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Power, Politics and the Rule of Law in India: The Constitutional Struggle Between Democracy, Authority and Justice

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Politics and law in India represent two closely interconnected forces that determine the character of the country's democracy, the functioning of its institutions, and the relationship between the state and its citizens. Politics determines how power is acquired, exercised, and distributed, while law establishes the boundaries within which that power must operate. In a democratic society, these two forces are expected to complement one another: politics should translate the aspirations of the people into public policy, and law should ensure that political authority is exercised constitutionally, fairly, and responsibly. Yet, the relationship between politics and law is rarely free from tension. Political interests may influence legislation, administrative decisions, and the enforcement of legal provisions, while judicial institutions may be required to intervene when the exercise of political power threatens constitutional principles. In India, this relationship has acquired particular significance because of the country's extraordinary social diversity, complex federal structure, historical inequalities, and commitment to democratic government. Since independence in 1947, India has attempted to establish a constitutional order in which popular sovereignty coexists with individual liberty, social justice, institutional accountability, and the rule of law. The success of this endeavour depends not merely upon the existence of constitutional provisions or legal institutions, but upon the willingness of political representatives, public officials, judges, and citizens to respect the principles underlying them.

The Constitution of India, which came into force on 26 January 1950, provides the fundamental framework governing the relationship between political authority and legal responsibility. It establishes India as a sovereign, socialist, secular, democratic republic and identifies justice, liberty, equality, and fraternity as foundational constitutional objectives. These principles express a vision of government in which public authority derives its legitimacy from the people but remains subject to constitutional limitations. The Constitution establishes a parliamentary system, distributes governmental responsibilities between the Union and the states, guarantees fundamental rights, provides for an independent judiciary, and creates institutions intended to ensure democratic accountability. Universal adult suffrage gives citizens the right to participate in elections irrespective of their religion, caste, gender, or economic position, subject to the constitutional and statutory framework governing electoral eligibility. This principle was particularly significant in a society

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emerging from colonial rule, where social hierarchy and economic inequality had historically restricted political participation. By granting equal voting rights to adult citizens from the beginning of the Republic, India adopted an ambitious model of political equality. However, the existence of equal voting rights does not automatically produce equality in political influence. Wealth, social status, access to information, and organisational power continue to affect the capacity of individuals and groups to shape public decisions. The continuing challenge is therefore to transform formal democratic equality into meaningful participation and effective representation.

The constitutional relationship between politics and law begins with the principle of constitutional supremacy. Unlike a system in which legislative authority is legally unlimited, India's constitutional structure subjects Parliament, state legislatures, and the executive to the Constitution. Article 13 establishes the constitutional limitations applicable to laws inconsistent with fundamental rights, while Articles 32 and 226 empower the Supreme Court and High Courts, respectively, to provide remedies for the enforcement of constitutional rights. Judicial review enables courts to examine whether legislation and executive action comply with constitutional requirements. This arrangement is particularly important because a government elected by a majority may still adopt measures that adversely affect minorities, restrict individual freedoms, or exceed its legal authority. Democratic legitimacy cannot therefore be understood exclusively in terms of electoral success. An election establishes the authority to govern, but it does not confer an unrestricted power to disregard constitutional obligations. The Supreme Court's decision in *Kesavananda Bharati v. State of Kerala* (1973) established the basic structure doctrine, according to which Parliament's power to amend the Constitution cannot be used to destroy its essential features. The judgment represents a defining moment in Indian constitutional history because it sought to reconcile parliamentary authority with the enduring supremacy of the constitutional order. It established that constitutional democracy requires not only elected government but also limitations that prevent temporary political majorities from fundamentally dismantling the institutions and principles that sustain democracy itself.

