

De Facto Democracy and Constitutionalism in India Since 2014

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ABSTRACT

Since 2014, India has witnessed significant political and institutional changes that have renewed debates on the relationship between democracy and constitutionalism. While democratic institutions such as Parliament, the judiciary, and the Election Commission continue to function, concerns have emerged regarding executive centralization, federal relations, civil liberties, and institutional autonomy. This paper examines the gap between formal democratic structures and the practical operation of constitutional principles, focusing on secularism, federalism, separation of powers, and the protection of fundamental rights. It analyses the functioning of key institutions, landmark policy decisions, and judicial interventions to assess the balance between electoral legitimacy and constitutional accountability. The study argues that Indian Democracy should be evaluated not only through electoral outcomes but also through the effective functioning of constitutional norms and institutions. It concludes that the vitality of Indian democracy depends on strengthening constitutionalism as a safeguard for pluralism, democratic accountability and the rule of law.

Keywords: De facto democracy, Constitutionalism, Majoritarianism. Executive Centralization and Populism.

INTRODUCTION

India is widely recognized as the world's largest democracy, combining universal adult franchise with a written Constitution that guarantees fundamental rights and establishes a federal parliamentary system. Since independence, democratic legitimacy has rested upon regular elections and constitutional continuity. However, democratic quality extends beyond electoral procedures to include institutional independence, constitutional restraint, protection of dissent, and effective accountability (Baxi, U., 2002). The political developments after 2014 have stimulated renewed discussion about whether electoral success alone adequately captures democratic performance. The emergence of stable single-party majorities at the Union level has facilitated decisive policymaking while also raising questions regarding executive dominance, parliamentary deliberation, federal balance, and institutional autonomy. Consequently, the distinction between “de jure constitutional democracy and de facto democratic practice” has become increasingly significant for understanding contemporary India (Jaffrelot, C., 2021).

This article investigates how constitutional norms are interpreted and implemented in practice, examining the interaction between electoral legitimacy and constitutional governance. Rather than assuming either democratic decline or democratic consolidation, it adopts an institutional perspective that evaluates strengths, tensions, and evolving constitutional practices within India's political system.

Liberal constitutionalism, rooted in the works of John Locke (Locke, J., 1988), Montesquieu (Montesquieu, C. de S., 1989) and later constitutional theorists, argues that democratic governance must be constrained by the rule of law and institutional checks and balances. Constitutions are designed not merely to establish governments but to prevent arbitrary exercises of power by dispersing authority among legislatures, executives, and independent judiciaries. Applied to India after 2014, liberal constitutionalism directs attention to whether constitutional institutions continue to exercise meaningful oversight over executive action. It suggests that electoral victories alone cannot substitute for judicial review, parliamentary accountability, or the protection of fundamental rights.

Democratic legitimacy is therefore enhanced when constitutional safeguards operate effectively alongside majority rule.

The theory of majoritarian democracy emphasizes that governments derive legitimacy from electoral mandates and the preferences of the majority of citizens. Drawing from the democratic tradition associated with Jean-Jacques Rousseau and later representative democratic theorists, this perspective regards elections as the primary mechanism through which political authority is conferred. The Governments with strong parliamentary majorities possess a democratic mandate to implement their policy agendas. However, constitutional democracies require that majority rule remain subject to constitutional limitations designed to protect minorities and preserve institutional fairness. The resulting tension between electoral authority and constitutional restraint is a recurring feature of democratic governance rather than an exceptional circumstance. While, Dr. B. R. Ambedkar emphasized that constitutional success depends not only upon legal texts but also upon constitutional morality - a commitment by political actors and citizens to respect institutional procedures, tolerance, accountability and the spirit of constitutional governance. Constitutional morality requires restraint in the exercise of power and recognition of pluralism within democratic society. This perspective is highly relevant for evaluating contemporary governance because it focuses on political culture rather than formal institutional design alone. Democratic stability depends upon voluntary adherence to constitutional norms by elected representatives, public officials, opposition parties, and citizens alike (Austin, G., 1999)

CONCEPTUAL FRAMEWORK- DE FACTO DEMOCRACY AND CONSTITUTIONALISM

De facto democracy refers to the practical operation of democratic norms beyond their formal constitutional recognition. Elections, political competition, freedom of expression, judicial independence, and meaningful participation collectively determine whether democracy functions effectively in everyday governance. Constitutionalism, by contrast, emphasizes limited government under law (Tushnet. M., 2015). It requires public authority to remain constrained by constitutional principles including separation of powers, federalism, judicial review, protection of minorities, and accountability before independent institutions. Constitutionalism therefore complements electoral democracy by ensuring that political majorities operate within legally prescribed limits. The interaction between these concepts is especially relevant in majoritarian democracies, where governments possessing strong electoral mandates must nevertheless respect constitutional guarantees protecting individual rights and institutional autonomy.

