

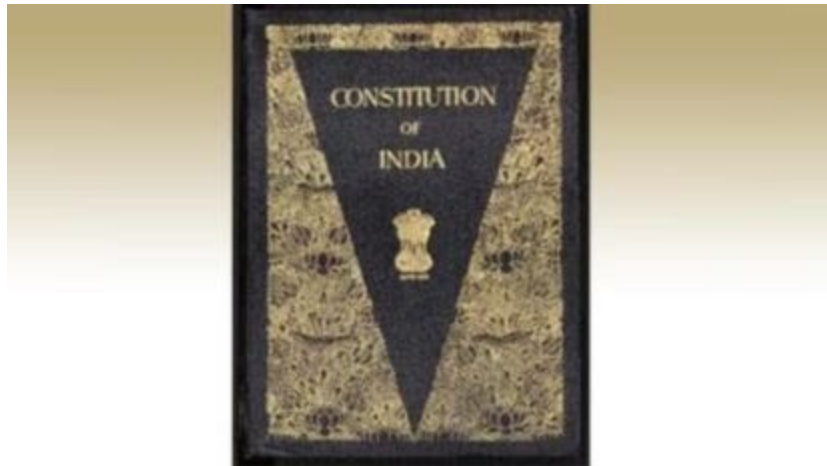
The battle today is not for the abstract ideals of Constitution — it is for democracy itself



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The Constitution remains intact, but democracy appears to be backsliding. This distinction is crucial (File Photo)

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Written by Anmol Jain

“*Samvidhan khatre mein hai*” has been the rallying cry of Congress since the beginning of its campaign for the 2024 general elections. After the polls, the party doubled down on this narrative, directing its state units to conduct *Samvidhan Bachao* rallies across the country. [Several such rallies](#) were organised in April and May in many states, including Bihar, Chhattisgarh, Madhya Pradesh, Punjab, Rajasthan, and Uttar Pradesh. On June 8, the Yatra began in Goa. Over the past year, Congress has left no occasion to assert that our Constitution is under threat.

But a deeper, more pressing question must be asked, not just by the Opposition, but by every citizen: If the Constitution is in danger, what exactly needs to be rescued, safeguarded, and nourished? The complexity of the question demands that we ascribe an identity to the Constitution. And this identity is connected to another core idea of the Republic: Democracy.

From the abuse of constitutional offices like that of the Governor — as the Supreme Court emphasised in the [Tamil Nadu](#) Governor case — to the trampling of rights, threats to the foundational essence of democracy are real. Notably, it is often rooted in constitutional structures and silences. For instance, the Constitution does not explicitly ask the Governor or

the Speaker to shed all partisan loyalties in their functioning. However, our demand that they rise above party lines stems from the democratic values the Constitution is meant to embody. The Constitution, in this sense, becomes an accessible language through which we reassert and reinforce democratic values in public discourse.

However, this language is gradually losing its resonance. When the essence of constitutional arrangements is repeatedly subverted for short-term political gain, non-constitutional justifications begin to suffice. And when courts do intervene, often the independent institutions are blamed, but not the style of governance. So, the political and intellectual struggle today cannot be framed merely as a defence of the Constitution. It must go deeper and become a struggle to resurface, reiterate, and reassert the “identity” of the Constitution and the democratic values it is meant to uphold. And to do so, we must shift the pivot of the discourse from “Constitution” to “Democracy”.

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There are two long-term dangers to the overreliance on the Constitution as the central narrative. The first is political. If those raising the slogan today come to power, they would find it difficult to pursue the structural changes necessary for democratic repair. Any attempt to redesign constitutional structures and institutions, however justified, would risk the charge of hypocrisy. Having opposed constitutional change while in opposition, they would be accused of undermining it once in office. They might also face the slogan “Samvidhan khatre mein hai.”

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The second is intellectual. An overemphasis on the Constitution risks stifling critical engagement with it. After all, constitutional provisions were used to enable the imposition of Emergency, legitimise central executive dominance, and allow repeated rights violations. In light of what the country has experienced over the past 75 years, a critical, reflective engagement with the Constitution is not only desirable, it is essential. But such a critique becomes difficult when the Constitution is treated as a flawless relic that must be defended at all cost.

Any discourse rooted in democracy is politically sharper. It is far harder for incumbents to deflect an opposition narrative grounded in loktantra. The government is, no doubt, elected constitutionally and acts largely within formal constitutional bounds. But that is precisely the issue: Constitutional form is being used to mask democratic erosion. The Constitution remains intact, but democracy appears to be backsliding. This distinction is crucial. The battle today is not for the Constitution in the abstract. It is for democracy itself.

The writer teaches law Jindal Global Law School. He was the 2023-24 Fox International Fellow at Yale University and Melbourne Law School

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