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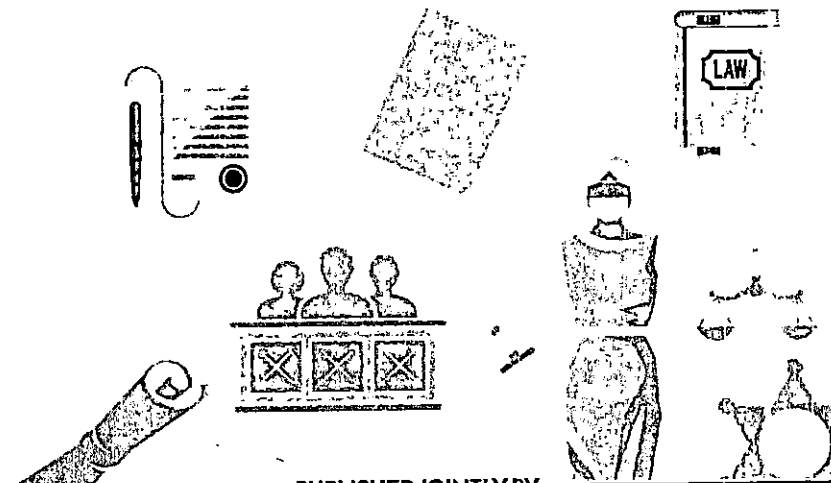
Constitutionalism, International Law & Public Policy : 2021 Ahead

EDITORS

Sourabh UBALE

Omar VERA MUNIZ

Eduardo REZKALAH



PUBLISHED JOINTLY BY



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Marathwada Mitra Mandal's
Shankarrao Chavan Law College,
Pune (INDIA)

(Affiliated to Savitribai Phule Pune University &
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UPC
Universidad Peruana
de Ciencias Aplicadas

Facultad de Derecho de la
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(UPC) (PERU)

August 2021

Constitutionalism, International Law & Public Policy: 2021 Ahead

~Edited by~

Sourabh UBALE

(Assistant Professor, Academic Research Coordinator & I/C, Centre for Academic Research, Publication & E-content in Law, Marathwada Mitra Mandal's Shankarrao Chavan Law College, Pune, India)

Omar VERA MUNIZ

(Faculty of Law, Universidad Peruana De Ciencias Aplicadas, Lima, Peru)

Eduardo REZKALAH

(Faculty of Law, Universidad Peruana De Ciencias Aplicadas, Lima, Peru)

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Universidad Peruana de Ciencias Aplicadas (UPC)

Law School, Lima (Peru)

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Convenor's Message



Dr. Kranti DESHMUKH
I/C Principal, Marathwada Mitra Mandal's
Shankarrao Chavan Law College, Pune



Beatriz MIRANDA
Academic Director of the Law,
Universidad Peruana de Ciencias
Aplicadas (UPC), Lima, PERU

Being established through an inspiration of socially and educationally charged personalities, we, Marathwada Mitra Mandal established in 1967 as the charitable trust, serves with a motto "Yethe Bahutanche Hit" (Welfare of Masses). At its various educational campuses, excellent facilities of education are provided to more than 12000 students pertaining to Architecture, Management, Law, Commerce, Pharmacy and Engineering etc. Recently Marathwada Mitra Mandal's four colleges are accredited with 'A' Grade by National Assessment and Accreditation Council (NAAC). Under the patronage of Marathwada Mitra Mandal, Shankarrao Chavan Law College was established in 2003 with the objective of nurturing future legal professionals and researchers with ideals and values required for playing constructive role to create a better world. The College is affiliated to Savitribai Phule Pune University, approved by Bar Council of India, recognized by Government of Maharashtra with an ISO Certification and accredited with 'A' Grade by NAAC. And thus stands as one of the premier law colleges in India. Our College has a motto 'Quality Legal Education for Masses'. Since inception our College has been encouraging the students to develop themselves into the legal professionals having legal knowledge, acumen and expertise suitable for dynamic and globalized legal industry. With this view, apart from academic excellence, we nurture the students with several co-curricular and extra-curricular activities. We host wide range of co-curricular activities such as Justice P.B. Sawant National Moot Court Competition, Late Shri Shankarrao Chavan Memorial State Level Elocution Competition, PG Department of Law National Conference, etc. We also

