

EVOLVING CONSTITUTIONALISM AND CONTEMPORARY CHANGES IN INDIA



Dr. Naseema P. K
Dr. Rifat Khan



EVOLVING CONSTITUTIONALISM AND CONTEMPORARY CHANGES IN INDIA

First Volume

Editors

Dr. Naseema P. K

Dr. Rifat Khan



Title of the Book: Evolving Constitutionalism and Contemporary Changes in India

First Volume - 2025

Copyright 2025 © Authors

Dr. Naseema P.K., Assistant Professor, Department of Law, AMU Centre, Malappuram.

Dr. Rifat Khan, Assistant Professor, Damodaram Sanjivayya National Law University, Visakhapatnam.

No part of this book may be reproduced or transmitted in any form by any means, electronic or mechanical, including photocopy, recording or any information storage and retrieval system, without permission in writing from the copyright owners.

Disclaimer

The authors are solely responsible for the contents published in this book. The publishers don't take any responsibility for the same in any manner. Errors, if any, are purely unintentional and readers are requested to communicate such errors to the editors or publishers to avoid discrepancies in future.

E-ISBN: 978-93-7020-432-4

MRP Rs. 230/-

Publisher, Printer & Distributor:

Selfypage Developers Pvt Ltd.,
Pushpagiri Complex,
Beside SBI Housing Board,
K.M. Road Chikkamagaluru, Karnataka.
Tel.: +91-8861518868
E-mail: info@iipbooks.com

IMPRINT: IIP Iterative International Publishers

For Sales Enquiries:

Contact: +91- 8861511583
E-mail: sales@iipbooks.com

Foreword



Prof. (Dr.) Rose Varghese

Former Vice -Chancellor, National University
of Advanced Legal Studies Kochi.

Director, School of Law, KIIT Deemed to be University, Bhubaneswar
[Formerly, Dean , Faculty of Law, JMI , Central University, New Delhi &
Director, (Academics), Ramaiah College of Law, Bangalore.]

The journey of any republic is defined by the resilience and adaptability of its foundational document. For India, a nation of unparalleled diversity and complexity, that document is the Constitution — a magnificent articulation of democratic aspirations, social justice and fundamental rights. Yet, the true measure of constitutionalism lies not just in its elegant text, but in its daily engagement with the shifting sands of contemporary life. This timely and insightful volume steps boldly into that crucible.

In a rapidly evolving global and national landscape, constitutionalism in India is facing unprecedented challenges and undergoing profound re-interpretations. From the complex interplay between **fundamental rights and security imperatives**, to the evolution of federal dynamics in a centralizing world and the Judiciary's role as the ultimate arbiter of constitutional morality, the issues confronting us today demand rigorous scrutiny and nuanced discussion.

This book, *Constitution of India: Evolving Constitutionalism and Contemporary Changes in India* precisely provides that.

The authors of the Chapters included in the book have masterfully woven together the enduring principles of the Constitution with the pressing realities of the 21st-century India.

I appreciate the editors of the book, Dr. Naseema. P. K. and Dr. Rifat Khan for the meaningful theme of contemporary relevance and for editing the chapters skilfully, which do not merely recount legal history, but critically analyse topics that dominate public discourse today.

What distinguishes this work is its commitment to **scholarly depth and its lucid presentation**. It serves as an essential resource for students of law, political science and history, offering a vivid account of judicial pronouncements and the doctrinal evolution. Simultaneously, it provides the necessary context to understand why and how the Constitution remains the living soul of our democracy.

It is a privilege to introduce a work that so effectively bridges the gap between the constitutional ideal and the contemporary reality. This book is a vital contribution to the ongoing conversation about the future of the Republic — a conversation that every Indian must engage in.

I am proud to present this work to the scholars of Social Science and to the legal fraternity.

Message



Prof. (Dr.) M. Shahul Hameed
Director & Professor
AMU Centre Malappuram, Kerala.

It is a matter of great pride for me to appreciate and acknowledge this academic achievement of this edited volume on a highly significant topic, “**Constitution of India: Evolving Constitutionalism and Contemporary Changes in India.**” As the cornerstone of the world’s largest democracy, the Indian Constitution is not merely a static legal document but a very dynamic one. It has continuously adapted to the shifting socio-political and economic landscapes of our nation while remains anchored in the foundational values of justice, liberty, equality, and fraternity.

In an era marked by rapid globalization, technological advancement, and complex legal challenges, understanding the nuances of constitutional evolution is imperative. I hope that this book arrives at a critical juncture, offering a comprehensive analysis of interpretative shifts of the judiciary, addressing the contemporary challenges like intersection of constitutional law with digital rights, environmental jurisprudence etc., and institutional dynamics by examining the evolving relationship between the executive, legislature, and judiciary.