Upendra Baxi's (Baxi, U., 2021) post-2014 understanding of constitutionalism can be effectively linked to the progression from C1 to C3 by emphasizing that constitutional democracy must evolve beyond formal institutional arrangements toward substantive justice and social transformation. In the C1 stage, constitutionalism is understood in its procedural sense, where the existence of a written Constitution, periodic elections, and functioning state institutions provides the formal framework of democracy. However, Baxi argues that these features alone do not guarantee genuine constitutional governance, as governments may adhere to constitutional procedures while undermining fundamental rights and democratic accountability. The C2 stage reflects his emphasis on substantive constitutionalism, in which constitutional morality, judicial independence, the rule of law, and effective checks on executive power become essential for preserving the spirit of the Constitution. He contends that electoral majorities cannot be allowed to override individual liberties or minority rights and that constitutional institutions must actively protect citizens against arbitrary state action. Finally, C3 corresponds to Baxi's vision of transformative constitutionalism, where the Constitution serves as a dynamic instrument for achieving social justice, human dignity, equality, and the empowerment of historically marginalized communities. From this perspective, constitutionalism is not a static legal framework but an ongoing project that requires continuous commitment to democratic values, institutional accountability, and the realization of the Constitution's transformative promises in response to contemporary political and social challenges.

He argues that constitutionalism in India must be understood as much more than the existence of a written Constitution or the conduct of regular elections. In his view, genuine constitutionalism requires the continuous protection of fundamental rights, the limitation of state power through the rule of law, and the preservation of

democratic accountability. He emphasizes that the Constitution is a transformative document designed not only to establish political institutions but also to promote justice, liberty, equality, and fraternity. Baxi contends that constitutional morality should guide governance and that electoral majorities cannot override the rights of individuals or minorities. He further stresses that an independent judiciary plays a critical role in safeguarding constitutional values by reviewing executive and legislative actions and ensuring that state authority remains subject to constitutional constraints. Human dignity occupies a central place in his conception of constitutionalism, requiring the state to protect marginalized and vulnerable groups and to pursue substantive social justice rather than merely formal legal equality. Baxi also highlights the need for constitutionalism to respond to contemporary challenges such as expanding executive power, technological surveillance, globalization, and the growing influence of corporate actors, arguing that these developments should not weaken constitutional guarantees. Overall, his post-2014 perspective presents constitutionalism as a living and evolving commitment that demands constant vigilance, institutional independence, and active enforcement of constitutional principles to ensure that democracy remains faithful to the ideals enshrined in the Indian Constitution (Baxi, U., 2021).

Constitutionalism in The Indian Context

The Constitution of India embodies commitments to justice, liberty, equality, secularism, democracy, and republican government. Federalism distributes authority between the Union and the states, while fundamental rights protect citizens against arbitrary state action. Judicial review enables constitutional courts to examine executive and legislative measures for constitutional compliance. Indian constitutionalism has historically evolved through interactions among Parliament, the executive, the judiciary, and civil society. Rather than representing a static legal document, the Constitution functions as an evolving framework whose interpretation responds to changing political circumstances.

In the contemporary period, Yogendra Yadav (Yadav. Y., 2021) argues that constitutionalism should be understood as a living democratic practice rather than merely a legal framework. He contends that the Indian Constitution embodies a pluralist vision that protects diversity, federalism, social justice, and the rights of minorities while placing limits on the exercise of political power. In his view, constitutionalism depends on the continued vitality of democratic institutions, an active civil society, and meaningful public participation. Yadav warns that excessive centralization of authority, weakening of institutional autonomy and the dominance of electoral majorities over constitutional values may erode the spirit of the Constitution (Yadav. Y., 2021), even when formal democratic procedures remain intact. For him, constitutional morality requires governments to respect dissent, preserve institutional checks and balances, and uphold the inclusive character of Indian democracy.

Christophe Jaffrelot (Jaffrelot. C., 2021), by contrast, examines constitutionalism through the lens of political transformation and the rise of majoritarian nationalism in contemporary India. He argues that while constitutional institutions such as elections, legislatures, and courts continue to function, their substantive autonomy and capacity to constrain executive power may be weakened by increasing political centralization and the dominance of a single ideological project. Jaffrelot suggests that constitutionalism is challenged when majoritarian politics redefines citizenship, national identity, and state authority in ways that reduce the protection traditionally afforded to minorities and dissenting voices. He emphasizes that the health of constitutional democracy should be measured not only by procedural compliance but also by the effective preservation of civil liberties, institutional independence, federal balance, and equal citizenship under the law. From his perspective, contemporary India illustrates the tension between electoral legitimacy and liberal constitutional principles, making judicial independence, institutional accountability, and the rule of law increasingly important safeguards.

Constitutional governance requires the protection of pluralism, minority rights, institutional autonomy, and checks on executive authority. Their analyses underscore that democracy derives its legitimacy not only from electoral success but also from sustained adherence to constitutional values, ensuring that political power remains accountable to the principles of justice, equality, liberty, and the rule of law.