run various centers and cells such as Center for Advanced Legal Research & Training (CALRT), Family Counselling Center, Center for Academic Research, Publication & E-content in Law (CARPEL), etc. The CARPEL is to endeavour new frontiers of knowledge by way of inculcating the skills of deep inquiry, scientific investigation, fact and solution finding mechanism with various experiments. Activities through CARPEL are helping in improving and discovering new challenges to our knowledge and to overcome all such contemporary challenges with futuristic approach. It works into three wings namely- Research, Publication and E-Content Development. Apart from the Student and Faculty Research activities on National & International Level, under its flagship, we publish an International Journal 'SCLC Law Review', a national journal 'SCLC Journal of Contemporary Issues' (Student Edition), edited books and various compilations as study material. It is also developing electronic content in law in the form of Audio, Visual, Audio-visual, Video Lectures, electronic readable content, etc.

Universidad Peruana de Ciencias Aplicadas (UPC) was founded in 1994 as an educational institution based on creativity and innovation that aims to educate future professionals who will be the protagonists of our country's transformation. UPC was created by Law 26276, dated January 5, 1994. Since September 2004, UPC is a member of Laureate International Universities, the world's largest private university network. In 2016, UPC became the first and only Peruvian university to obtain the institutional accreditation by WASC Senior College and University Commission, the international government agency of the United States that provides accreditation to universities such as Stanford, UC Berkeley or Caltech, all of them recognized as the world's best. Continuing its path of challenge and excellence in academic quality, in 2018 it became the only Peruvian university to earn 4 stars in the prestigious international QS Stars university rating. Earning four out of five stars is a recognition that the university is an institution that meets the highest international academic quality standards in research, teaching, inclusion, and social responsibility. UPC has also been recognized by SINEACE, an organization that ensures the quality of private and public higher education in Peru, for the accreditation awarded by WASC, as well as the programmatic accreditation of its Medicine, Nutrition and Dietetics, Physical Therapy, Dentistry, and Psychology programs in 2018 and Law in 2019 and the Educational and Pedagogical Management program in 2020.

Universidad Peruana de Ciencias Aplicadas (UPC) Law School is accredited by Accreditation Council for Legal Education (CONAED) and its program offers multidisciplinary education, oriented not only towards law, but also to economics, finance and management. UPC Law School runs with a mission to educate lawyers who are upstanding and innovative leaders with a global vision so as to apply Law within organizations and contribute to the transformation of Peru; and with a vision to be recognized for educating lawyers with the highest professional competencies known for their leadership in the transformation of Peru. At the same it has a renowned fame of inculcating legal knowledge and skills at National and International Levels.

Some of UPC Law School's achieves: Winner the VIII International Arbitration Competition 2015, Santiago de Chile; Winner the VIII International Arbitration and Commercial Law Competition (MOOT Madrid 2016). Champions of the XI International Arbitration Competition (MOOT) organised by Universidad de Buenos Aires (UBA) Law School, 2018, at Bogota, Colombia.

To strengthen the ties of both of these renowned Institutions, we organised International Conference & Bilateral Talk on "Constitutionalism, International Law & Public Policy: 2021 Ahead" on 24th & 25th May 2021 which was graced by Zoran OKLOPCIC from Department Of Law & Legal Studies, Carleton University, Ottawa (Canada) as Guest of Honour and also by the presence of luminaries from the field of law and students, academicians and professionals across the country and abroad.

