

Constitutional Democracy, Hindutva Ideology and The Struggle for Social Justice

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I. INTRODUCTION: A CONSTITUTION UNDER STRAIN

Indian civil society faces serious challenges when constitutional institutions, democratic freedoms and the rights of marginalized communities come under threat and sustained pressure. The Constitution of India establishes a democratic framework founded on justice, liberty, equality and fraternity. Any attempt whether political, ideological or institutional to undermine these principles deserves careful scrutiny and democratic resistance. Hence, we find agitations everywhere.

Social activist Ms. Medha Patkar has repeatedly emphasized the responsibility of citizens to defend constitutional values, particularly when those in positions of authority fail to uphold them. The fundamental question before Indian citizens is therefore not merely who governs the country, but whether governance remains faithful to the constitutional promise of “We, the People of India.”

Concerns have been raised in recent years about the weakening of republic and constitutional safeguards. The centralization of political power and restrictions on dissent are unprecedented. The treatment of minorities and marginalized communities by the ruling power is partial. The increasing influence of majoritarian political narratives is seen vividly. These developments make it necessary to revisit the ideals on which the Republic was founded.

II. THE CONSTITUTIONAL VISION OF INDIA

The Preamble provides the foundational vision of the Indian Republic. It declares India to be a Sovereign Socialist Secular Democratic Republic and promises its citizens:

1. Justice social, economic and political;
2. Liberty of thought, expression, belief, faith and worship;
3. Equality of status and opportunity; and
4. Fraternity assuring the dignity of the individual and the unity and integrity of the nation.

These principles are not merely ceremonial declarations rather they provide the moral and constitutional framework within which the institutions of the Republic are expected to function. The Constitution also guarantees fundamental rights, including equality before the law, freedom of speech and expression, protection of life and personal liberty, freedom of religion and the right to constitutional remedies. Its Directive Principles of State policy (DPSP) further establish the responsibility of the State to promote social and economic justice. The challenge, therefore, is to ensure that constitutional democracy exists not merely in law but also in the everyday experiences of India's citizens.

Ambedkar's Three Warnings

On 25th November 1949, Dr. B. R. Ambedkar delivered his final speech to the Constituent Assembly. His reflections remain particularly relevant to debates about democracy today.

First, Ambedkar warned against abandoning constitutional methods. When constitutional avenues for achieving social and economic objectives are available, he argued, resorting to unconstitutional methods amounts to what he famously described as the “Grammar of Anarchy.”

Second, Ambedkar warned against hero-worship in politics. Drawing upon John Stuart Mill's caution, he argued that citizens should never surrender their

liberties to even a great political leader or place institutional power in the hands of an individual who might eventually undermine democratic institutions.

Third, Ambedkar insisted that political democracy could not survive without social democracy. Political equality on paper means little if caste, gender and economic inequalities continue to determine people's actual opportunities and social status.

These three warnings not adhering to constitutional methods, rejection of political hero-worship and the pursuit of social democracy remain essential to the health of the Indian Republic.

III. POLITICAL DEMOCRACY AND THE REALITY OF SOCIAL INEQUALITY

India has achieved significant constitutional and electoral progress, yet social inequalities remain deeply rooted. The constitutional reservation system has enabled members of historically marginalized communities to occupy positions of political leadership. Nevertheless, political representation alone does not necessarily guarantee social equality. In many places, elected representatives belonging to Scheduled Castes or Scheduled Tribes continue to confront entrenched existing social hierarchies and discrimination.

Gender inequality presents another dimension of this problem. Although women participate extensively in India's political, economic and social life, patriarchal structures continue to restrict equal participation and leadership in many spheres. Women continue to face subjugation and discrimination.

Ambedkar's idea of social democracy therefore remains unfinished. Democracy requires more than political representation in elections. It requires ensuring dignity, equality, participation and freedom from social domination.

The Debate over Constitutional Nationalism and Majoritarian Politics

A central concern raised by critics of the BJP and the RSS is whether the political project associated with *Hindutva* is compatible with India's constitutional commitment to secularism and democracy. In fact, both secularism and democracy are considered to be an unwanted element in *Hindutva* politics. Hence, every attempt is made to make them dysfunctional and redundant.