Constitutionalism requires more than electoral legitimacy; it also demands adherence to constitutional morality, protection of fundamental rights, respect for federalism, institutional autonomy, and effective checks on executive power. One frequently cited example is the “abrogation of Article 370 in 2019”, which removed the special constitutional status of Jammu and Kashmir and reorganized it into Union Territories. Critics contend that the decision weakened federal principles and reduced democratic consultation, while the government defended it as a constitutionally valid step toward national integration and uniform governance. Another debated case is the “Citizenship Amendment Act (CAA), 2019”, which was criticized by many constitutional scholars for introducing religion-based criteria into citizenship policy and allegedly challenging the secular and egalitarian principles embedded in the Constitution. The government, however, maintained that the law was intended to provide humanitarian relief to persecuted minorities from neighbouring countries and did not affect the rights of existing Indian citizens. Similarly, the “Electoral Bonds Scheme”, later struck down by the Supreme Court of India in 2024, was criticized for reducing transparency in political funding and weakening democratic accountability. Allegations regarding the selective use of investigative agencies such as the Enforcement Directorate and the Central Bureau of Investigation against opposition leaders have also prompted concerns about institutional independence, although the government has consistently denied any political misuse and maintains that these agencies operate according to law. In addition, the handling of the “2020–2021 farmers’ protests” and debates surrounding restrictions on dissent, media freedom, and civil liberties have been cited by critics as examples of increasing executive centralization. Taken together, these case studies have led some scholars to argue that contemporary India exhibits tensions between majoritarian electoral politics and liberal constitutional principles. At the same time, supporters of the government contend that these policies were adopted through constitutionally prescribed procedures, backed by democratic mandates, and aimed at advancing national security, administrative efficiency, and public welfare. Consequently, the extent to which these developments constitute violations of constitutionalism remains a subject of ongoing academic and political debate.

Electoral Democracy and Democratic Legitimacy After 2014

General elections since 2014 have witnessed high voter participation, peaceful transfers of power where applicable, and extensive electoral mobilization across diverse social groups. Stable parliamentary majorities have enabled governments to pursue ambitious policy agendas and long-term reforms (Diamond, L., 1999). At the same time, it distinguishes electoral legitimacy from constitutional legitimacy. Winning elections provides democratic authorization to govern but does not eliminate constitutional obligations concerning minority rights, institutional accountability, and procedural fairness. The coexistence of strong electoral mandates with continuing constitutional debate illustrates this distinction.

The period after 2014 has been marked by the consolidation of electoral democracy in India through repeated high-turnout elections, strong political competition, and the emergence of stable single-party governments at the Union level. The general elections of 2014, 2019, and 2024 witnessed widespread voter participation across regions, castes, classes, genders, and religious communities, reaffirming the credibility of India's electoral institutions. The repeated electoral success of the Bharatiya Janata Party (BJP) under Prime Minister Narendra Modi has been interpreted by supporters as evidence of broad popular legitimacy and public approval of policies such as welfare delivery, digital governance, infrastructure expansion, and national security initiatives. In this sense, the government derives democratic authority from the constitutional process of free and competitive elections, fulfilling one of the core requirements of representative democracy.

However, this emphasizes that “electoral democracy and constitutional democracy are not identical concepts”. Electoral democracy refers primarily to the existence of regular, competitive, and free elections through which citizens choose their representatives (Dahl, R., 1971). Constitutional democracy, by contrast, requires that elected governments exercise power within constitutional limits, respect the rule of law, protect minority rights, preserve judicial independence, maintain institutional checks and balances, and uphold civil liberties (O’Donnell, G., 1994). Therefore, an overwhelming electoral mandate does not exempt a government from constitutional obligations, nor does majority rule automatically justify every exercise of state power.

The controversy surrounding the Electoral Bonds Scheme further illustrates the difference between electoral success and constitutional legitimacy. The scheme was promoted as a mechanism for formalizing political donations and reducing cash transactions, but critics argued that donor anonymity undermined transparency and voters' ability to make informed political choices. The Supreme Court's 2024 decision invalidating the scheme reinforced the principle that democratic legitimacy depends not only on elections but also on transparency and accountability in the electoral process. Similarly, allegations concerning the use of investigative agencies such as the Enforcement Directorate (ED) and the Central Bureau of Investigation (CBI) against opposition leaders have generated debates about institutional neutrality. While opposition parties and some scholars view these actions as potentially affecting the fairness of democratic competition, the government maintains that investigations are conducted independently under the rule of law and are based on legal evidence rather than political considerations.

The farmer laws controversy (2020–2021) also reflects the tension between electoral authority and participatory democracy. Although enacted by a government with a substantial parliamentary majority, sustained nationwide protests by farmers led to the eventual repeal of the legislation. The episode demonstrated that constitutional democracy involves not only winning elections but also engaging with public opinion, accommodating peaceful dissent, and remaining responsive to social movements. Similar debates have arisen regarding freedom of expression, media independence, internet restrictions, and civil society regulation, with critics arguing that constitutional rights require robust protection even in periods of strong electoral dominance, while the government has emphasized considerations of national security, public order, and administrative necessity.

The broader theoretical debate therefore centers on whether repeated electoral victories are sufficient indicators of democratic health. Majoritarian theories of democracy emphasize that governments elected by clear popular mandates should have the authority to implement their policy agendas. Liberal constitutional theories, by contrast, maintain that democracy must be constrained by constitutional guarantees protecting individual rights, minority interests, judicial independence, federalism, and institutional accountability. Contemporary India provides an important example of this ongoing tension, where strong electoral legitimacy coexists with vigorous debates over constitutionalism and the limits of executive power.

The post-2014 period demonstrates that electoral democracy and democratic legitimacy are multidimensional concepts. India continues to hold regular and competitive elections that confer democratic authority on elected governments. At the same time, scholars, courts, civil society organizations, and political actors continue to debate whether constitutional values—such as equality, secularism, federalism, transparency, institutional autonomy, and the protection of fundamental rights - are being sufficiently upheld. These debates underscore that in a constitutional democracy; the legitimacy of governance depends not only on electoral success but also on continued fidelity to the constitutional framework and the rule of law.

