

Constitutionalism and Right-Wing Politics in India: A Struggle Between Democracy and Majoritarianism

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Abstract

India's Constitution is not the product of an instant but the result of a protracted historical process under the influence of colonial domination, nationalist efforts, and the dreams of a newly free people. This paper tries to chart the trajectory of constitutionalism in India, regarding British legislative experiments, the constitutional making, and its ongoing evolution in the light of political and social pressures. It analyses how concepts like the rule of law, separation of powers, secularism, and socialism were ingrained to protect democracy and social justice. The research also studies the implications of right-wing majoritarian politics on constitutional values and institutional equilibrium. While examining the current issues like the Citizenship Amendment Act, revocation of Article 370, and the dwindling space for dissent, this paper brings into focus the ongoing battle to maintain constitutional morality. In conclusion, it finds that education, awareness, and collective adherence to constitutional principles are still essential to keeping India's pluralistic democracy.

Keywords: Constitution, right-wing politics, secularism, democracy, electoral politics

Introduction

The Indian Constitution is a living document that reflects the principles of justice, liberty, equality, and fraternity. But its development did not happen spontaneously; it came through a convoluted historical process governed by British colonial rule, social-political reforms, and the fight for independence. The transformation from colonial domination to an independent democratic republic is one of the greatest accomplishments of constitutional history in the modern age.

The framers, dominated by Dr B.R. Ambedkar and Jawaharlal Nehru, had conceptualised a political framework that would bring freedom and equality to everyone while stopping any majority or political leadership from misusing power. The Constitution thereby became a legal framework and moral beacon directing India's democracy. The road has not, however, been smooth. From colonial roots to post-independence judicial interpretation, and now to the present-day political realignments, the Indian constitutional order is ever again challenged by increasing majoritarianism and violations of secular and democratic norms.

This paper aims to examine the historical development of constitutionalism in India, the values guiding its governance architecture, and right-wing political ideologies' challenges to its foundational values of secularism, socialism, and democracy.

Historical evolution of constitutionalism

As we all know, the Constitution did not evolve overnight; it is a very long process through a complex historical trajectory shaped by colonial rule, national movements, etc. After Independence Day, the Constitution became the foundation of Indian democracy. The framers like Dr B.R. Ambedkar and Jawaharlal Nehru wanted a system that would give freedom and equality to all while stopping the misuse of power by any majority groups or political leaders. So, to create a framework that would balance democracy, social justice, and the rule of law. The evolution from the British colonial system to a sovereign, social, secular, and democratic republic marks one of the most remarkable transformations in modern constitutional history.

The Colonial Foundations of Constitutional Development

The roots of Indian constitutional development can be traced back to the British East India Company's administration. The Regulating Act of 1773 ¹introduced the first attempt at centralised governance by establishing the Governor-General of Bengal and the Supreme Court at Calcutta. The Pitt's India Act ²of 1784 defined the relationship between the British government and the Company, laying the early foundation of executive accountability.

Later, the Charter Acts, in three phases, such as 1813, 1833, and 1853, progressively opened India to British economic control and slowly expanded administrative reforms. The Charter Act was the one that opened the post for the Governor-General of India and centralised legislative authority. After the revolt of 1857, the Government of India Act of 1858 ³ended the Company's rule, transferring the power directly to the British Crown.

This was the one that moved to consolidate British authority, but also centralised administrative power in London. Here, there was no Indian representation in the legislative councils, and there was also no opportunity for Indians to refer to the government, so people started asking for representation. The Indian Councils Act of 1861 ⁴introduced Indians into the legislative council, but we should note that it was a very limited one. The Morley-Minto Reforms of 1909 introduced separate electorates for Muslims for the policy of communal representation that laid the foundation for political fragmentation.

The Government of India Act introduced the system of dyarchy, dividing provincial subjects into reserved and transferred categories, which made Indians part of the administrative responsibility and local governance.

The Political Situation Before Independence

In the late 19th century and early 20th century, a sense of nationalism began to rise. Leaders like Bal Gangadhar Tilak and organisations such as the Indian National Congress, formed in 1885, started speaking about *Swaraj*, which is known as self-rule.