In the light of our association, we are greatly honoured to have this publication of an edited book in continuation of our research collaboration, edited by our esteemed faculties of both the institutes, Mr. Sourabh UBALÉ, Mr. Omar VERA MUNIZ & Mr. Eduardo REZKALAH who are also acting as Representatives of respective Institutions in this collaboration.

We extend our profuse thanks to all the contributors from distinguished institutions across the country and also extend our warm wishes to all the august readers.

25st August 2021
Pune / Lima

**Dr. Kranti DESHMUKH &
Ms. Beatriz MIRANDA**
(Convenors)

Acknowledg ent

We are deeply indebted to Prin. Mr. B. G. Jadhav, Executive President, Marathwada Mitra Mandal, INDIA & Luis Alfonso García-Corrochano Moyano, Dean of the School of Law Universidad Peruana de Ciencias Aplicadas (UPC), Lima, PERU for their constant support, expertise knowledge and encouragement which have been the force behind the successful accomplishment of this edited book.

We are expressing our special thanks to Beatriz Miranda de la Lama, Academic Director of the Law program, Universidad Peruana de Ciencias Aplicadas (UPC), Lima, PERU; Mr. S. D. Ganage, President, & Mr. Kishor Mungale, Secretary, Marathwada Mitra Mandal & Dr. Kranti Deshmukh, Principal, Marathwada Mitra Mandal's Shankarrao Chavan Law College, Pune, INDIA.

We are also grateful to Mr. Sahil Shrivastav & Ms. Mugdha Satpute without their assistance we would not have successfully completed the task of this edited book.

We extend our gratitude to faculties & administrative staff of both, Marathwada Mitra Mandal's Shankarrao Chavan Law College, Pune, INDIA & Universidad Peruana de Ciencias Aplicadas (UPC), Lima, PERU

Finally, we are ever grateful to everyone who has become the part of our extended family of both the institutions for their prayerful blessings and moral support without which this work could not be a successful one.

25th August, 2021
Pune / Lima

**Mr. Sourabh UBALE,
Mr. Omar VERA MUNIZ &
Mr. Eduardo REZKALAH,**
(Editors)

Preface



**Mr. Sourabh
UBALE**



**Mr. Omar
VERA MUNIZ**



**Mr. Eduardo
REZKALAH**

In the light of constitutional law developments and need of constitutionalism in almost all the field of public policy, the theme of present edited book is aimed to inspire multi-disciplinary research especially focusing on Constitutionalism, International Law & Public Policy and to provide a platform for disseminating intellectual explorations of jurists, legal practitioners and judges, policy-makers and law enforcement experts and budding minds who are contributing significantly at all levels. Reading of this edited book will provide you with the unique opportunity to deepen your insights about the varying paradigm of Constitutionalism, International Law & Public Policy in context of the socio-legal implications. The journey of reading this edited book will encompass a visit to diverse perspectives of Constitutionalism, International Law & Public Policy and will ensure an opportunity to articulate appropriate policy and legal responses to benefits and risks.

The chapters of this book almost covers Code on Social Security, 2020, Insolvency and Bankruptcy (Amendment) Ordinance, 2020 And Corporate Insolvency And Governance Act, 2020, International

Perspective of Solemnization of Marriages, Public Policy Dominating Constitutionalism in India, Constitutionalism As Foundation of Counter Terrorism Financing Policy, Open Prison System, Role And Responsibilities of States in Epidemic Diseases, Constitutional Scheme of Groundwater management, FDI Policies, Citizenship Amendment Act, 2019, Legitimacy of Panchayati Divorce, Military Conscription, Space Race, LGBTQ+ Rights, Extradition Treaty & History Of Indian Constitution.

We wish to thank all the contributors, their respective esteemed institutions and readers of this book.