Executive Centralization and Governance

One prominent theme in post-2014 governance has been increasing executive coordination in policymaking. Centralized decision-making may improve administrative efficiency, facilitate rapid policy implementation, and strengthen governmental coherence. Critics, however, argue that excessive concentration of authority may reduce opportunities for institutional deliberation and decentralized consultation. The constitutional challenge therefore lies in balancing administrative effectiveness with accountability, transparency, and distributed decision-making.

Since 2014, the Indian political system has witnessed a significant degree of executive centralization under the leadership of Prime Minister Narendra Modi. It has raised concerns regarding constitutional morality, institutional autonomy, and the balance of power envisioned by the Constitution. The debate revolves around whether a strong executive enhances governance efficiency or whether it risks weakening the constitutional principles of accountability, federalism, and separation of powers (Baxi. U., 2021).

Proponents of executive centralization maintain that a stable parliamentary majority has allowed the Union government to undertake major structural reforms that might have been difficult under coalition governments.

Initiatives such as the expansion of digital governance through Digital India, large-scale infrastructure development, direct benefit transfer (DBT) schemes, the Swachh Bharat Mission, and coordinated responses during the COVID-19 pandemic are cited as examples of effective centralized decision-making. The strong executive leadership has improved policy implementation, reduced bureaucratic delays, strengthened national security, and enabled quicker responses to economic and administrative challenges.

However, Upendra Baxi argues that excessive concentration of power within the executive may undermine the constitutional principle of checks and balances. They contend that parliamentary democracy under the Indian Constitution envisages collective cabinet responsibility, meaningful legislative scrutiny, judicial independence, and cooperative federalism rather than governance dominated by a highly centralized executive. While, Pratap Bhanu Mehta (Mehta. P.B., 2021) argues that constitutionalism requires continuous institutional accountability and that democratic legitimacy derived from elections should not diminish constitutional restraints on executive authority. One frequently discussed example is the abrogation of Article 370 in 2019, which altered the constitutional status of Jammu and Kashmir while the region was under President's Rule. Supporters viewed the decision as fulfilling a long-standing political commitment and promoting national integration, whereas critics argued that it reflected increasing executive dominance and raised questions about federalism and democratic consultation. Similarly, the enactment of the Citizenship Amendment Act (CAA), 2019 generated debate over whether majoritarian legislative action adequately respected constitutional commitments to equality and secularism. Although the government defended the law as a humanitarian measure for persecuted minorities, opponents questioned its compatibility with the constitutional principle of equal treatment.

The COVID-19 pandemic further illustrated both the strengths and criticisms of centralized governance. The nationwide lockdown announced in March 2020 demonstrated the Union government's ability to take swift action during a public health emergency. While supporters praised the rapid decision-making and centralized coordination, critics argued that limited consultation with state governments and inadequate preparation for migrant workers exposed weaknesses in cooperative federalism and participatory governance. Questions have also been raised regarding the functioning of independent institutions. Opposition parties and some academics have expressed concerns about the increasing influence of the executive over investigative agencies, regulatory bodies, and appointments to constitutional institutions. Allegations of selective investigations by agencies such as the Enforcement Directorate (ED) and the Central Bureau of Investigation (CBI) have fueled debates about institutional neutrality, although the government has consistently denied political interference and maintains that these bodies function according to law and evidence.

The concept of constitutional morality, first articulated in the Indian context by Dr. B. R. Ambedkar and subsequently developed through constitutional jurisprudence, is central to these debates. Constitutional morality requires public authorities to exercise power in a manner consistent not only with the literal text of the Constitution but also with its underlying values of liberty, equality, fraternity, secularism, accountability, and respect for dissent. It demands restraint in the use of state power and adherence to democratic norms even when governments possess overwhelming electoral mandates.

Critics argue that certain developments after 2014—including increased executive dominance in policymaking, frequent use of ordinances in some periods, concerns over reduced parliamentary deliberation on significant legislation, restrictions affecting civil society organizations, and debates over freedom of expression—may represent departures from constitutional morality by concentrating power and limiting institutional contestation. Conversely, supporters contend that constitutional morality must also encompass effective governance, policy implementation, national security, and the fulfilment of electoral promises through constitutionally authorized legislative processes. They argue that strong leadership and administrative efficiency are compatible with constitutional democracy so long as actions remain subject to judicial review and electoral accountability.

The tension between executive efficiency and constitutional restraint therefore lies at the heart of contemporary debates on Indian democracy. While centralized leadership may facilitate decisive governance and long-term policy implementation, constitutionalism requires that such power remain bounded by the rule of law, respect for federalism, judicial oversight, parliamentary accountability, and the protection of fundamental rights. The post-2014 experience demonstrates that the challenge for Indian democracy is not merely to ensure effective

government but also to preserve the constitutional morality that safeguards democratic institutions and prevents the excessive concentration of political power.

