

August 5, 2024

How Good was Defence of Constitution as a Campaign Issue?

By: Kesava Menon

Reservations and voting rights are crucial gains that need to be protected and used to fight social inequality in India. While people are aware of their constitutional rights, the challenge is to inspire them to actively defend these rights, which aim to lead them to a better future.

In the weeks since the result of the Lok Sabha election was announced, there seems to be a collective sense that livelihood issues were pivotal to the outcome. So the Bharatiya Janata Party (BJP) won in constituencies where the majority believed its claims and promises on development, while losing in places where most people felt otherwise. So, did the Indian National Developmental Inclusive Alliance (INDIA) bloc's call to the electorate to rally in defence of a Constitution, which was under threat, fail to resonate?

To go by the manner in which the BJP upped its “whataboutery” and highlighted the Congress' record during the Emergency after the campaign, it was obviously wounded by the INDIA bloc's thrust. Though the counter-attack did not fully divert focus from the BJP's own record, the issue of which side poses a greater threat to democracy got obscured amid the turmoil that marked the opening session of the 18th Lok Sabha. With election analyses having already acquired a tinge of the anachronistic, there is no great urge to return to it. Still, this was the first time since 1977 when Indian voters were asked to show what value they assign to the Constitution. Their response does merit a second look.

For a person from a privileged class such as me, the protection and empowerment conferred by the Constitution are conditions that are taken for granted. At the back of my mind, I know about the Constitution's sanctity. But this is not what looms in my consciousness when my rights are violated. Instead, what gets switched on is the awareness that the bureaucracy/police are led largely by people of my own class. From there I move on to looking at how I can make my connections work for me. Only when this effort hits a roadblock do I look to institutional mechanisms such as the media, civil society, elected representatives, and, finally, the judiciary.

For the less privileged, access to the mechanisms for protection and redress is far less easy or assured. This ought to have bred cynicism about these institutions and it probably has, to some degree. Paradoxically, it also seems to have added strength to the belief that these institutional mechanisms must continue to exist. Perhaps there is an element of the aspirational here—“So long as these institutions exist, I might one day have easier access to them”.

While unaware of any survey or empirical study that bears out such a conclusion, field reports and video clips on social media provide evidence that ordinary people have taken in warnings that formal institutions—especially the electoral and law administering ones—could abandon neutrality. From their responses, it is evident that they are concerned about such matters. Although they might not rally to protect these institutions, attempts made to tamper with their proper functioning are not easily forgiven.

|| No one needs to condescend to teach the masses the importance of the constitutional provisions that allow free debate, prescribe neutrality of public institution or protect the autonomy of the States.

This anti-tampering sentiment can be interpreted as an inclination towards fairness though it need not mean a readiness to fight for justice. For feelings to reach that level, the injustice has to be personal or too blatant to ignore.

With this in mind, how do we figure out what the 2024 Lok Sabha election result indicates about the general public's feelings about the Constitution? On an objective basis, there is no doubt that the Narendra Modi government has tampered with institutions and processes. Parliament, the bureaucracy, great chunks of the judiciary, the media, and the Election Commission of India has been suborned. Distortions of the fairness principle in the political processes, centre-state relations, balance between the Hindi-speaking populations and those from the peripheries, functioning of the economy have all gone far beyond the median range which was customary before. However, even this reality does not support the interpretation that the BJP has been punished for its transgressions of the Constitution. It could well have been given a kick in the pants for ignoring unemployment, inflation, and growing inequality.

Reservation was one issue on which there was convergence between ordinary voters' concerns over their livelihood and their strategic interest in preserving the constitutional order. In this respect, the difference between voting patterns in Uttar Pradesh (UP) and Bihar

might be instructive. Subaltern classes in UP, who perceive themselves as being ruled by an upper-caste dispensation (Thakurvaad is apparently the operative term), took on the belief that they had to consolidate against moves to do away with reservation. In Bihar, which seems destined to be ruled by a subaltern chief minister for the foreseeable future, the threat was not taken as seriously by the classes that benefit from reservation.

As was intended by the advocates of the reservation policy, it is an empowerment measure. Only a small proportion of those eligible for reservation can actually avail themselves of the quotas in education and jobs. But the whole class is empowered when some of their own get educated and gain positions of authority. The promise of the Constitution to accord special treatment to historically exploited classes to reduce inequality has become an entrenched right of the subalterns. They will fight to protect this constitutional promise of expanding equality.

Another entrenched right that the subalterns will in all probability fight to preserve is that of voting to form or remove governments. Universal adult franchise was perhaps the most revolutionary measure the founding fathers inserted in the Constitution. Over the seven decades since, subalterns have learnt how to pool their votes and achieve a multiplier effect. They will not give it up and so it was not surprising that the Election Commission stopped short of carrying the ruling party over the finish line.

These are two important beachheads established on territory where regressive forces remain formidable. The task before Indian progressives is to rally the masses behind other elements of the constitutional scheme. No one needs to condescend to teach the masses the importance of the constitutional provisions that allow free debate, prescribe neutrality of public institution or protect the autonomy of the States. The people know about the protections and empowerments conferred by the Constitution in a general way. What they need to be infused with is an urgency to defend these provisions, which are the guarantees of a better life.

Kesava Menon is a journalist and writer who was earlier Editor of Mathrubhumi.