- Mr. Sourabh UBALE,
Mr. Omar VERA MUNIZ &
Mr. Eduardo REZKALAH
(Editors)

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Constitutionalism as Foundation of Counter Terrorism Financing Policy: Review Through The Lens of Contemporary India

Ms. Mayura Manohar Sabne

(Assistant Professor, Marathwada Mitra Mandal's Shankarrao Chavan
Law College, Pune & Ph.D. Research Scholar, Department of Law,
Savitribai Phule Pune University, Pune)

Introduction

India is a country full of paradoxes. In such diverse settings, "constitution" as a document plays a very important role in endurance of the nation and its democracy because it lays down significant boundaries for the exercise of power by the State and limits on the exercise of rights by the individuals. The document itself, though inked in a parched paper of timeless value, never grows old. Its ideals and values stay young and energetic, forever changing with times. It represents the pulse and soul of the nation and like a phoenix, grows and evolves, but at the same time remains young and malleable¹.

There cannot be any rule of law except the constitutional rule of law. The command of the constitution must be scrupulously obeyed by the executive, the legislature and the judiciary. Any threat to constitutional values poses a threat to a very foundation of the polity and society and, by consequence to national security². Considering this reality and being seriously concerned with the communal tensions and violence which had unleashed during 1946-47, the founding fathers of the Indian Constitution devised a federal framework of

governance and wisely provided for a strong Centre which would be able to curb and contain divisive trends and safeguard national integrityⁱⁱⁱ.

Along with this federal framework, the Indian Constitution embodies different constitutional philosophies. Among these constitutional philosophies, constitutionalism is the most important one. It demands just and reasonable restraints on the exercise of powers by the democratic institutions and their representatives and enjoyment of rights granted by the Constitution. The various provisions of the Indian Constitution are masterpieces of balancing act between endowment of rights and powers and restraints imposed in the interest of nation and its citizens.

Conceptual Development

The first and foremost important concept in the present research is that of constitutionalism. Constitutionalism is a modern concept that desires a political order governed by laws and regulations. It stands for the supremacy of law and not of the individuals; it imbibes the principles of nationalism, democracy and limited government. It may be identified with the system of divided power^{iv}. The philosophy of constitutionalism is global, universal and has assumed a democratic character through the process of historical development. Constitutionalism establishes a condition of political equality characterized by balance of power between all the relevant groups and parties within a polity^v.

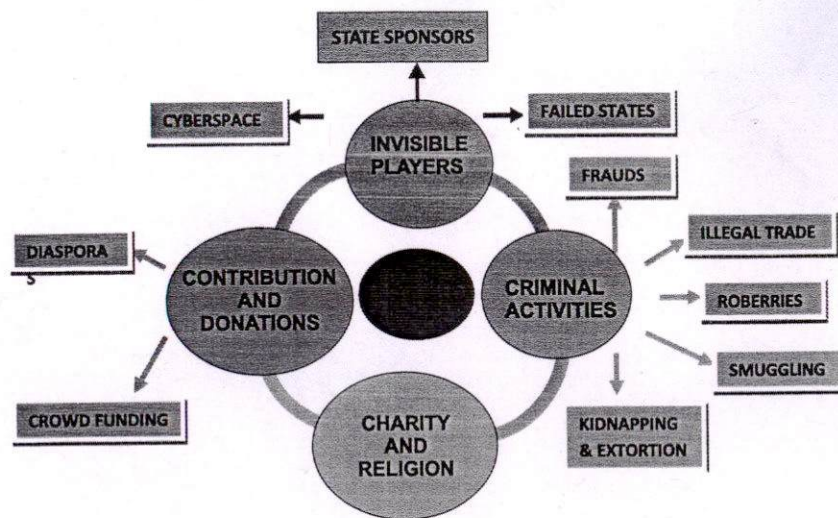
Along with the concept of constitutionalism, the second pillar of the present research is the concept of "public policy". Henry defines

public policy as, "A script (course of action) adopted and pursued by the government". Anderson stated, that policy be observed as "Purposive course of action followed by an actor or set of actors in dealing with a problem or matter of concern". According to Sir, Geoffrey Vickers, policies are judgments giving way, unity and steadiness to the course of act for which the decision-making body is accountable^{vi}. Thus, public policy can be generally defined as a system of laws, regulatory measures, courses of action, and funding priorities concerning a given topic promulgated by a governmental entity or its representatives^{vii}.