Over time, the struggle for freedom took shape through various movements. The year 1916 brought Muslims together, showing that unity was possible even in a divided land. During World War II, the British sent Stafford Cripps to India, offering the promise of dominion status and a Constituent Assembly after the war. This offer was rejected, showing the demand for self-determination. After a long decade, in 1946,

¹ The Regulating Act of 1773

² The Pitt's India Act

³ the Government of India Act of 1858

⁴ Indian Councils Act of 1861

the Cabinet Mission Plan allowed elections for the Constituent Assembly, even as disagreements between the Congress and the Muslim League paved the way for Partition in 1947.

The Constituent Assembly, a gathering of 299 people from across India, met under the leadership of Dr Rajendra Prasad for nearly three years. They debated, drafted, and deliberated on this effort. The Drafting Committee was chaired by Dr B.R. Ambedkar, who drew inspiration from the British parliamentary system, the U.S. Bill of Rights, Irish directives, and Canadian federalism.

Among the leaders, democracy and secularism would prevail, and they ensured the government served everyone equally and that communal identities did not divide the people. *Dr B.R. Ambedkar viewed the Constitution as a tool for social justice, a shield to protect the marginalised community and minorities from being crushed by the majority. He warned that democracy in India was fragile and needed strong institutions.*⁵

After Independence

After Independence, the Constitution began to evolve through the judiciary. In *Golaknath vs State of Punjab*,⁶ the Supreme Court held that Parliament could not interfere with the fundamental rights of the people. Also, in the case of *Kesavananda Bharati vs State of Kerala*, the basic structure doctrine was introduced⁷, which means that Article 368 allows the lawmakers to amend any provision of the Constitution, but not the basic structure of the Constitution. The core principles — rule of law, secularism, and federalism — would remain no matter what changes politicians attempted. Even in the Emergency period, the judiciary stood over this.

Even today, as India faces challenges of majoritarian politics, the court continues to ensure that the challenges of secularism, freedom of expression, and federal autonomy are respected, showing that the rule of law must always guide the nation.

Pillars of Constitutionalism

Organs of our government are divided into three types:

- Legislative,
- Executive, and.
- Judiciary

Where the Legislature is the one that makes laws, and the Executive implements those laws, and finally, the Judiciary will interpret those laws.

Where the separation of powers is not fully independent, it's more or less checks and balances, which means the Legislature and Executive will act together, but the Judiciary will act independently. This doctrine safeguards against the misuse of power and prevents the rise of authoritarianism or majority dominance.

In a democratic nation, the rule of law plays a major role. The rule of law, introduced by A.V. Dicey⁸, rests on three essential principles: the supremacy of law, equality before law, and predominance of legal spirit. It means the law is supreme; no individual or government authority is above the law. Also, every person

⁵ B.R. Ambedkar, *Speech in the Constituent Assembly*, 25 November 1949.

⁶ *I.C. Golaknath v. State of Punjab*, AIR 1967 SC 1643.

⁷ *Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461.

⁸ V. Dicey, *Introduction to the Study of the Law of the Constitution* (1885).

is equal before the law, and all actions of the state must have legal sanction. The rule of law finds expression in the Preamble, the Fundamental Rights, and in the constitutional framework as a whole.

Now, the rule of law often faces challenges, such as the majority in Parliament, especially when it comes to religious-based parties. It directly shows the biased use of the rule of law. By the ongoing political scenario, we can see the pressure faced by the judiciary and media influenced by political forces. Because of this, people's sentiments are used by political parties, which means that using people's emotions for electoral politics has led to an influence on judicial independence.

The fourth pillar of democracy, such as the media, is manipulated, and this disturbs the constitutional equilibrium. *As Dr B.R. Ambedkar said, "The Constitution is only as good as those who implement it."* Thus, in times of strong majority and rigid politics, adherence to the rule of law and respect for the separation of powers remain vital to preserving the democratic and pluralistic essence of the Indian Constitution.⁹

Secularism

Secularism in India does not signify a strict separation of religion and state like Western secularism; instead, it represents *principled equidistance*, which means the state maintains distance from religion but also intervenes in religious matters to uphold justice, equality, and dignity. We can therefore define that the state must respect all religions equally and not identify itself with or favour any particular religion. It is further clarified in Articles 25 to 28 of the Indian Constitution.¹⁰

In simple terms, we can say that religion is only for the individual and not for the state. The state should not uphold any religion; if it does, the enforcement of the Constitution becomes questionable.