The electoral process is another essential area in which politics and law intersect. Elections provide the principal mechanism through which citizens confer political legitimacy upon their representatives, reward governmental performance, and reject policies or leaders they consider unsatisfactory. The Election Commission of India, established under Article 324, supervises, directs, and controls elections to Parliament, state legislatures, and the offices of the President and Vice-President. The Representation of the People Acts of 1950 and 1951 regulate important aspects of electoral administration, qualifications, disqualifications, and electoral offences. These legal arrangements seek to ensure that political competition takes place according to established rules rather than through coercion, fraud, or arbitrary interference. Nevertheless, Indian electoral politics faces persistent challenges involving campaign expenditure, political funding, criminal allegations against candidates, misinformation, and the mobilisation of voters through religious or caste identities. Money can influence the visibility of candidates, the organisation of campaigns, and the dissemination of political messages. Consequently, although citizens possess equal voting rights, candidates and political organisations may not enjoy equal opportunities to communicate their

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programmes or influence public opinion. The criminalisation of politics raises additional concerns when individuals facing serious criminal proceedings enter legislatures or exercise substantial public authority. Allegations must not be treated as proof of guilt, and the presumption of innocence remains fundamental, but prolonged criminal proceedings and weak accountability mechanisms can undermine public confidence. Meaningful electoral reform must therefore combine transparent political financing, timely adjudication of election-related disputes, effective enforcement of electoral law, and stronger public scrutiny of candidates and parties.

Political parties occupy a central position within this framework because they convert social demands and public preferences into political programmes. They recruit candidates, organise campaigns, form governments, scrutinise the opposition, and influence the legislative agenda. However, the internal functioning of political parties is not always consistent with the democratic principles they claim to represent. Concentration of authority within party leadership, limited internal competition, inadequate transparency in financial affairs, and the influence of wealthy individuals can weaken democratic accountability. The anti-defection provisions contained in the Tenth Schedule of the Constitution, introduced by the Fifty-second Amendment in 1985, were intended to discourage political defections and promote governmental stability. Yet, their operation has generated debate concerning the independence of elected representatives and the extent to which party leadership can control legislative decisions. In *Kihoto Hollohan v. Zachillhu* (1992), the Supreme Court upheld the constitutional validity of the anti-defection framework while recognising the availability of judicial review over decisions made under it. The broader issue is whether political stability can be maintained without excessively restricting legislative deliberation. Party discipline may be necessary for coherent government, but an effective legislature must also provide space for debate, dissent, and independent judgment. When elected representatives become entirely dependent upon party leadership, legislative institutions risk becoming mechanisms for approving decisions already taken elsewhere rather than forums for examining public policy. Political parties must therefore be understood not merely as instruments for acquiring power, but as institutions bearing a continuing responsibility to uphold democratic standards.

The judiciary performs a crucial function in maintaining the constitutional balance between political authority and legal restraint. The Supreme Court and the High Courts interpret constitutional provisions, adjudicate disputes, protect fundamental rights, and examine the legality of governmental decisions. Judicial independence is indispensable because courts must be able to decide cases involving powerful political actors without fear of retaliation or improper influence. In *S. R. Bommai v. Union of India* (1994), the Supreme Court strengthened constitutional scrutiny of proclamations imposing President's Rule under Article 356. The judgment limited the scope for treating the constitutional machinery of state governments as an instrument of unrestricted political convenience and reinforced the importance of federalism and democratic government. Similarly, in *Justice K. S. Puttaswamy (Retd.) v. Union of India* (2017), the Supreme Court recognised privacy as a fundamental right protected by the Constitution. The decision had far-reaching implications for the relationship between citizens and the state, particularly in an era of expanding digital surveillance, large-scale data collection, and technologically mediated administration. These judgments

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demonstrate that constitutional law is not simply a collection of abstract rules; it provides a framework through which the exercise of state power can be examined in light of liberty, dignity, and institutional responsibility.