The Rashtriya Swayamsevak Sangh (RSS) and the Bharatiya Janata Party (BJP) are distinct organizations and should not be treated as identical. Nevertheless, critics frequently examine their ideological relationship and the influence of *Hindutva* thought on contemporary Indian politics. The issue becomes particularly contentious when political rhetoric is perceived as privileging one religious or cultural identity (Hindu) over the pluralistic citizenship guaranteed by the Constitution of India.

A democratic republic cannot be reduced to majority rule alone. Constitutional democracy requires the protection of minorities, dissenters and vulnerable communities even when their views are unpopular.

IV. THE RSS AND THE QUESTION OF MANUSMRITI

The debate over *Manusmriti* is not new. Soon after the Constitution was adopted, the RSS publication "Organizer" criticized the Constitution for failing to sufficiently reflect ancient Indian legal traditions and referred favorably to *Manusmriti*. M. S. Golwalkar also expressed criticism of the Constitution in "Bunch of Thoughts", arguing that it drew heavily upon Western constitutional models and lacked an indigenous national philosophy, meaning Hindu philosophy.

These historical statements are frequently cited by critics who argue that sections of the Hindu nationalist movement have historically viewed the Constitution with suspicion.

However, the historical record also requires careful distinction between criticism of the Constitution, advocacy for Hindu cultural traditions and an actual organizational programme to replace the Constitution with *Manusmriti*.

V. SAVARKAR AND THE STATUS OF MANUSMRITI

V. D. Savarkar expressed a highly favorable view of *Manusmriti* and its importance within Hindu social and cultural traditions. His writings are consequently significant to discussions about the intellectual history of *Hindutva*. At the same time, it is important to distinguish between the historical admiration of *Manusmriti* expressed by individual Hindu nationalist

thinkers and the present constitutional status of Indian law.

India's legal system is governed by the Constitution and legislation enacted within the constitutional framework. *Manusmriti* has no status as the Constitution or as a source of supreme law in contemporary India. The important question, therefore, is whether particular political or social practices are compatible with constitutional principles not simply whether historical figures praised an ancient text.

Manusmriti and the Question of Caste

The *Manusmriti* contains passages that prescribe a hierarchical social order based on *varna* and passages that impose different duties and punishments upon different social groups. Several verses cited in debates about *Manusmriti* prescribe subordinate roles for *Shudras* and distinguish their treatment from that of the so-called “twice-born” groups. Other passages provide unequal legal treatment according to social status.

Such provisions are fundamentally difficult to reconcile with the constitutional principles of equality before the law, non-discrimination and equal citizenship.

The Constitution explicitly rejects untouchability through Article 17 and establishes equality as a foundational principle. The contrast between a hereditary social hierarchy and constitutional equality is therefore central to the debate.

Manusmriti and Women

Manusmriti also contains passages concerning women's dependence upon male relatives and their prescribed roles within the family. Verses such as *Manusmriti* IX.2 and IX.3 have often been cited by critics because they describe women as requiring male guardianship at different stages of life. Whether or not these passages accurately represented the social practices of every historical period, they provide an important basis for questioning attempts to present *Manusmriti* as an ideal legal framework for a modern democratic society.

The Indian Constitution, by contrast, guarantees equality and prohibits discrimination on grounds including sex. Modern constitutional citizenship is based on individual rights rather than hereditary status or gender-based guardianship.

VI. THE MAHAD SATYAGRAHA AND THE BURNING OF *MANUSMRITI*

The historical opposition to *Manusmriti* is closely associated with Dr. B. R. Ambedkar's struggle against caste oppression. On 25 December 1927, during the Mahad Satyagraha, *Manusmriti* was publicly burned by Dr. B. R. Ambedkar and his supporters as a symbolic rejection of the caste hierarchy and social discrimination that they associated with the text. The event remains significant in Dalit history because it represented a rejection of religiously sanctioned social inequality and an assertion of human dignity. Dr. B. R. Ambedkar's later constitutional work provided a radically different framework: equal citizenship, fundamental rights, social justice and constitutional remedies.

Religious Freedom and Anti-Conversion Laws

Religious freedom is guaranteed by Article 25 of the Constitution, subject to constitutional limitations concerning public order, morality and health.