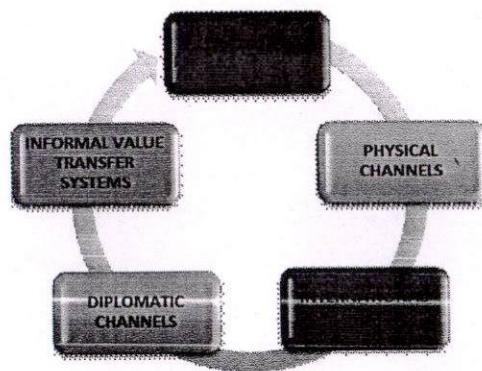
After over viewing the two important concepts of constitutionalism and public policy, let's analyze the concept of terrorism financing and Counter-Terrorism Financing Policy which forms the third important pillar of the current research. The World Bank and International Monetary Fund define financing of terrorism as "the financial support, in any form, of terrorism or of those who encourage, plan or engage in it."^{viii} The fund-raising methods of wide range of groups are most often lumped together under the general rubric of terrorism financing^{ix}.

Following are the sources of terrorism financing -

If we peruse these sources and channels of terrorism financing, we will find that they are omnipotent and they are present in all spheres of human life- be it social, legal, economic or political. They are nothing but the basic components of terrorism financing and terrorism financing can be best described as the soul of terrorism. Thus, if we counter the financing of terrorism, the threat of terrorism shall be



Apart from these sources, following are the channels of terrorism financing which are interconnected with each other-



mitigated to the larger extent because the oxygen for terrorism will be thwarted. However, such preventive approach must be adopted by safeguarding the constitutional principles and rights of the individuals because if we touch any of the components of terrorism

financing, we are touching the fundamental rights of certain sections of society. Countering of financing of terrorism can be well achieved through drawing a framework for the Counter-Terrorism Financing Policy, which will envisage socio-legal solutions to counter terrorism financing. It is one of the public policies which each nation shall have; however, India has not framed any such policy till date.

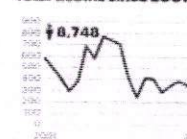
Why India Needs A Counter Terrorism Financing Policy?

These facts reveal that India still faces the threat of terrorism. Among the top ten most affected countries, India stands at the 8th rank. One of the crucial reasons for the existence of this threat is the unabated financing of terrorism. The issue of terrorism financing is

10 COUNTRIES MOST IMPACTED BY TERRORISM

India | GTI RANK **8** | GTI SCORE **7.353** | 277 DEAD | 430 INJURED | 558 INCIDENTS

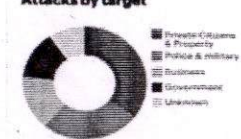
Total deaths since 2001



Deaths by group



Attacks by target



There were 558 terrorist attacks and 277 deaths from terrorism recorded in India in 2019. This marks a fall in both deaths and attacks of over 20 per cent since 2018. Compared to other countries amongst the ten most impacted, India faces a wider range of terrorist groups, with Islamist, communist, and separatist groups active across the country.

Worst attacks



India has the lowest number of terrorism deaths among the ten countries most affected by terrorism, and the lowest lethality rate of attacks. The other nine countries had an average of 2.1 deaths per attack in 2019, while India recorded an average of 0.5

Laundering Act, etc. There is no targeted legislation which encompasses countering all the sources and channels of terrorism financing. Apart from these legislative lacunas, there is no comprehensive policy in India which will address the social issues attached with terrorism like radicalization, community support and its countering measures. The state of affairs on intelligence platform is also not very promising. The bureaucratic apathy in working of enforcement mechanism is hampering the effective implementation of existing counter-terrorism financing regime. These loopholes in the existing mechanism need immediate redressal in order to minimize the threat of terrorism on Indian soil. The national security experts also voice the same concerns and support the formulation of Counter terrorism financing policy. They opine that the adhocism in the national security approach is dangerous for India and some permanent framework needs to be devised in order to counter the long lasting threats like terrorism.