Nevertheless, the role of the judiciary in political affairs remains contested. Judicial activism is frequently defended on the ground that courts must intervene when governments fail to protect fundamental rights, when public authorities act arbitrarily, or when disadvantaged communities lack effective political representation. Public interest litigation has broadened access to judicial remedies and enabled courts to examine matters involving environmental protection, custodial violence, administrative failures, and the rights of vulnerable populations. However, judicial intervention also raises questions about democratic accountability and the limits of judicial competence. Judges are not elected to determine every aspect of public policy, and courts may lack the administrative resources or specialised knowledge required to manage complex economic and social programmes. Excessive judicial intervention can blur the separation of powers and weaken the responsibility of elected institutions to make difficult policy choices. The appropriate balance requires neither unconditional deference to the executive nor unrestricted judicial substitution for legislative and administrative judgment. Courts must remain firm in enforcing constitutional limitations while respecting the legitimate functions of other institutions. Similarly, political representatives must accept that judicial scrutiny is an essential feature of constitutional government rather than an illegitimate interference with electoral mandates. Institutional disagreement is not necessarily evidence of democratic failure; it becomes dangerous when one institution attempts to eliminate the constitutional independence of another.

The rule of law provides the essential principle connecting democratic legitimacy with legal accountability. It requires that governmental authority be exercised according to established law, that similar cases be treated consistently, and that public officials remain answerable for unlawful conduct. Article 14 guarantees equality before the law and equal protection of the laws, while Articles 15 and 16 establish important protections against specified forms of discrimination. Article 21 protects life and personal liberty except according to procedure established by law, and judicial interpretation has significantly strengthened the requirement that procedures affecting liberty satisfy standards of fairness, reasonableness, and non-arbitrariness. These guarantees establish that citizens are not merely subjects of governmental administration but rights-bearing individuals whose dignity must be respected. Nevertheless, a substantial gap can exist between constitutional guarantees and their practical enforcement. Individuals with financial resources may be better positioned to obtain experienced legal representation, pursue appeals, and withstand prolonged litigation than those living in poverty. Social discrimination, bureaucratic complexity, and inadequate legal awareness may prevent disadvantaged citizens from asserting their rights. The rule of law must therefore be evaluated not merely by examining whether legal remedies exist on paper, but by determining whether ordinary people can realistically access and enforce them. Equality before the law becomes meaningful only when legal institutions are capable of providing timely, impartial, and affordable justice.

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The criminal justice system offers a particularly revealing example of the relationship between political power and legal responsibility. Criminal law authorises the state to investigate offences, prosecute alleged offenders, impose punishment following conviction, and protect the public against unlawful conduct. These powers are necessary for maintaining social order, but they can also threaten liberty when exercised arbitrarily or without adequate safeguards. In 2023, Parliament enacted the Bharatiya Nyaya Sanhita, the Bharatiya Nagarik Suraksha Sanhita, and the Bharatiya Sakshya Adhiniyam, which replaced the Indian Penal Code, the Code of Criminal Procedure, and the Indian Evidence Act, respectively, with effect from 1 July 2024, subject to applicable commencement arrangements. These enactments restructured important elements of India's criminal law framework and introduced changes affecting offences, criminal procedure, and evidence. Their ultimate value must be assessed through implementation, institutional capacity, protection of accused persons' rights, and the quality of justice delivered. Legislative change alone cannot guarantee effective criminal justice when police stations lack adequate resources, forensic facilities are insufficient, prosecution services are overburdened, and courts face extensive backlogs. Equally important is the requirement that criminal investigations remain independent of partisan considerations. Investigative powers must not become instruments for intimidating political opponents, shielding influential individuals, or creating the appearance of selective enforcement. Allegations of political interference must be assessed on evidence, but institutions should possess sufficient independence and transparency to prevent such interference and maintain public confidence.