The introduction of state-level laws regulating religious conversion has generated considerable controversy. Critics argue that some such laws can be used to interfere with individual religious choice and interfaith relationships. Supporters, meanwhile, argue that legislation is necessary to prevent conversion through coercion, fraud or improper inducement.

The Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021, which followed the 2020 ordinance, illustrates this continuing controversy. The constitutional question is ultimately one of balance: how can the State prevent coercion and fraud without unduly restricting an individual's freedom of conscience, religion and personal choice?

The Politics of “Love Jihad”

The phrase “Love Jihad” has been used by Hindu nationalist organizations and political actors to describe an alleged organized campaign in which Muslim men purportedly seek to convert Hindu women through romantic relationships. Critics regard the term as Islamophobic and argue that it can stigmatize interfaith relationships. Supporters contend that laws addressing fraudulent or coercive conversion are legitimate. Whatever position one takes, allegations concerning individual relationships must

be examined through evidence and due process rather than collective religious suspicion.

UAPA, Dissent and Civil Liberties

Another major area of constitutional concern is the Unlawful Activities Prevention Act (UAPA). The law was enacted to address threats to India's sovereignty, security and integrity. However, civil liberties organizations and human-rights advocates have criticized aspects of its application, particularly the prolonged detention of accused persons and the difficulties involved in obtaining bail. The constitutional principles involved include equality before law under Article 14, freedoms protected by Article 19 and the right to life and personal liberty under Article 21.

A democratic State unquestionably has a duty to protect its citizens from terrorism and serious threats to national security. At the same time, national security legislation must operate within constitutional safeguards. The protection of security and the protection of liberty cannot be treated as mutually exclusive objectives.

VII. STAN SWAMY, ARNAB GOSWAMI AND THE QUESTION OF EQUAL JUSTICE

The contrasting legal experiences of Fr. Stan Swamy and journalist Mr. Arnab Goswami became symbols of a broader debate about equality before the law.

Fr. Stan Swamy, a Jesuit priest and human-rights activist, was arrested in connection with the Bhima Koregaon case and prosecuted under the UAPA. He was 84-year-old and suffered from Parkinson's disease. His request for a sipper cup because of difficulty holding a glass became a widely discussed example of the humanitarian concerns surrounding his imprisonment. Fr. Stan Swamy died in custody as a convict in July 2021 while his legal proceedings were still ongoing.

Mr. Goswami, meanwhile, was arrested in 2020 in a separate case concerning alleged abetment of suicide. The Supreme Court granted him interim bail, and Justice D. Y. Chandrachud emphasized the constitutional court's responsibility to protect personal liberty.

The comparison generated an important public debate: Should constitutional protection of personal liberty operate equally for every citizen, regardless of political influence, profession, ideology or social status? The principle itself is uncontroversial. Constitutional rights must belong to everyone. The difficult question is whether India's institutions consistently apply those principles without discrimination. Law enforcing authorities cannot be partial.

Article 32: The Heart of Constitutional Remedies

Dr. B.R. Ambedkar famously described Article 32 as the “very soul” of the Constitution. Article 32 empowers citizens to approach the Supreme Court for enforcement of fundamental rights. It provides remedies including *Habeas Corpus*, *Mandamus*, *Prohibition*, *Quo warranto* and *Certiorari*.

This provision is particularly important because constitutional rights would be considerably weaker if citizens lacked an effective mechanism to enforce them. The protection of personal liberty must therefore not depend upon a person's social standing, political connections, profession or popularity. The credibility of constitutional democracy ultimately depends upon equal access to justice.

Dissent Is Not Treason

One of the most serious dangers to democracy arises when legitimate dissent is automatically equated with anti-national activity.

A constitutional democracy requires disagreement. Citizens must be able to question governments, challenge policies, organize peacefully and criticize public institutions without automatically being treated as enemies of the State.

This protection is especially important for journalists, academics, students, human-rights defenders, activists and members of marginalized communities. It is saddening to hear from our PM Modi during his 80th Independence Day address from the Red Fort on 15th August, 2026. He warned against what he termed “Dimagi Naxals”.

At the same time, freedom of expression is not unlimited. Wilful incitement to violence and other criminal conduct can legitimately attract legal consequences. The challenge is ensuring that criminal

law is not transformed into an instrument for silencing peaceful political disagreement.

