

A CRITICAL ASSESSMENT OF THE WORKING OF DEMOCRATIC INSTITUTIONS IN CONTEMPORARY INDIA

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ABSTRACT

The democratic theory postulates that conditions like extreme poverty, illiteracy, unemployment, and regional disparities hinder the working of democracy. In contrast, India has preserved its democratic system amid prejudices since its independence. However, in recent years, the law-making process in the country falls short of its democratic nature. Apparently, India has deemed to backslide from elected democracy to elected autocracy. Despite being endowed with universal suffrage, solidified democratic political structures, widespread education, increasing political participation, and an ongoing trend towards decentralization, autocratic forces are getting sway over the democratic spirit. Is this implication of the failure of the political institutions of India's liberal democracy to check governmental excesses? Against this backdrop, the present paper seeks to ascertain the working of democratic institutions in the current scenario of the country. It can be concluded that political institutions are going through an enduring crisis of autonomy, expertise, and rationality. Liberal democracy must focus on creating an enlightened and virtuous citizenry which is critical to good governance and progressive society.

KEY WORDS: Electoral democracy, Elected autocracy, Civil society, Liberal democracy

INTRODUCTION

Evolving in the modern era, the Constitution of India has embraced the core ideas of the European Renaissance, the America Independence, and the French Revolution underlying the governance framework of the modern nation-state. Its affirmation of the liberal democratic values of liberty, equality, justice, and fraternity demonstrates the essence of the constitution which lies in upholding the dignity of its citizens and ensuring freedom of equality among them (Acharya, 2021). The constitution has not only laid down a democratic framework of governance but has also been deemed to act as a typical harbinger as well as an enabler of democratic values and practices. Therefore, a democratic polity owes a lot to the constitution in keeping up its essence in toto. In the contemporary period, India holds the credit of being a mature democracy in the international community. The adoption of the modern form of democratic institutions and practices has endorsed inclusivity and equality of participation in governance and in shaping the development trajectory of the country. The strict adherence to liberal democratic principles as reflected in the constitutional guarantee of freedom and equality has furthered democratization in the country. In addition, the regular conduct of free and fair elections at three-tier levels and the steady increase in the voting participation rate coupled with the growth of the regionalism-driven multi-party system has

inferred that the supremacy of the people's will has been quite affirmed (Gaub, 2009).

Yet, democracy, if left unrestrained, has its innate loopholes from which no political system embracing it escapes. The "Democracy Reports 2022 and 2026," published by the V-Dem Institute at the University of Gothenburg (in Sweden) suggests that India is undergoing a process of autocratisation and as such on the liberal democracy index (2026), its rank is 105th among 179 countries. As per the latest report (2026), since 2009, India has steadily dismantled democratic institutions through autocratisation. As the reports reveal, toxic polarization is one of the primary drivers of erosion in democratic values and an increase in autocratisation both at the national and global levels (Boese et al., 2022; Nord et al., 2026). Moreover, the hegemony of autocratic forces over the democratic nature of the Indian polity is evidently the manifestation of the failure of the political institutions comprising the parliament, the executive, the judiciary, the media, and civil society in checking the surge of authoritarian tendencies. It is worth mentioning here that political institutions are of intrinsic importance to the successful operation of democracy. The failure and weakening of political institutions in maintaining constitutional values would render weakness of democratic polity as well. In this context, it is imperative to assess the current status of the working of these institutions in light of India's grading as an electoral autocracy.

ROLE OF THE LEGISLATURE IN INDIAN DEMOCRATIC POLITY

Democracy in India operates within the edifice of parliamentary politics. The resolution of public problems through constructive dialogue and deliberations in parliament not only yields mutual respect among members but also exemplifies the epitome of political behaviour to the people watching over it through live telecast. However, the higher visibility of parliament along with its more popular and representational character has heightened the cognizance of India as a more populist democracy, than a constitutionalist democracy (Beteille, 2017). Its members enjoy distinctive democratic legitimacy as they come through direct elections. Moreover, in parliamentary politics, the fusion of legislative and executive powers as well as the popular and representational character of the parliament gives its members, especially those who are on the side of the government, the unconditional leverage to exercise powers often arbitrarily.