The presumption of innocence, the right to a fair trial, protection against arbitrary detention, and access to legal representation are fundamental components of a legitimate criminal justice system. A person accused of an offence must not be treated as guilty merely because an allegation has been publicly circulated or politically emphasised. At the same time, victims of crime must have meaningful access to investigation, protection, and judicial remedies. A just system must balance the rights of the accused with the legitimate interests of victims and society. Delays in criminal proceedings can undermine both objectives: accused persons may suffer prolonged uncertainty or detention, while victims may experience repeated postponements and diminished confidence in the legal process. Improving criminal justice consequently requires professional policing, scientific investigation, effective prosecution, adequate legal aid, witness protection, and sufficient judicial capacity. The objective should not be to maximise convictions or punishments at any cost, but to ensure that offences are investigated fairly and that guilt is established through lawful procedures. Political leadership has a responsibility to provide the resources and institutional safeguards necessary for this process without dictating the outcome of individual cases.

Corruption further exposes the weaknesses that emerge when political authority becomes detached from legal accountability. It distorts public expenditure, undermines administrative impartiality, weakens public services, and creates opportunities for private enrichment at the expense of collective welfare. India has enacted several measures to address corruption and improve transparency, including the Prevention of Corruption Act, 1988, the Right to Information Act, 2005, and the Lokpal and Lokayuktas Act, 2013. The Right to Information Act has enabled citizens to seek information from public authorities, subject to statutory exemptions, and has strengthened the

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principle that governmental records and decisions should be open to public scrutiny. Transparency is particularly important in public procurement, infrastructure development, the distribution of welfare benefits, and the allocation of public resources. However, accountability cannot depend exclusively upon the availability of information. Citizens must also have effective mechanisms to report wrongdoing, obtain independent investigation, challenge unlawful decisions, and secure appropriate remedies. Investigative institutions must operate impartially, and allegations of corruption must be examined according to evidence rather than political affiliation. Where enforcement appears selective, public trust in the legal system may deteriorate even when the underlying laws are sound. Sustainable anti-corruption reform therefore requires transparent procedures, independent oversight, timely adjudication, protection for whistleblowers, and a political culture that regards public office as a public trust rather than a source of personal or partisan advantage.

The interaction between politics and law is equally significant in the pursuit of social justice. India's constitutional framework recognises that formal equality may be insufficient to overcome historical discrimination and deeply entrenched inequalities. Article 17 abolishes untouchability, while Articles 15(4), 15(5), and 16(4), subject to their respective constitutional conditions, provide for specified measures concerning disadvantaged classes. The Directive Principles of State Policy further encourage the state to promote social welfare, reduce inequalities, improve public health, and advance educational and economic opportunities. These provisions demonstrate that the Constitution does not limit itself to restricting governmental power; it also directs public institutions towards the creation of a more equitable society. Political decisions concerning reservation, labour protections, education, healthcare, housing, and social security therefore have profound legal consequences. Yet, policies designed to achieve social justice frequently generate disagreements concerning eligibility, fairness, competing claims, and the distribution of limited resources. Courts may determine whether such measures comply with constitutional requirements, but elected institutions must undertake the difficult task of formulating and implementing policies that address social disadvantage. The objective is not simply to achieve formal compliance with constitutional provisions, but to create conditions in which individuals can exercise their rights and pursue opportunities without being constrained by inherited social or economic barriers.

Caste, religion, language, and regional identity continue to influence Indian political mobilisation. These identities are not inherently incompatible with democracy; they may provide important forms of cultural belonging, collective organisation, and political representation. Indeed, democratic participation has enabled historically marginalised communities to demand recognition, challenge discrimination, and influence public policy. The difficulty arises when identity becomes a means of encouraging hostility, denying equal citizenship, or diverting attention from public accountability. Constitutional secularism requires the state to operate within the constitutional framework governing religious freedom, equality, and the relationship between religion and public authority. Articles 25 to 28 establish important protections and limitations relating to freedom of religion, while the broader constitutional structure prohibits the state from treating citizenship as dependent upon religious identity. Political debate may legitimately address religious institutions, cultural practices, and community interests, but it must remain consistent with constitutional rights.