Judiciary and Judicial Review

Judicial independence constitutes a cornerstone of constitutional governance. Courts adjudicate disputes, interpret constitutional provisions, and safeguard fundamental rights through judicial review. Recent years have witnessed continued public attention to constitutional litigation involving citizenship, privacy, elections, federal relations, and civil liberties. The judiciary's evolving jurisprudence demonstrates both the continuing vitality of constitutional review and ongoing debates regarding judicial timing, institutional capacity, and separation of powers.

The judiciary occupies a central position in India's constitutional framework as the guardian of the Constitution, protector of fundamental rights, and arbiter of disputes between citizens and the state. Through the power of judicial review, the Supreme Court and High Courts can examine the constitutionality of executive actions and legislative enactments (Dhavan. R., 2017) striking down measures that violate constitutional provisions. Judicial review is rooted in Articles 13, 32, 131, 136, 142, and 226 of the Constitution and has been strengthened through landmark judgments such as *Kesavananda Bharati v. State of Kerala* (1973), which established the Basic Structure Doctrine, holding that Parliament cannot amend the Constitution in a manner that destroys its essential features. Over the decades, the judiciary has also expanded access to justice through Public Interest Litigation (PIL), allowing disadvantaged groups and public-spirited individuals to seek judicial remedies for violations of constitutional rights.

The judiciary has continued to play a significant role in reviewing government actions and interpreting constitutional principles. It has delivered important judgments on issues ranging from privacy and electoral transparency to environmental protection and civil liberties. The recognition of the right to privacy as a fundamental right in *Justice K.S. Puttaswamy v. Union of India* (2017) strengthened constitutional protections in the digital age and established important limits on state surveillance. More recently, the Supreme Court invalidated the Electoral Bonds Scheme in 2024, emphasizing that transparency in political funding is essential to informed voting and democratic accountability. These decisions demonstrate the continuing importance of judicial review as a mechanism for preserving constitutional governance and ensuring that executive and legislative actions remain subject to constitutional scrutiny (Bhatia. G., 2019).

At the same time, the functioning of the judiciary has attracted substantial contemporary criticism. One major concern is the enormous backlog of pending cases, which delays justice and reduces public confidence in the legal system. Millions of cases remain unresolved across different levels of the judiciary, creating challenges for timely enforcement of rights and efficient dispute resolution. Delays in appointments to judicial vacancies and inadequate judicial infrastructure have further contributed to these problems.

Another area of debate concerns judicial independence and the appointment process. The collegium system, under which senior judges recommend appointments and transfers of judges, has been defended as a safeguard against executive interference but criticized for lacking transparency and accountability. The National Judicial Appointments Commission (NJAC), enacted by Parliament to reform appointments, was struck down by the Supreme Court in 2015 on the ground that it threatened judicial independence by altering a component of the Constitution's basic structure. Supporters of the judgment argue that an independent judiciary is indispensable for constitutional democracy, whereas critics contend that greater transparency and broader participation in appointments are necessary to improve public trust.

Scholars have also debated the judiciary's response to executive power in the contemporary period. Some commentators argue that the courts have shown restraint in reviewing certain politically sensitive issues, leading to concerns about delayed hearings or limited intervention in matters involving civil liberties, preventive detention, internet restrictions, and electoral processes. Others maintain that judicial restraint reflects respect for the separation of powers and that courts should avoid substituting their policy preferences for those of

democratically elected governments. At the same time, the judiciary has continued to intervene decisively in several constitutional disputes, illustrating its ongoing role as an independent constitutional institution.

The judiciary's approach to public interest litigation has likewise generated mixed assessments. While PIL has expanded access to justice and enabled courts to address environmental degradation, corruption, and human rights violations, critics argue that excessive judicial intervention in administrative matters can blur the separation between adjudication and governance. This phenomenon, often described as judicial activism, is praised by some as necessary to protect constitutional values but criticized by others as judicial overreach into domains reserved for the executive and legislature.

From the perspective of constitutional morality, the judiciary serves as the institutional guardian responsible for ensuring that elected governments remain bound by constitutional limits. Scholars such as Upendra Baxi emphasize that judicial review protects human dignity and fundamental rights, while Yogendra Yadav and Christophe Jaffrelot argue that an independent judiciary is essential for preserving pluralism, federalism, and institutional accountability in a constitutional democracy. Supporters of the current system point to the judiciary's continued willingness to invalidate unconstitutional actions and uphold individual rights, whereas critics argue that delays, selective intervention, and structural challenges may weaken its effectiveness as a check on executive power.

Overall, the functioning of judicial review in contemporary India reflects both institutional resilience and ongoing challenges. The judiciary remains a cornerstone of constitutional governance through its authority to interpret the Constitution, protect rights, and review state action. Nevertheless, debates concerning judicial independence, transparency, efficiency, case backlogs, activism, and the balance between restraint and intervention continue to shape scholarly assessments of its role in safeguarding constitutionalism in the post-2014 period.

Federalism and Centre-State Relations

Indian federalism combines constitutional distribution of powers with practical intergovernmental negotiation. Since 2014, issues concerning fiscal federalism, gubernatorial discretion, centrally sponsored schemes, and administrative coordination have intensified. Federalism is one of the defining features of the Indian constitutional system, distributing powers between the Union and the states while maintaining a strong national government. Although the Constitution does not explicitly describe India as a federation, the Supreme Court has repeatedly recognized federalism as part of the Constitution's basic structure.