As observed over the years, there occurred a fundamental change in parliamentary politics, which has in turn brought about critical changes in the democratic polity. Even though the parliament has been more representative and democratic in its composition drawing members from a wider range of castes and classes than before, it has been going through an enduring crisis of institutional proficiency. Parliamentary democracy in India seems to operate through the rule of numbers, not by the principle of rule of law. Indeed, the preponderance of the rule of numbers has caused disregard for the rule of law in the political process with backlashes on individual liberty and rights. The elevated electoral democracy has rendered the elected, popular government to invariably engage in mustering adequate numbers for its survival for which it is often compelled to resort to manipulation and coercion. Moreover, with the ascendancy of coalition politics, the calculation of numbers has become more important than ever. Both the government and the opposition indulge in addressing party politics issues at the cost of public welfare-related issues. This creates a sense of India's liberal democracy turning into a party's democracy instead of a people's democracy. Again, the rising instances where the executive tends to bypass the parliament through ordinances, avoiding discussion on bills and sending them to the committees, etc., create an impression that the parliamentary system is sooner or later to be replaced by the cabinet system or the prime ministerial system (Singh & Saxena, 2021).

Nevertheless, the government with the backing of popular support tends to deviate from the prescribed rules and procedures in the name of protecting general interests. This tendency is called authoritarian or populist tendencies which have been a common feature of Indian politics since the 1970s.

Its repercussion has been in terms of frequent, arbitrary imposition of the president's rule in the states run by a party other than the party in power at the Centre. It is the judiciary that has intervened in order to check the unbridled powers of the government. The recent incidents of judicial intervention include overturning of the proclamation of the President's rule in the states like Uttarakhand, Arunachal Pradesh, declaration of the 99th Constitutional Amendment Act and the National Judicial Appointment Commission (NJAC) law as ultra-virus of the constitution, striking down the Tribunal Reforms (Rationalisation and Conditions of Service) Ordinance of 2021, etc. The irony is that the government brought back the repudiated ordinance in the form of the Tribunal Reforms Act without allowing parliamentary debate in the house (Nandan, 2018; Rajagopal, 2021). Such reiterative judicial intervention in reviewing the action of the government in the arena of law-making and policy decisions through the application of its power of judicial review and activism has rendered the development of a particular phenomenon that is the "judicialization" of politics¹. This phenomenon unveiled the decline in the competence of parliament and executive as well as their fragility in upholding rule of law and constitutional propriety. On the other hand, the Judiciary has often been reprimanded for indulging in excessive Judicial activism and acting as super-legislature. Besides, the emergence of regional parties as new political forces and the subsequent onset of coalition politics along with the gradual erosion in the dominant position of the Congress party has brought about heterogeneity in the membership of the house. Although, this changed pattern in the composition of the parliament has transformed the parliamentary culture into a more democratic and inclusive one, at the same time rendered the house to be a fitting stage for hue and cry (Rajagopal, 2021)

As seen, the 15th Lok Sabha (2009-2014) holds the record of the least productive Lok Sabha ever with 40% of the total time lost to disruption. Similarly, the 16th Lok Sabha had the second-lowest hours of work done compared to other full-term Lok Sabhas. It worked for a total number of 1,615 hours which is 20% more than the 15th Lok Sabha and 40% lower than the average of all full-term Lok Sabhas (2,689 hours). Indeed, there has been a constant increase in the time lost due to disruptions in the last five Lok Sabhas. In the last 15 years, the time devoted to the legislative business and discussion of bills in both houses has been reduced. While in the 1950s, Lok Sabha met for an average of 127 days and Rajya Sabha for 93 days, this has decreased to 73 days for both Houses in 2011. The creation of departmentally related Standing Committees in 1993 might be a reason for reduced sitting hours of both houses as parliament refers many Bills or issues to these committees for detailed analysis and this work usually happens outside the scheduled sittings of Parliament (PRS Legislative Research,

2019). As widely perceived, the parliamentary processes are superseded and weakened in the name of efficiency, and debates and discussions are viewed as fruitless activities.