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Similarly, caste-based mobilisation can expose genuine inequalities, yet political organisations must not use social divisions to perpetuate exclusion or evade questions of governance. A mature democracy requires political competition that acknowledges social diversity without undermining the equal dignity and legal status of citizens.

Federalism presents another important test of the constitutional relationship between law and politics. The Constitution distributes legislative responsibilities between the Union and the states through the Union List, State List, and Concurrent List in the Seventh Schedule. This structure reflects the need to preserve national unity while recognising the political, linguistic, cultural, and economic diversity of the country. Federalism enables state governments to respond to local circumstances and provides additional opportunities for democratic participation. However, relations between the Union and state governments may become strained over financial resources, legislative competence, administrative authority, gubernatorial functions, and the use of constitutional emergency provisions. Political disagreement between governments controlled by different parties is a normal feature of democratic federalism, but institutional mechanisms must prevent such disagreement from becoming a justification for disregarding constitutional boundaries. In a federal democracy, state governments possess their own electoral mandates, just as the Union government does. Neither level of government can claim an unrestricted right to override the constitutional responsibilities of the other. Cooperation, consultation, transparent fiscal arrangements, and impartial dispute resolution are therefore essential. Federalism is not merely an administrative division of responsibilities; it is a constitutional arrangement designed to distribute power, accommodate diversity, and reduce the dangers associated with excessive centralisation.

Freedom of expression and civil liberties are indispensable to the effective functioning of democratic politics. Article 19 protects specified freedoms, including speech and expression, peaceful assembly, and association, subject to constitutionally permissible restrictions. These freedoms enable journalists to investigate public misconduct, citizens to criticise government policy, organisations to campaign for reform, and political opponents to present alternative visions of governance. Without meaningful freedom of expression, elections risk becoming exercises in formal participation rather than genuine democratic choice. At the same time, the Constitution permits restrictions on certain freedoms under defined conditions, including grounds relating to public order and national security. The challenge is to distinguish legitimate restrictions from measures that unnecessarily suppress criticism or discourage public participation. Digital communication has made this distinction more complicated. Social media platforms can facilitate political mobilisation and expand access to information, but they can also spread misinformation, enable harassment, and amplify polarising narratives. Governmental regulation must address unlawful conduct while respecting constitutional freedoms and providing adequate safeguards against arbitrary enforcement. Transparent legal standards, proportionate restrictions, independent review, and access to judicial remedies are essential to maintaining this balance. A government should be judged not only by its capacity to maintain public order, but also by its willingness to tolerate lawful criticism and protect the rights of those who disagree with it.

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The relationship between politics and law also extends into administrative governance and economic development. Government departments exercise extensive authority over licensing, taxation, land acquisition, environmental protection, public procurement, welfare programmes, and the regulation of economic activity. Administrative law seeks to ensure that these powers are exercised fairly, reasonably, and within statutory limits. Principles of natural justice, reasoned decision-making, legitimate expectation, and judicial review protect individuals against arbitrary administrative action. Nevertheless, excessive procedural complexity, bureaucratic delays, inadequate grievance redressal, and inconsistent enforcement may weaken the practical value of legal protections. Businesses and individuals require predictable laws and impartial administration to make decisions, undertake investment, and resolve disputes. Similarly, environmental regulation requires public authorities to balance economic development with ecological sustainability and the interests of affected communities. Political decisions about infrastructure, industrial activity, and land use may generate substantial public benefits, but they must also account for environmental consequences, rehabilitation obligations, and legal rights. Transparent decision-making and effective public consultation can reduce conflict while improving the legitimacy and quality of policy. Good governance therefore requires more than the enactment of progressive legislation; it requires competent institutions capable of implementing the law consistently and responding to the needs of citizens.