In the post-2024 period, centre-state relations have become one of the most contested dimensions of Indian constitutionalism (Tillin. L., 2019), with debates focusing on fiscal federalism, gubernatorial powers, legislative competence, administrative coordination, and the balance between national integration and state autonomy. The return of a National Democratic Alliance (NDA) government at the Centre has ensured continuity in governance, but it has also intensified discussions about whether India is moving toward greater centralization or whether cooperative federalism continues to function effectively. Stronger central coordination has improved governance by enabling uniform implementation of national programmes and ensuring policy consistency across states. Initiatives such as digital public infrastructure, national health schemes, infrastructure expansion, disaster management mechanisms, and centrally sponsored welfare programmes are cited as examples where coordinated action has produced administrative efficiency and economies of scale. The Union government also maintains that strong national leadership is necessary for economic integration, internal security, climate resilience, and the creation of a unified market. In this perspective, cooperative federalism does not imply institutional weakness at the Centre but rather effective coordination among different levels of government while maintaining constitutional supremacy.

The contemporary pattern of governance reflects increasing executive and fiscal centralization at the expense of state autonomy. The growing prominence of centrally designed schemes, expanding use of national agencies, and concentration of decision-making in New Delhi have reduced the effective policymaking space available to states. Some scholars suggest that although constitutional federalism formally remains intact, political and

administrative practices have increasingly shifted toward a more centralized model, raising concerns about the erosion of the federal balance envisioned by the Constitution.

Fiscal federalism remains one of the most significant areas of debate after 2024. Several state governments have expressed concerns regarding the distribution of tax revenues, the design of Goods and Services Tax (GST) compensation mechanisms, and the allocation of centrally sponsored schemes. Southern states in particular have argued that demographic success and economic performance should not result in reduced fiscal influence under future delimitation exercises or intergovernmental transfers. They contend that changes based primarily on population could diminish their parliamentary representation despite successful implementation of family planning policies. The Union government, on the other hand, has emphasized constitutional procedures and the need to maintain equitable representation while ensuring balanced national development.

The role of Governors has also generated sustained constitutional debate. Opposition-ruled states have alleged that gubernatorial interventions in matters such as assent to state legislation, appointment of chief ministers, and legislative procedures have sometimes delayed governance and created friction between elected state governments and the Union. Constitutional experts have questioned whether prolonged withholding of assent or active political engagement by Governors is consistent with the principle that they function as constitutional heads rather than political actors. Conversely, defenders of the institution argue that Governors possess constitutional responsibilities to ensure legality, preserve constitutional order, and refer appropriate matters for judicial or presidential consideration where necessary.

Another important dimension concerns the use of central investigative agencies and regulatory institutions. Several opposition-led state governments have alleged that agencies such as the Enforcement Directorate (ED), Central Bureau of Investigation (CBI), and Income Tax authorities have been deployed disproportionately against opposition leaders, thereby affecting the federal balance and political competition. The Union government rejects these allegations and maintains that investigations are conducted independently according to statutory mandates and judicial oversight, emphasizing that no individual or state government is exempt from legal accountability. Intergovernmental relations have also evolved through judicial intervention. The Supreme Court has increasingly acted as an arbiter in disputes involving Governors, legislative procedures, financial powers, and state autonomy. Recent judicial observations emphasizing timely gubernatorial action and respect for constitutional conventions have reinforced the importance of cooperative federalism and constitutional accountability. These interventions illustrate the judiciary's continuing role in preserving equilibrium between the Union and the states while interpreting constitutional boundaries.

The broader theoretical debate after 2024 concerns whether India is witnessing a transition from “cooperative federalism to centralized federalism or executive federalism”. Scholars such as Yogendra Yadav argue that meaningful federalism requires genuine decentralization, political accommodation, and respect for regional diversity rather than mere administrative delegation. Christophe Jaffrelot contends that increasing concentration of authority at the national level may reduce the autonomy of states and weaken pluralistic constitutional governance. Upendra Baxi similarly emphasizes that constitutional morality requires continual protection of institutional balance and cautions against allowing overwhelming electoral mandates to overshadow constitutional safeguards designed to preserve federalism and democratic accountability. At the same time, proponents of the current governance model argue that India's scale, developmental challenges, security concerns, and economic integration require a stronger coordinating role for the Union government. They maintain that decisive national leadership has enabled faster infrastructure development, improved welfare delivery through digital platforms, enhanced disaster response, and more effective implementation of nationwide reforms. According to this perspective, centralization should not be equated with constitutional erosion so long as policies are adopted through constitutional procedures, remain subject to judicial review, and respect the formal distribution of legislative powers.

The centre–state relations after 2024 reflect one of the central constitutional debates in contemporary India. While the constitutional framework of federalism remains unchanged, scholars disagree over whether current political practices strengthen cooperative governance or gradually concentrate power in the Union executive (Yadav. Y., 2021). Case studies involving fiscal transfers, GST implementation, gubernatorial discretion, the

role of central investigative agencies, judicial intervention in federal disputes, and concerns over future delimitation illustrate the continuing tension between national coordination and state autonomy. These debates underscore that Indian federalism is not merely a legal arrangement but an evolving constitutional practice that requires constant balancing between unity, diversity, democratic representation, and constitutional accountability.