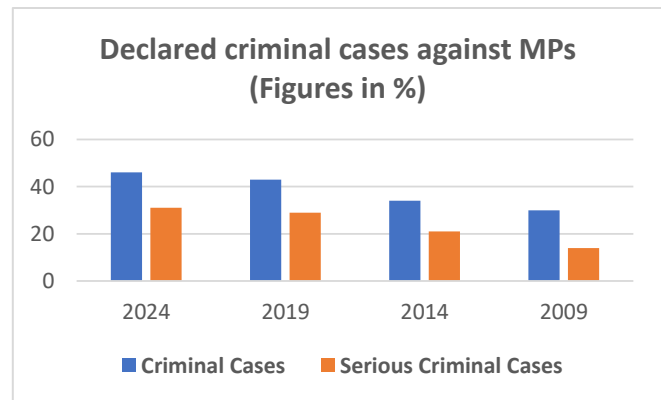
Similarly, the NDA government (2019-2024) has often been critically held for its act of dabbling in parliamentary processes. Mostly, bills are passed hastily without being diligently scrutinized and sufficiently debated in an open forum. The hurried passage of three controversial farm laws in 2019 and the subsequent rise of outrage as reflected through protest and causality caused during a protest has wreaked mayhem risking the life of several people. In addition, whenever any contentious issue is placed in the parliament or state assembly, members often resort to a dharna and obstruct the proceedings of the house. This is the reflection of the failure on the part of both the government and opposition to reach out to negotiation and mutual understanding as supposed from the deliberative perspective of parliamentary democracy. In such an event, when the public is vexed at the deadlock, the government and opposition remain indulged in trading charges against each other without paying any heed to their constitutional duties ("Point of Disorder," 2021). The complete washout of the parliament or assembly sessions reveals that the elected representatives have failed to strictly adhere to the conventions of decorous behaviour. As a result, the increasing rate of disruption accompanied by walkouts and suspension of members has drastically lessened the productive hours in the house.

ROLE OF POLITICAL PARTIES AND PARTY SYSTEM

Our country has harbored a more fractious polity with the free play of many competitive political parties. The replacement of the One-party dominance system of the 1950s and 1960s with the multi-party system and the emerging coalition politics has turned electoral politics more vigorous and all-pervading. The resultant heightened electoral contestation has led to the widening of choices for political opportunists. Subsequently, the practice of switching parties on the eve of an election has been a common phenomenon as the electorate does not view this practice with gravity ("Straws in the wind," 2022). Evidently, political parties, despite playing a vital role in forming the government and setting up the model of governance, are going through an internal democratic crisis with the absence of any periodical in-party election, the opaqueness of the finance and the allegiance to religious or caste ideology and family dynasty. Apart from this, there has been a rapid increase in the criminalization of politics as the parties field many tainted candidates to contest general elections (Sastry, 2020). As revealed by the Association of Democratic Reforms (ADR) Report-2024, around 46% of members of parliament have criminal records in the 18th Lok Sabha. It cannot be ruled out that some of these allegations are politically

motivated, yet it is also true that leaders with serious offenses are being elected to the parliament. The 18th Lok Sabha which was elected in the 2024 elections has experienced an alarming increase in the number of criminal cases against its members since the formation of the 15th Lok Sabha in 2009 with a rise of 55% MP's who are charged with criminal offenses. This pattern is not an unintentional one, candidates who have declared criminal records are significantly more likely to be elected to office than those without, 15.3% successful candidates with criminal records in the 2024 elections and only 4.4% successful candidates with clean records (Mukesh Ranjan, 2024).