The influence of money on politics raises further questions about equality, representation, and public accountability. Political campaigns require resources for communication, organisation, travel, research, and public outreach. However, when access to political influence becomes disproportionately dependent upon financial contributions, the democratic principle of equal citizenship may be weakened. Concerns about opaque political financing, the relationship between corporate interests and policymaking, and the limited capacity of ordinary citizens to influence public decisions illustrate the importance of transparency. The Supreme Court's 2024 judgment striking down the electoral bonds scheme as unconstitutional highlighted the constitutional significance of transparency in political funding and voters' access to information about political contributions. The decision demonstrated that the financing of electoral competition is not merely an internal matter for political parties; it raises broader questions concerning democratic accountability and the relationship between financial power and public authority. Nevertheless, transparency alone cannot eliminate every form of undue influence. Effective safeguards must also address conflicts of interest, the disclosure of relevant financial information, the integrity of public procurement, and the accountability of political decision-makers. Democratic politics must remain responsive to public needs rather than becoming disproportionately influenced by actors possessing exceptional financial resources.

Despite the extensive constitutional and statutory framework, access to justice remains one of India's most persistent challenges. Judicial delays, high litigation costs, shortages of judges, complex procedures, and unequal access to legal representation can make the enforcement of rights difficult. The consequences are particularly serious for individuals whose livelihoods, liberty, property, or access to public benefits depend upon the timely resolution of disputes. Legal aid,

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alternative dispute resolution, court modernisation, procedural simplification, and the strengthening of lower courts can help reduce these barriers. However, technological modernisation must be accompanied by attention to digital exclusion, language accessibility, and the needs of people who cannot easily navigate online systems. Justice should not depend upon a person's ability to understand complicated procedures or sustain litigation for years. Moreover, accountability must extend to the administration of justice itself: courts require adequate resources, transparent procedures, and institutional safeguards that preserve judicial independence while ensuring efficiency. A constitutional right becomes meaningful only when the individual concerned can obtain an effective remedy within a reasonable period.

Ultimately, the relationship between politics and law in India is a continuing constitutional struggle over the nature, limits, and purposes of public power. Politics is necessary because democratic societies must make collective decisions, reconcile competing interests, and determine priorities for public expenditure and social development. Law is equally necessary because political authority must be constrained by rules that protect individual rights, preserve institutional independence, and prevent arbitrary government. Neither can substitute for the other. Law without democratic accountability risks becoming rigid, inaccessible, or detached from social realities, while politics without legal restraint risks concentrating power and weakening constitutional protections. The Indian constitutional experience demonstrates that democratic legitimacy requires more than electoral victory, and legal legitimacy requires more than the formal existence of statutes and courts. Both depend upon institutions that act impartially, citizens who participate responsibly, and political leaders who accept that the authority to govern carries a corresponding obligation to respect constitutional limits.

The future of Indian democracy will therefore depend upon the quality of the relationship between its political institutions and its legal system. Electoral reforms must improve transparency and accountability; political parties must strengthen their internal democratic practices; investigative agencies must operate professionally and impartially; courts must remain independent and accessible; and administrative institutions must deliver public services without discrimination or arbitrary interference. Citizens, too, have an indispensable responsibility to defend constitutional values, evaluate public representatives critically, and recognise that democracy extends beyond the act of voting. It includes the everyday exercise of rights, the protection of dissent, the fair treatment of minorities, and the willingness to hold those in authority accountable. The Constitution provides the framework for achieving these objectives, but its success depends upon the conduct of the institutions and individuals entrusted with its implementation. India's democratic strength will ultimately be measured not by the concentration of political power, the number of laws enacted, or the frequency of elections, but by the extent to which public authority remains accountable, justice remains accessible, and every citizen can live with dignity under the protection of the law. The enduring principle is that political power must serve constitutional democracy, and constitutional law must ensure that power remains answerable to the people. Only through this reciprocal relationship can India move closer to the constitutional promise of justice, liberty, equality, and fraternity.

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