All these realities necessitate that there must be a counter terrorism financing policy in India which will encompass the following issues-

- a. Right to seek compensation against act of terrorism & Establishment of National Fund
- b. Adoption of mitigating strategies for corruption along border areas and in diplomatic channels
- c. Interaction between intelligence and law
- d. Periodical Assessment of existing policies and laws dealing with terrorism and terrorism financing (Reviews & Updates)
- e. Strengthening of NATGRID

- f. Countering Ideological Indoctrination
- g. Reforms in Intelligence
- h. Strengthening of Existing Mechanism
- i. Reforms in Criminal Justice Administration
- j. Police Reforms
- k. Role of Media & Community Participation
- l. Incorporation of Adequate balance between right to privacy and countering terrorism financing regime

Analysis of Interconnectivity

The Constitution of India is the source of all laws made in India. The validity of each policy and law to be made in India is tested against the touchstone of the Indian constitution. Indian constitution was drafted to deal with present and future contingent challenges. It has solid fabric of fundamental rights and directive principals of state policy to secure the rights of the Indian citizens. Along with that, it has given due regard to the preservation of national security and integrity of India. These two opposite demands are balanced by inculcating restraints upon rights of individuals and powers of the State.

While discussing the limitations imposed upon the fundamental rights, Dr. Ambedkar clarified that the draft constitution permits the state directly to impose the limitations upon the fundamental rights instead of formulating them in absolute terms and depending upon our Supreme Court to come to rescue of Parliament by inventing the doctrine of police power as it is done in the case of the U.S. Constitution^{xi}. Thus, he has justified that fundamental rights must be qualified and they cannot be absolute.

It is well accepted fact that the policy dealing with national security shall confirm to the preservation of basic human rights of individuals. They are necessary to prevent few people from endangering national security and to punish the perpetrators of anti-national acts. Though the Indian Constitution grants right to equality to each and everyone residing on Indian soil, it itself restrains its unlimited enjoyment. This restraint is spelt by the Indian Supreme Court, the interpreter and guardian of Indian constitution, when it devised the doctrine of reasonable classification. This doctrine demands that there must be intelligible nexus between the classification sought and the objective of the legislation. The Countering of financing of terrorism law included into CTF Policy intended to be formulated by the researcher herein aptly confirms itself to this doctrine as its aim is to secure the non-military dimension of national security i.e. economic and financial security as well as right to life and personal liberty of the majority against the undue exploitation endangering the national security employed by the terrorist who represent fanatic minority. Hence, the law is well within the ambit of doctrine of equality as promulgated in the Indian constitution when it restrains the right to equality of terrorists. We have to treat terrorist as a separate class in negative perspective and hence, it is well justified through the lens of constitutionalism that they shall be deprived of right to equality.

Constitutionalism further demands there must be balance between enjoyment of rights and maintenance of national security. Article 19 on one hand, grants freedoms and on the other hand puts reasonable restrictions upon those freedoms in the interest of

sovereignty and integrity of India^{xii} & the security of the State. At the same time, if we look at other provisions in the Indian Constitution like protection in respect of conviction of offences, protection against arrest and detention in certain cases and protection of traffic in human beings, we will understand that the Constitution has aptly taken care of right of fair trial to the accused. The trial of Ajmal Kasab, one of the main perpetrators of 26/11 terrorist attacks on Mumbai is a glaring example of democratic process adopted by the Indian institutions to punish the terrorists. The Judiciary tried every way to appoint a defense lawyer for Ajmal Kasab so that he should be given due representation^{xiii}. The trial enshrined all legal formalities of right to fair trial as provided by the Indian Constitution and endowed justice to the victims of terrorist attack.