Media, Information Ecosystems and Democratic Accountability

The media performs an essential accountability function by informing citizens and facilitating public debate. Simultaneously, digital platforms have transformed political communication through rapid dissemination of information and expanded public participation. However, technological change has also generated concerns regarding misinformation, polarization, algorithmic amplification, and information quality. Democratic constitutionalism therefore increasingly depends upon strengthening both media freedom and responsible public communication.

The relationship between media, information ecosystems, and democratic accountability has become a central feature of debates on Indian democracy after 2014 (Chandhok. N., 2019). Those in power a free and independent media is widely regarded as the “fourth pillar” of democracy because it informs citizens, scrutinizes governments, facilitates public debate, and enables electoral accountability. At the same time, the rapid expansion of digital platforms, social media, online news portals, and messaging applications has fundamentally transformed the production and circulation of political information. The post-2014 period has therefore witnessed both unprecedented democratization of information and growing concerns about misinformation, polarization, algorithmic amplification, and pressures on journalistic independence.

The digital revolution has expanded democratic participation by allowing governments to communicate directly with citizens without relying exclusively on traditional media intermediaries. Government initiatives such as Digital India, the MyGov platform, online grievance redressal systems, and widespread use of social media have increased public engagement and made information about welfare schemes, public services, and policy initiatives more widely accessible. They contend that digital governance has enhanced transparency, accelerated service delivery, and enabled citizens to participate more actively in democratic processes. From this perspective, technology has strengthened accountability by making governments more responsive and by reducing bureaucratic barriers between the state and the public.

However, the post-2014 information ecosystem has become increasingly polarized and susceptible to disinformation, partisan narratives, and concentrated media ownership. Political scientists and media scholars contend that sections of mainstream television media have become highly aligned with government perspectives, reducing the diversity of viewpoints available in public discourse. The growing influence of social media algorithms has also been criticized for creating echo chambers that reinforce ideological divisions rather than encouraging deliberative democratic debate. These developments, critics argue, can weaken the informed public sphere necessary for constitutional democracy.

Another major issue concern presses freedom and journalistic independence. Civil society organizations and international observers have raised concerns about legal actions against journalists, criminal investigations, internet restrictions, and regulatory measures affecting news organizations. Critics argue that fear of litigation or official action may encourage self-censorship and reduce investigative reporting on matters of public interest. They also contend that democratic accountability depends upon an independent press capable of scrutinizing executive decisions without intimidation or economic pressure. The government, however, maintains that India continues to enjoy a vibrant and diverse media landscape with thousands of newspapers, television channels, and digital platforms representing a wide spectrum of political opinion. It further argues that actions taken against individuals or organizations are based on applicable laws relating to national security, taxation, financial compliance, or public order rather than restrictions on legitimate journalism.

The rise of social media has generated additional constitutional challenges. Platforms such as X, Facebook, YouTube, Instagram, and WhatsApp have become major sources of political communication, campaign

mobilization, and citizen engagement. While these technologies have expanded opportunities for participation, they have also facilitated the rapid spread of misinformation, manipulated content, hate speech, and politically motivated disinformation campaigns. Governments have increasingly sought to regulate online content to address these risks, arguing that intervention is necessary to protect public order, electoral integrity, and national security. Critics respond that broad regulatory powers may inadvertently affect freedom of expression and should therefore be exercised with transparency, proportionality, and judicial oversight.

The relationship between media and electoral democracy has also become a subject of scholarly debate. Modern election campaigns increasingly rely on data analytics, targeted advertising, digital outreach, and personalized communication strategies. Supporters argue that these innovations improve voter engagement and strengthen democratic participation by enabling parties to communicate directly with citizens. Critics, however, warn that unequal access to financial resources, sophisticated digital infrastructure, and coordinated online messaging may distort the informational environment and create asymmetries in political competition. They also emphasize the importance of transparency in political advertising and campaign financing to preserve electoral fairness.

Independent media investigations have historically played an important role in exposing corruption, administrative failures, and human rights concerns. Scholars argue that constitutional democracy depends not only on elections but also on continuous oversight by journalists, civil society organizations, academic institutions, and informed citizens. When media pluralism declines or public debate becomes excessively polarized, governments may face reduced scrutiny even while maintaining electoral legitimacy. Conversely, supporters of the present system argue that digital media has diversified sources of information, allowing citizens to bypass traditional gatekeepers and access multiple perspectives, thereby enhancing rather than diminishing democratic accountability.

Democracy requires an informed citizenry capable of participating in reasoned public deliberation rather than merely periodic voting. Christophe Jaffrelot argues that constitutional democracy depends upon institutional pluralism, including an autonomous media capable of critically evaluating those in power. Upendra Baxi (Baxi. U., 2021) Indian political thought similarly stresses that freedom of expression and access to information are essential components of constitutional morality because they enable citizens to hold governments accountable and protect fundamental rights. Their perspectives suggest that media independence should be understood not merely as a professional norm but as an indispensable constitutional safeguard.

The evolution of India's media and information ecosystem after 2014 presents a complex picture of both innovation and contestation. Digital technologies have expanded access to information, transformed political communication, and strengthened certain aspects of citizen engagement. At the same time, concerns regarding misinformation, media concentration, journalistic independence, online regulation, and polarization have generated significant debates about democratic accountability. The central constitutional question is how to balance freedom of expression, technological innovation, national security, and responsible regulation while preserving a pluralistic information environment that enables citizens to make informed political choices and hold governments accountable between elections.