At the AMU Centre, Malappuram, we are committed to fostering an environment of rigorous research and intellectual inquiry. This publication is a testament to that commitment. It brings together diverse perspectives from legal scholars, practitioners, and academicians, providing a multifaceted view of our constitutional journey.

I would like to extend my heartiest congratulations to my colleague Dr. Naseema. P. K and the other editor Dr. Rifat Khan and the contributors of various chapters for the contributors for their meticulous efforts in bringing this scholarly work to fruition. Their insights will undoubtedly serve as a valuable resource for students, researchers, and anyone interested in the future of Indian democracy.

I am confident that this book will provoke meaningful dialogue and contribute significantly to the existing body of constitutional literature.

Message



Prof. (Dr.) Rajan Varghese

Director, Research & Innovation, KIIT School of Law, Bhubaneswar
[Formerly, Professor of Law, University of Delhi, Professor & Director,
Doctoral Studies, School of Law, Alliance University, Bangalore, Dean, School
of Law, Presidency University, Bangalore, & Director, School of Law, Jain
Deemed to be University, Bangalore]

The Constitution of India is not a static text, but a dynamic arena where democracy and justice are continually contested and renewed. In an era marked by profound legislative activity, rapid technological advancement and critical judicial scrutiny, understanding the true nature of Indian constitutionalism is more challenging and more vital than ever before.

This timely edited volume, *Constitution of India: Evolving Constitutionalism and Contemporary Changes in India*, provides the essential compass.

The editors have assembled a stellar collection of essays that move beyond conventional analysis to tackle the most pressing debates of our time: the constitutional dimensions of privacy, digital access as a fundamental right, the shifting architecture of federal power, the scope of judicial review in the context of political morality and the resilience of fundamental rights.

This book is a powerful and necessary contribution to legal scholarship. This compilation will undoubtedly serve as a critical reference point for judges, policymakers, academics and anyone committed to the careful custodianship of India's democratic foundation. It is a work of high distinction and compelling relevance. This volume aims at moving beyond a descriptive account of constitutional provisions to provide a critical assessment of how the core concepts of Sovereignty, Socialism, Secularism, Democracy and Justice are being redefined by judicial innovation, legislative action and societal demands. The editors, Dr. Naseema. P. K. and Dr. Rifat Khan have ventured to bring out a poignant theme. I congratulate all the authors for their scholarly contribution to this compendium.

Preface

The Indian Constitution is often described not merely as a legal document, but as a 'living organism.' Since its adoption, it has navigated the turbulent waters of social upheaval, economic transformation, and shifting political landscapes. This volume, **Constitution of India: Evolving Constitutionalism and Contemporary Changes in India** seeks to map these changes, exploring how constitutionalism in India is evolving or, in some instances, being tested.

The genesis of this book lies in a simple yet profound question: *How does a post-colonial constitution maintain its transformative character in an age of digital disruption, populist surges, and globalized crises?* While the fundamental pillars of our democracy—liberty, equality, and fraternity—remain constant, their interpretations are in a state of flux. This edited collection brings together a diverse group of legal scholars, practitioners, and social scientists to dissect these shifts. From the nuances of judicial activism to the administrative pressures on federalism, each chapter offers a critical lens through which to view the resilience of the Indian state.

An edited volume is, by definition, a collaborative endeavour. We are thankful to Prof. (Dr.) Rose Varghese (Former Vice-Chancellor, NUALS, Kochi & Director, School. of Law, KIIT Bhubaneswar), Prof. (Dr.) M. Shahul Hameed, Director, AMU Centre, Malappuram, Kerala and Prof. (Dr.) Rajan Varghese (Formerly, Professor of Law, University of Delhi & Director, Research & Innovation, KIIT School of Law) for their valuable words of foreword and messages. We are deeply indebted to the contributors who have lent their expertise and rigorous research to this project. Their insights provide a kaleidoscopic view of the Indian constitutional journey—one that is fraught with challenges but anchored in hope.

We extend our deepest gratitude to the publishers, our family members and all those who supported through their efforts that made this volume possible.

It is our collective hope that this book serves as a valuable resource for students, academics, and policymakers. More importantly, we hope that it sparks a broader conversation among citizens, for, the ultimate custodian of the Constitution is "We, the People."