Contemporary India has witnessed the erosion of secular ideals. The rise of right-wing majoritarianism, often grounded in ideology, has blurred the distinction between the state and religion. Continuous decisions like the Citizenship Amendment Act, abrogation of Article 370, beef ban, Waqf Amendment Act, etc., provoke and play with the emotions of minorities.

People with a social justice mindset can clearly witness the strategy used by right-wing politics, which means the ideology of it is mixed with nationalism. Hence, the people from a particular religion must have nationalism in their mindset, which eventually means that only people from that religion will be part of the nation. In contrast, others are treated as refugees in their own country.

Socialism

The inclusion of the word *socialist* denotes the constitutional commitment to social and economic justice. It aims to reduce economic inequality and prevent the concentration of wealth in one hand, and also provide equal opportunities. The Directive Principles of State Policy explain the term socialism. In contemporary times, economic inequality, agrarian distress, and unemployment are rising at a rocket rate. According to the Oxfam Inequality Report, ***the top one per cent of Indians own more than 40% of the country's wealth. This report clearly shows the inequality rate.***

We should know that constitutional socialism does not demand the abolition of private property. It clearly says that socialist policies must align with social justice and nothing else.

⁹ [9] Ambedkar, Constituent Assembly Speech (25 Nov 1949).

[10] Constitution of India, Articles 25–28.

Dr B.R. Ambedkar clearly said, “Political democracy cannot last unless there lies at the base of it social democracy,” **which means that without addressing structural inequalities, we cannot uphold constitutional morality or democracy.**¹¹

It is more or less like a loophole; everything is interconnected.

Democracy

We can proudly say that India is a democratic country, but is it real?

Politicians frequently argue that democracy is going to be replaced by a dictatorship, which violates the Constitution. Democracy happens and exists under the rule of law, which guarantees rights to all citizens. The ongoing debate addresses the restriction of speech and expression. According to our Constitution, Article 19(2) gives reasonable limits on freedom of speech and expression, but now people who raise their voice or question the government are often arrested, suppressing their voice.

Independent journalists often face suppression of their thoughts. By this, we cannot achieve political liberty, which clearly shows we cannot achieve true democracy.

True democracy is all about questioning the government. All citizens have the right to question the government, no matter what, and the government should be transparent and accountable to the citizens. From 2014 to 2025, scholars have widely discussed India’s “democratic backsliding.” Institutions such as the **V-Dem Institute** and **Freedom House** have downgraded India’s status from a “free democracy” to a “partly free electoral autocracy.”¹² The period has witnessed the centralisation of power, suppression of dissent through sedition and UAPA laws, and the weakening of judicial and media independence. Although government supporters cite administrative efficiency and welfare expansion, critics argue that these gains come at the cost of pluralism and constitutional balance.

This connects your argument about majoritarianism directly to empirical data.

Also, the report of *Reporters Sans Frontières* mentions that in the BJP government from 2014–2024, about 24 journalists were killed, and around 16 journalists were convicted under the UAPA Act¹³. That led people to fear the government and hesitate to raise questions.


Scholars writing on politics seek to redefine nationalism and identity. These constitutional values remind us that patriotism lies in upholding justice, equality, and liberty for all citizens.

Majoritarianism vs Pluralism

Democracy, in the purest sense, may imply not just the majority rule but also protection of rights for all citizens, including the minority. The distinction between majoritarianism and pluralism actually lies at the very heart of this principle.

Majoritarianism is a political philosophy or practice in which the majority community or group holds sway, often at the expense of the interests, identities, and rights of minorities. It assumes that once a political party or ideology achieves a majority mandate, it may govern without restraint, confusing electoral victory with moral and constitutional legitimacy. On the other hand, pluralism upholds the understanding and coexistence of different identities, religions, languages, and cultures within the same

¹¹ B.R. Ambedkar, *Annihilation of Caste* (1936).

¹²  V-Dem Institute, *Democracy Report 2024*.

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¹³ Reporters Sans Frontières (RSF), *World Press Freedom Index, 2024*.

political system. Pluralism sees diversity not as a challenge but as a strength of democracy the very idea that no single group can monopolize the national identity.