Figure 1

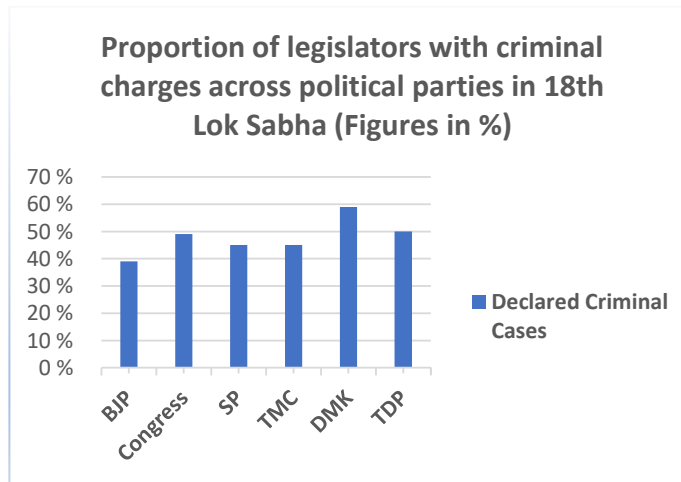


Source: ADR Report-2024

No doubt, parties, and their leaders are solely responsible for the current predicament since they field such candidates and send them to the legislature. Unfortunately, parties are not punished by the public nor effectively debarred from the election by the Supreme Court and Election Commission of India (ECI) for giving tickets to many unscrupulous candidates. Even the introduction of several electoral reforms, initiated by the Supreme Court and ECI including the compulsive nature of asset disclosure and criminal antecedents of candidates, the incorporation of the 'None of the Above (NOTA)' option in the voting machine, and the removal of the statutory protection of convicted legislators, etc., have not been a deterrent to the infiltration of criminals into parliament and assembly (Correspondent, 2020). The following figures 2 and 3 show the proportion of legislators with criminal charges across the parties in the 18th Lok Sabha. It is revealed that among all political parties, the BJP, while winning the most seats (240), had the lowest number of its winning candidates with declared criminal cases (39%; 94 of 240). On the other hand, DMK and the Samajwadi Party (SP) registered the highest percentages at 59% (13 of 22) and 57% (21 of 37) of their winning candidates, respectively, who had declared criminal cases. The Congress (49%), TDP (50%), and TMC

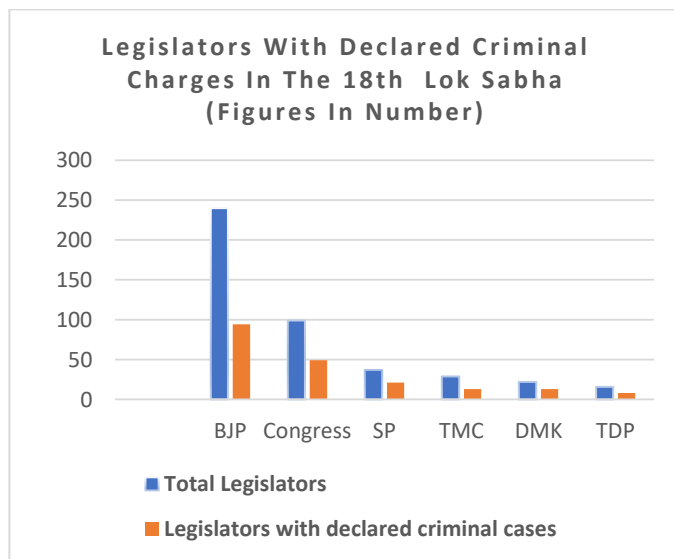
(45%) were at the intermediate level for their declared criminal candidates (Mukesh Ranjan, 2024).

Figure 2



Source: ADR Report-2024

Figure 3



Source: ADR Report-2024

Even, the reliance on money power and muscle power has been increased by the political parties to make their candidates win the election. In the case of a hung assembly or hung parliament, parties use money power to buy MLAs or MPs which makes the mockery of the electoral outcome and shows the persisting collusion of the politicians with the wealthy, the powerful, and the crooks. As such, electoral politics has been tainted with criminality for which one party or the other is not to be blamed but the entire party system. Since,

politics reigns everywhere, be it bureaucracy, media, civil society, business, religion, other aspects of social life etc., as such criminalization of politics tends to inflict adversely on these institutions of society as well as the governance process. This further results in a decline in the quality of governance despite more focus being given to infrastructure efficiency and structural capability (Correspondent, 2020).

Over the decades, the country has been a witness to a fierce electoral battle across the three-tiers of governance. In such intense electoral competition, the parties leave no stone unturned to win and capture power. Again, the electoral support of a party comprises both mass support as well as the support of the corporate sector. Hence, once a party comes to power, its leaders remain occupied in striking a balance between the interest of the investors as well as of the masses. However, it is often observed that the balance is often tilted in favour of the former at the cost of the latter. Furthermore, the defeated parties, disrespecting people's mandate, attempt to grab power through backdoor machination like horse-trading practices. Such flaws in electoral democracy results in the weakening of constitutional and democratic institutions in the country (Pollmann & Purohit, 2019).