VIII. THE CONSTITUTION VERSUS CASTE HIERARCHY

At the heart of the debate is a fundamental difference between two visions of social order. A hereditary caste hierarchy assigns individuals a social position based largely upon birth. Constitutional democracy, by contrast, recognizes every citizen as an equal bearer of rights.

The Indian Constitution therefore represents a profound transformation of the traditional social order. It seeks to replace inherited privilege with equality, legal rights and democratic citizenship.

For Dalits, Adivasis, women and religious minorities, constitutional protections are not abstract principles. They are safeguards against discrimination and exclusion. This is why any political or ideological movement that appears to subordinate constitutional equality to religious or hereditary hierarchy deserves sustained democratic scrutiny.

IX. DEFENDING THE CONSTITUTIONAL REPUBLIC

The future of Indian democracy cannot be secured by any single political party, religious community or social group. It requires citizens and institutions committed to constitutional principles.

Final warning of Ambedkar:

He said, citizens must use constitutional methods, resist political hero-worship and work toward genuine social democracy. India's constitutional promise is larger than the interests of any government. It belongs to every citizen.

The appropriate response to threats against constitutional democracy is therefore neither political violence nor blind allegiance. It is constitutional vigilance, democratic participation, independent institutions, freedom of expression, social justice and equal citizenship.

The Constitution should neither be treated as a sacred object beyond criticism nor reduced to a political instrument. It should be defended through the principles it embodies: justice, liberty, equality and fraternity.

X. CONCLUSION

The Constitution as India's Common Ground:

The central question facing India is not simply whether *Manusmriti* should replace the Constitution. It is whether the principles of constitutional democracy will remain stronger than caste hierarchy, religious majoritarianism, political authoritarianism and institutional inequality.

The answer ultimately depends upon India's citizens: "We, the People of India" are the source of constitutional authority. The responsibility to protect the Republic therefore cannot be delegated entirely to governments, courts or political parties. Citizens must remain vigilant whenever constitutional rights are threatened whether the victims are Dalits, Adivasis, religious minorities, women, farmers, journalists, activists, students or political dissenters.

India's Constitution provides the common democratic framework within which people of different religions, languages, castes, cultures and political convictions can live as equal citizens. The Constitution is not the possession of one political party. It belongs to the people of India. Its protection is therefore a democratic responsibility shared by all. The enduring task is to transform constitutional promises into social realities and to ensure that democracy remains of the people, by the people and for the people.

REFERENCES

- [1] B. R. Ambedkar, *Constituent Assembly Debates*, Nov. 25, 1949. Constituent Assembly of India.
- [2] B. R. Ambedkar, *Constituent Assembly Debates*, Nov. 25, 1949, "Speech on the Constitution and constitutional methods." Constituent Assembly of India.
- [3] *Constitution of India*, 1950. Government of India, Arts. 14, 17, 19, 21, 25, 32, 39, 43, and 243.
- [4] Government of India, *The Constitution of India*. Ministry of Law and Justice, Legislative Department.
- [5] M. S. Golwalkar, *Bunch of Thoughts*. Bangalore, India: Sahitya Sindhu Prakashana, 1996.
- [6] *Manusmriti*, in F. Max Müller, Ed./Trans., *The Laws of Manu*. Delhi, India: LP Publications. Original English translation first published in 1886.

- [7] V. D. Savarkar, *Savarkar Samagar*, vol. 4. New Delhi, India: Prabhat.
- [8] *Organiser*, "Constitution," editorial, Nov. 30, 1949.
- [9] Supreme Court of India, *Arnab Manoranjan Goswami v. State of Maharashtra & Others*, order dated Nov. 11, 2020.
- [10] Supreme Court of India, *Constitution of India: Article 32 and Fundamental Rights*.
- [11] Government of Uttar Pradesh, *Uttar Pradesh Prohibition of Unlawful Conversion of Religion Ordinance, 2020*, 2020.
- [12] Government of India, *The Unlawful Activities (Prevention) Act, 1967*, as amended.
- [13] B. R. Ambedkar, *Proceedings and Historical Accounts Associated with the Mahad Satyagraha and the Burning of Manusmriti*, Dec. 25, 1927.
- [14] M. Patkar, *Public Statements and Writings Concerning Constitutional Rights, Displacement, Social Justice and Democratic Participation*.