The Indian Constitution was framed to nurture pluralism by ensuring equality, liberty, and fraternity. It conceives a political community in which individuals would be free to profess their religion, hold an opinion, and maintain their distinctive culture without fear and persecution. However, the recent growth of right-wing majoritarian politics has strained this pluralistic vision through the advocacy of a homogenized national identity around the axis of cultural nationalism.

Recent legislative and political developments illustrate this tension vividly.

For the first time in Indian law, the CAA of 2019 uses religion as a criterion for the allotment of citizenship. While the government defends it as a humanitarian measure for persecuted minorities from neighbouring countries, critics argue that it is in violation of Article 14 of the Constitution as it excludes Muslims and undermines secularism.

The exercise of the NRC in Assam and the proposed extension throughout the country have raised concerns about statelessness and discrimination, particularly against vulnerable communities who may lack documentary proof of citizenship.

The abrogation of Article 370¹⁴ in August 2019 meant that the special status of Jammu and Kashmir came to an end, justified in the name of national integration but criticized for eroding federalism and not consulting the local population, violating the principle of democratic participation.

Debates on the UCC continue to echo the tension between equality before law and the right to cultural autonomy. Though a UCC aims at standardization of personal laws, many fear that it might override religious freedoms and minority customs, which is not in tune with the spirit of Articles 25–28 of the Constitution.

The framers of the Constitution were acutely aware of India's religious and cultural diversity. To preserve this mosaic, they embedded several safeguards for minorities:

Articles 25–28 guarantee freedom of religion, including the right to manage religious affairs and institutions.

Articles 29 and 30¹⁵ guarantee minorities their cultural and educational rights to establish and administer institutions of their choice.

Put together, these provisions provide the backbone for India's pluralistic democracy, wherein political majorities cannot trample upon the rights of individuals or groups.

Therefore, the current contest between majoritarianism and pluralism is not a political one but a constitutional one. At stake is whether India remains true to its Founding vision of plurality and equality. The challenge today is to reaffirm that democracy does not end with elections-it lives in how we treat the dissenting voice and protect the rights of those who did not vote with the majority.

Contemporary Issues

Contemporary Policy and Civic Issues

Digital Surveillance and Constitutional Rights

The digital age has ushered in unprecedented state capacity for surveillance, posing new challenges to constitutional rights and individual privacy. Consequently, during the recent period, some key

¹⁵ Constitution of India

controversies on data protection, surveillance, and internet restrictions have tested the boundaries of fundamental freedoms within India.

The Pegasus spyware scandal came to light in 2021, where many journalists, activists, and opposition leaders were allegedly targeted with military-grade spyware. This raised serious concerns over the violation of the right to privacy, freedom of speech, and press independence fundamental features of constitutional democracy. Internet shutdowns have also become routine; India is among those leading the list of countries that have imposed internet blackouts, particularly in states like Jammu and Kashmir. Most of these shutdowns, on the pretext of “public order,” have been frowned upon by the Supreme Court in *Anuradha Bhasin v. Union of India* (2020), wherein the court has held that indefinite suspension of the internet violates Article 19(1)(a) dealing with freedom of speech and 19(1)(g) that deals with freedom to practice any profession.

While the Aadhaar project was meant for welfare delivery, it also generated a lot of debate on state surveillance and data protection. Even as the Supreme Court, while declaring the Right to Privacy as a Fundamental Right under Article 21 in *Justice K.S. Puttaswamy v. Union of India* (2017), upheld the constitutionality of Aadhaar with adequate safeguarding, subsequent misuse and data leakage have revived the fears of a surveillance state on how far technological governance aligns with constitutional morality.