Majoritarian Democracy Versus Constitutional Restraints:

The debate between majoritarian democracy and constitutional restraints has become one of the defining themes in contemporary Indian political thought (Mehta. P.B., 2021)a, particularly after 2014. At its core lies the question of whether electoral majorities alone provide sufficient legitimacy for governance or whether democratic governments must remain constrained by constitutional principles such as the rule of law, judicial independence, federalism, minority rights, and institutional checks and balances. Two of the most influential scholars in this debate are Pratap Bhanu Mehta and Christophe Jaffrelot, both of whom argue that constitutional democracy requires limits on majoritarian power, although they approach the issue from different intellectual perspectives.

Pratap Bhanu Mehta contends that democracy is not merely a mechanism for translating electoral victories into political authority but a constitutional system designed to restrain arbitrary power. In his view, elections provide

governments with the mandate to govern but not with unlimited authority to redefine constitutional norms or weaken institutions that ensure accountability. Mehta argues that liberal constitutionalism depends upon independent courts, a free press, autonomous regulatory institutions, parliamentary scrutiny, and protection of individual and minority rights. He warns that when governments rely exclusively on electoral majorities to justify policy decisions while reducing institutional checks, democracy risks becoming “majoritarian” rather than constitutional. According to Mehta, constitutional morality requires governments to respect dissent, preserve pluralism, and exercise self-restraint even when they possess overwhelming political support.

Mehta also emphasizes that the legitimacy of democratic governance derives not only from electoral success but from adherence to constitutional values embedded in the Indian Constitution. He argues that institutions such as the judiciary, Election Commission, Comptroller and Auditor General, and independent media are intended to function as safeguards against excessive concentration of executive power. In his assessment, weakening these institutions may reduce the quality of democratic accountability despite continuing electoral competition. He therefore distinguishes between procedural democracy, where elections occur regularly, and substantive constitutional democracy, where rights and institutional autonomy remain protected irrespective of electoral outcomes.

Christophe Jaffrelot (Jaffrelot. C., 2024) approaches the debate through the study of political sociology and the evolution of majoritarian nationalism in India. He argues that electoral victories achieved through democratic means may coexist with gradual transformations that reduce the effectiveness of constitutional restraints. In his analysis, constitutional democracy requires not only majority rule but also equal citizenship, secular governance, protection of minorities, judicial independence, and institutional pluralism. Jaffrelot suggests that when political legitimacy becomes increasingly identified with the preferences of the majority community, constitutional commitments to diversity and equal protection may come under strain. He therefore characterizes contemporary debates in India as reflecting tension between electoral majoritarianism and liberal constitutionalism.

A central concern in Jaffrelot’s scholarship is the increasing centralization of political authority and the possible weakening of intermediary institutions that traditionally mediate between the state and society. He argues that concentration of executive power, growing personalization of leadership, and ideological homogenization may reduce institutional autonomy and limit effective constitutional oversight. From this perspective, constitutional democracy requires robust checks and balances capable of protecting dissenting voices and minority interests even in the face of overwhelming electoral mandates. Jaffrelot further contends that federalism, civil society organizations, universities, independent media, and judicial institutions constitute essential components of constitutional resilience because they distribute authority across multiple centres rather than concentrating it within a single political executive.

Despite these criticisms, proponents of majoritarian governance present an alternative perspective. They argue that repeated electoral victories, high voter participation, and parliamentary approval provide governments with strong democratic legitimacy to implement ambitious policy agendas. According to this view, decisive executive leadership enables effective governance, policy continuity, economic reform, national security, and welfare delivery, while constitutional review by independent courts remains available to address any legal concerns. Supporters therefore reject the notion that strong electoral mandates are inherently incompatible with constitutional democracy and contend that judicial oversight and periodic elections provide sufficient safeguards against abuse of power.

Constitutional democracy cannot be reduced to electoral arithmetic alone. Their central claim is that majority rule must operate within a constitutional framework that guarantees individual liberty, minority rights, judicial independence, federal balance, and institutional accountability. While democratic elections determine who governs, constitutional restraints determine how power should be exercised. In this sense, they view constitutionalism as an indispensable safeguard against the possibility that temporary electoral majorities might erode the enduring principles of justice, equality, pluralism, and the rule of law upon which the Indian constitutional order is founded.

CONCLUSION

Since 2014, India has continued to demonstrate substantial democratic vitality through regular elections, large-scale public participation, and constitutional continuity. Simultaneously, the period has generated extensive scholarly debate concerning executive authority, federal relations, institutional autonomy, civil liberties, and constitutional interpretation. Evaluating Indian democracy therefore requires moving beyond electoral outcomes alone toward a broader assessment of constitutional practice. A mature constitutional democracy depends not only upon the ability of governments to govern effectively but also upon their adherence to institutional restraints, protection of rights, respect for pluralism, and accountability before independent constitutional bodies (Hasan. Z., 2022). The future strength of Indian democracy will be determined by its capacity to harmonize decisive governance with enduring constitutional commitments, ensuring that democratic legitimacy remains firmly anchored in both popular sovereignty and the rule of law (Sud. N., 2022).

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