Best Regards,
Dr. Naseema P. K & Dr. Rifat Khan
Editors

Table of Contents

Chapter 1	Digital Access as a Fundamental Right: The Supreme Court's 2025 Mandate and the Challenge of Inclusive E-KYC for Persons with Disabilities in India	1 - 12
	<i>Mohd Arsh Shery</i>	
Chapter 2	The Indian Constitution as a Postcolonial Prototype: Comparative Reflections with African and Caribbean Constitutions	13 - 29
	<i>Satyam Sinha</i>	
Chapter 3	Historical Perspectives on Indian Constitutionalism: Evolution of Constitutional Thought in India and Influences on the Drafting of the Constitution of India	30 - 45
	<i>Priyam Sharma</i>	
Chapter 4	Guarding Liberty in Times of Fear: Consitutionalism and Judicial Review in Balancing National Security and Individual Rights	46 - 59
	<i>Yaqoob Murtaza, Tooba Arshad</i>	
Chapter 5	Gender Discrimination and Women Rights	60 - 71
	<i>Dr. Andrey Shastri</i>	
Chapter 6	Balancing Grief and Gaze: A Critical Legal Analysis of Legal Boundaries of Press Freedom and The Rights of Families of Deceased Public Figures	72 - 80
	<i>Kalyani C Bapat</i>	
Chapter 7	Supreme Court at Cross Roads: PILs, The State and the Constitutional Court's Conundrums	81 - 91
	<i>Toshan Chandrakar</i>	
Chapter 8	Configuring Digital Constitutionalism in India: The Tussle Between Personal Data Regulation and Individual Informational Privacy	92 - 104
	<i>Babu Bethovan</i>	

Chapter 9	Revisiting the Legitimacy Question of the Constitution of India from the Perspective of Identity <i>Nikita Samdariya</i>	105 - 123
Chapter 10	From Consent to Control: Navigating Digital Health Technologies and Maternal Health Records Under Digital Health Governance in India <i>Samriddhi Rai</i>	124 - 136
Chapter 11	Judicial Activism and its Impact <i>Anjum Saifi</i>	137 - 149
Chapter 12	Evolving Liberties: The Expanding Horizon of Individual Rights in Contemporary India <i>Dr. Urvashi Sharma</i>	150 - 163
Chapter 13	The Indian State's Silence on Marital Rape <i>Rudransh Singh Rajput, Arunima Soni</i>	164 - 178
Chapter 14	Privacy Concerns in the Digital Age: A Constitutional Perspective on Data Protection and Surveillance in India <i>Swati Singh</i>	179 - 192
Chapter 15	Strengthening Federalism: The Empowering Role of the Indian Judiciary <i>Sweta Shoumya R R</i>	193 - 202
Chapter 16	Not My CM?: Floor Tests, Political Theatre & Constitutional Morality in Times of Defections <i>Shloke Sarkar</i>	203 - 223

ABOUT AUTHORS



Dr. Naseema P. K is currently working as an Assistant Professor of Law in the Department of Law, AMU Centre, Malappuram, Kerala, with 18 years of teaching experience. She has also served as an Assistant Professor in the Faculty of Law, University of Delhi. She received her Ph.D. in Personal Law from the National University of Advanced Legal Studies (NUALS), Kochi. With 34 research papers, book chapters, and two authored books to her credit, she has demonstrated strong research capabilities. Her areas of interest include Constitutional Law, Jurisprudence, and Family Law. A dynamic, team-spirited, and performance-driven professional, she has extensive academic training in law, along with substantial experience in teaching, administration, and legal practice. She is highly proficient in fostering a cohesive and productive environment for both learning and research.



Dr. Rifat Khan is an accomplished academic with over a decade of professional experience and a strong research background in socio-legal studies. She holds a Ph.D. in Law from Lovely Professional University with a specialization in Criminal Law and is also UGC-NET qualified. Her research interests include gender justice, drug policy, human rights, criminal law, constitutional law, and Socio-legal issues. She has published extensively in SCOPUS- and UGC-CARE-listed journals and has contributed significant book chapters on contemporary legal challenges. As an experienced teacher and researcher, she has supervised postgraduate dissertations, presented papers at numerous national and international conferences, and served as a resource person and session chair at various academic events. With strong leadership experience, refined research skills, and exposure to diverse academic environments, she brings valuable insight, clarity, and scholarly rigor to editorial and academic work. She currently serves as an Assistant Professor at Damodaram Sanjivayya National Law University (DSNLU), Visakhapatnam, where she plays an integral role in strengthening the university's academic, research, and student development initiatives.



Selfypage Developers Pvt Ltd

E-ISBN: 978-93-7020-432-4



9 789370 204324

MRP Rs. 230/-