Thus, while securing right to fair trial, the Indian Constitution has beautifully balanced it with the national security by incorporating different elements of constitutionalism in several provisions relating fundamental rights. Thus, the Constitution, which is the supreme law of the land, itself, demands that the means of laws adopted to confer rights to the citizens & non-citizens must confirm to the end of protecting national unity, integrity, sovereignty and security.

The right to life and personal liberty as enshrined under Article 21 is also not absolute. It is also bounden by the procedure established by law which represents one of the facets of constitutionalism. Thus, the Parliament has been endowed with power to deprive the right to life by establishing a legal procedure. If we peruse the existing anti-terrorism laws, we will realize that they embody the constitutionalism because they provide a just and reasonable procedure to be adopted

by the State to protect the larger elements of society from being terrorized by fundamental and fanatic ideologies and actions. The concept of welfare state embodied in our constitution also stresses that the right of life of majority cannot be endangered for securing the right to life of minority which is anti-national and engaged in destabilizing the democratic set up and constitutional mechanisms. As rightly said by Granville Austin, the Indian Constitution will have to deal with three challenges at all times- Maintenance of Unity and integrity, protection of democratic values and ensuing social revolution^{xiv}. The restraint of procedure established by law which is imposed upon right to life and personal liberty assists the Indian democracy in dealing with these challenges with effective force.

The policy and law dealing with countering terrorism financing demand the breach of right to privacy of some anti-national sections of society. But that is justified by constitutionalism because the constitution itself demands that the fundamental rights are to be enjoyed with restraints which are imposed in favor of protection of national unity and integration. The recent recognition by the Indian Supreme Court of right to privacy being one of the facets of right to life has to be analyzed from the welfare state perspective. In order to preserve the national unity, integrity, sovereignty and security the right to privacy of fanatic minority must be subordinated to the larger national interest. The economic and financial security of the nation will be achieved only when the financing terrorism is curbed leading to minimum terrorist menace in Indian society. This demands that financial privacy of the terrorist cannot be safeguarded to jeopardize the national economic and financial security^{xv}.

Today the terrorism has assumed the face of religion. The religious fundamentalism is causing serious threat to internal and external security of India. It is well established fact that the terrorists are exploiting pious obligations under religion to garner funds and commit terrorist activities. In the wake of this reality, there arises a fundamental question that how the right granted to the Indian citizens of propagating and profession the religion of its choice to be balanced with the preservation and maintenance of national security. The Constitution itself has given the answer by providing that under Article 25, the State can make law to regulate or restrict any economic, financial, political or other secular activity which may be associated with religious practice. So if we interpret this provision in the light of practice of collecting zakat in the name of religion, State is empowered by constitutional mandate that this practice can be regulated in the wider national interest. The opening words of Article 25 "subject to public order, morality and health and to other provisions of this Part" give teeth to State's action of regulating secular religious practices.

Though the State is restrained from interfering into management of religious affairs under Article 26, it has been empowered to interfere in religious affairs if there is threat to public order, morality and public health by enacting legal process and laws. Thus, the rights to profess and propagate the religion of one's own choice and to manage the religious affairs are not absolute and they are also restrained by the emboldened principle of constitutionalism. The proposed CTF policy and law will be framed on the foundation of these constitutionalism elements which will secure the national security while respecting the

fundamental rights. It will secure the fundamental rights of innocent majority against the harmful exploitation of these rights by fundamentalist and fanatic terrorists.

The researcher intends to develop the countering of terrorism financing policy and law. These codes will be formulated within the ambit the constitutionalism because they put restraint upon the rights of the individuals in the larger interest of the community and nation as a whole. Thus, the several principles of constitutionalism enshrined in Indian Constitution will form the foundational principals of countering of terrorism financing policy. The end justifies the means and as said earlier, the Constitution itself has enshrined national security as one of the ends to be achieved by the Indian democracy as the survival of nation and its constitution depends solely upon maintenance of national security, both external and internal.