ROLE OF MASS MEDIA

Indian democracy has conceded a fair degree of freedom to the mass media. The presence of free and active media helps in capturing the acts of irregularities or misconduct in society and bringing them to the notice of people that subsequently put the government under public scrutiny. The proliferation of private TV news channels has given wide coverage to the acts of politicians to cater to the needs of consumers. It is generally assumed that the live telecast of parliament or assembly proceedings contributes to increasing disruption in the house incentivizing MPs to showcase disruptive behaviour to gain more publicity, even if it is bad publicity as it is better than no publicity. The news media channels driven by profit do not always maintain neutrality, as evidently, some news channels act as the spokesperson of the government, and some others aim at targeting it, deviating from their desirable track of presenting the fact in its pristine form to the public. Even the media houses base their debate shows on caste or religious lines for the political gains of some parties. As such, the fourth pillar of a democratic polity is not escaping from politicization and communalism (Thangapandian, 2020).

ROLE OF CIVIL SOCIETY

A healthy, proactive, and vigilant civil society is a prerequisite for the proper functioning of democratic institutions. The rightful limits of state powers can be maintained through a vibrant, pro-people civil society. The civil society in India's liberal democracy primarily comprises two

groups of people, the active citizen group, and the mob group or Andolanajeevi (Bhargava, 2022). The constitutional guarantee of political and civil liberties has enabled people to act as active citizens groups to remain vigilant about the misuse of power, and create awareness among the rest of society about political affairs and public duties. Such groups raise and defend issues of common interest in the public domain, thereby exercising restraint on the erring politicians. The growth of civil society activism particularly since the 1990s has brought about a series of pro-people legislative policies like MGNREGA, Right to Information, Forest Rights Act, Right to Education, National Food Security Act, etc., that have further deepened democracy. At the same time, the country has witnessed the rise of a new and rampant mob to power which has brought many challenges to a liberal democratic society. This mob group is engaged in activities like dividing electorates on communal lines, spreading hatred against the opponents and transforming hatred into physical violence, intimidating common people, politicizing social conflicts, and generating civil unrest, mob outrage, lynching, etc. The growing trend of toxic polarization in society can be attributed to the active presence of this group. If even, after 75 years of independence, the politics of the country seems to be largely underpinned by caste ideologies or religious considerations, this group has a notable role in the prolongation of this practice by manipulating people. Their dominance in politics by virtue of patronage also makes the governance process more undemocratic and turns the principle of fraternity into a sham. While liberal democracy claims political parties and media as part of civil society as well as the vital link between the state and civil society, in the current scenario, these institutions have been turned into mere parts of the ideological state apparatus as Marxists view. Consequently, illiberal features of India's liberal democracy have been mounting day by day. To restrain the growth of such fissiparous tendencies in society, liberal democracy must focus on creating an enlightened and virtuous citizenry ("In conjunction," 2022).

RECOMMENDATIONS AND CONCLUSION

As observed, the ever-growing inclination towards realizing the virtues of electoral democracy instead of constitutional democracy has circumscribed democratic affairs to mere party politics affairs. The developments like increasing voters' participation, the rising exercise of freedom to form associations and propagate competing interests and policies, increasing civil society activism, and the operation of a free and lively media, have all demonstrated the substantial degree of democratic consolidation and procedural institutionalization. Unfortunately, this is only one part of the reality of democracy in India. Another part is the increasing incidences of the criminalization of electoral and party politics, social and political fragmentation, communal riots, caste-based atrocities,

lynching, etc., which reflects the paralyzed state of Indian democracy and limited progress in attaining substantive democracy. It can be concluded that political institutions are going through an enduring crisis of autonomy, expertise, and rationality. Furthermore, the judiciary-driven public welfare due to the growing judicial activism clearly demonstrates the decline in parliamentary and executive proficiency. Yet, the shrinkage of parliament is not a good sign for the electoral democracy of India. The sanctity of parliament must be preserved in order to give due adherence to the rule of law and constitutional morality as the foundational principle of Indian democracy. The measures like provision of training for parliamentarians, fixing time for budgetary procedures, a fair ombudsman, public scrutiny, and a code of conduct for legislators, etc., are required to be embraced for this purpose. In addition, political parties are required to be brought under constitutional regulation as well as initiatives should be taken to de-communalize parties.

NOTES

¹ The concept 'Judicialization' of politics has been enunciated by Singh and Saxena (2021) in reference to the enormous expansion of judicial review and activism as prompted by the decline of parliament and executive efficacy.

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