As India marches towards digital governance, the country urgently requires a robust law governing data protection, transparency mechanisms, and judicial oversight to uphold the autonomy of its citizens. No democracy can function if citizens are being watched all the time, or access to digital spaces the new public sphere is limited by the state.

b. Education's Role in Constitutional Awareness

Education always stands as the strongest arsenal for democracy. Dr. B.R. Ambedkar kept saying, "Education is the milk of a lioness whoever drinks it will roar," underscoring how education emboldens citizens against any oppression and to uphold ideals enshrined in the Constitution. For Ambedkar, true democracy rested not merely on political representation but on social transformation and education was the way to achieve it. Constitutional awareness helps citizens understand their rights, question injustice, and challenge the powers that be. Without it, democracy risks degenerating into passive majoritarian rule, in which people follow their leaders blindly without thinking critically about how they are being governed. Levels of constitutional literacy, unfortunately, remain low in India. An estimate by the Centre for the Study of Developing Societies (CSDS, 2022) suggests that only about 25% of adults in India correctly identify their fundamental rights. Most schools and universities in the country still view the Constitution as a civics subject rather than as a living guide to citizenship. Government initiatives like Samvidhan Diwas (Constitution Day) celebrations and programmes under the National Commission for Women and NCERT have attempted to popularise constitutional values, but implementation remains fragmented. Constitutional education at all levels of schooling, and not confined to courses of law or political science, would be crucial in nurturing a vibrant democracy. It needs to transcend the rote learning approach toward civic education by debating ideas, conducting mock parliaments, and serving communities based on ideals of equality, justice, and fraternity. When citizens understand constitutional rights, they become active participants rather than subjects of governance. Ambedkar's relevance continues into the present: "Democracy is not a form of government but a mode of associated living." Genuine constitutionalism

needs enlightened, watchful, and sensitive citizens who can resist majoritarian populism and uphold the spirit of pluralism.¹⁶

Critics argue that the Citizenship Amendment Act violates Article 14¹⁷ by introducing a religious criterion into citizenship.

In the *Ayodhya* verdict, the Supreme Court judgment awarding the disputed land to Hindu parties was viewed by many as a victory for majority sentiments, despite its attempt at balance by allocating alternative land for a mosque.

Issues like beef bans and violations against minority communities have risen, especially in the North, and the government fails to take necessary steps to prevent these violations. Only a few political parties, like VCK (Viduthalai Chiruthaigal Katchi), among the few parties that openly resist the Hindutva-driven majoritarian politics is the **Viduthalai Chiruthaigal Katchi (VCK)**. Led by **Thol. Thirumavalavan**, the VCK, represents a counter-narrative rooted in **Ambedkarite and Periyarist** thought. It emphasises **social justice, rationalism, and constitutional morality**, directly opposing the conflation of religion and nationalism promoted by right-wing politics. By defending the rights of minorities and Dalits, the VCK symbolises the constitutional promise of equality in an era of religious nationalism.” It stood for minorities and protected them from exploitation. Vck and its core are all about the battle with Hindutva to protect the constitution and its core principle, **Thol. Thiruma** strongly refuse the strategy that is used by the right-wing politics, such as cultural nationalism, by mingling the Hindutva and national spirit together, which makes the people provokes emotions and causes religion-based violence.

Politics is all about conflict between one opinion and another. My opinion is that right-wing politics, regardless of religion, cannot uphold the constitution, democracy, or the people. **True education is needed before religious sentiments**; only true wisdom brings equality and other forms of peacefulness to society.

Conclusion

The Indian Constitution is still a potent tool meant to promote justice, liberty, equality, and fraternity, but the actual strength lies in its enforcement. While the founders constructed bulwarks with the rule of law, separation of powers, and an independent judiciary, modern political evolution consistently pushed these foundations to their limits. The ascendance of majoritarianism, religio-political polarisation, and curbs on freedom of speech and expression show the weakness of constitutional morality when there is no social and political responsibility.

Dr B.R. Ambedkar's caution that "political democracy cannot last unless there lies at the base of it social democracy"¹⁸ rings as true today as it did at the time. Defending the Constitution demands not robust institutions but educated citizens who prize equality and justice over party or religious affiliations. Real democracy is best when individuals challenge authority, insist on accountability, and push back against any effort to undermine constitutional government. Thus, education, sensitivity, and citizen activism are crucial to saving India's spirit of pluralism and making the Constitution a living assurance for all citizens.

¹⁶ Dr. B. R. Ambedkar: *Writings and Speeches, Vol. 1* (Government of Maharashtra).

¹⁷ Constitution of India, Article 14

¹⁸ B.R. Ambedkar, *Education as the True Liberator*, Speech (1935).

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