Conclusion

There are basic two approaches to interpretation of the Constitution- Textualist and living constitutionalist approach. Textualist approach focuses on the text at hand while the living constitutionalist approach, while acknowledging the importance of the text, takes into account a variety of factors as aids to interpretation of the text. The Indian Supreme Court has adopted a living constitutionalist approach^{xvi}. And in the opinion of the researcher, the living constitutional approach only assists in endurance of the constitution and hence, must be adopted to satisfy the dynamic demands of national security.

Technology, as we experience it today is far different from what it was in the lives of the generation which drafted the Constitution.

Information technologies together with the internet and the social media and all their attendant applications have rapidly altered the course of life in the last decade. Today's technology renders models of application of a few years ago obsolescent. Hence, it would be an injustice both to the draftsmen of the Constitution as well as to the document which they sanctified to constrict its interpretation to an originalist interpretation. Today's problems have to be adjudged by a vibrant application of constitutional doctrine and cannot be frozen by a vision suited to radically different society. We describe the Constitution as a living instrument simply for the reason that while it is a document which enunciates eternal values for Indian society, it possesses the resilience necessary to ensure its continued relevance. Its continued relevance lies precisely in its ability to allow succeeding generations to apply the principles on which it has been founded to find innovative solutions to intractable problems of their times. In doing so, we must equally understand that our solutions must continuously undergo a process of re-engineering^{xvii}.

Our Constitution, both through its specific prescriptions and the directive principles, provides an excellent framework of institutions and mechanisms for the salutary governance of the country and the achievement of balanced human and economic growth to forge a strong and vibrant nation^{xviii}. The Constitution explains to us the objectives to be kept always before our eyes in the context of individual-society relationship^{xx}. The journey of federalism incorporated into the Constitution from "bargaining federalism" to "co-operative federalism^{xx}" signifies the dynamicity of the constitutional principles and reminds us that in order to cater the

emerging needs of national security, the constitution has to be worked out in contemporary spirit.

Constitution is not what we preach but what we do. This must be remembered when we try to formulate laws to deal with any challenge posed before the Indian democracy. Terrorism financing is one of the critical elements in the survival of terrorism which is itself a chronic disease of Indian democracy. Hence, we must act rather than just pretending to act by enacting a comprehensive targeted CTF policy and legislation.

Democracies should stay true to their basic values in their response to terrorism^{xxi}. This is only possible with the philosophy of constitutionalism embodied in the constitution. National integration must grow silently in the hearts and minds of the people^{xxii}. Survival of any democratic constitution is in the hands of the people, including chosen representatives. Hence, these stakeholders of Indian democracy must strive to achieve the end of national security by employing the constitutional philosophy of constitutionalism in just and reasonable spirit.

Constitution is not a charter of liberty, granted by power but a charter of power, granted by liberty. This liberty granting power to the Indian democratic institutions must be utilized to safeguard the national security and protect it from the anti-national elements like terrorists. The preservation of the power can be secured only when the menace of terrorism is curbed and the menace of terrorism can be minimized only when its soul of finances is attacked. Thus, the Indian constitution paves way for enactment of comprehensive CTF policy inclusive of targeted legislation.

- ⁱ Sanjay Kisan Kaul, J., K.S. Puttuswamy vs. Union of India, 19, (Apr. 10, 2021, 7:00 PM) https://scoobserver-production.s3.amazonaws.com/uploads/case_document/document_upload/624/Right_to_Privacy__Puttaswamy_Judgment_.pdf.
- ⁱⁱ N.N. Vohra, *Safeguarding India: Essays on Governance and Security*, 28 (1st ed., 2016)
- ⁱⁱⁱ Id. at 113
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