit of Constitutionalism. The inducing question here is to have a Constitution but no Constitutionalism, or to not have any written document of Constitution but still adhere to the principles of Constitutionalism?.

3. The Current Trend In World Constitution

Separation of powers refers to the demarcation of the powers into the Trinity division of legislature, executive, and judiciary. The three organs should be distinct, separate, and sovereign in their sphere so that one does not trespass the territory of the other.