

Emerging Dynamics of Dissent in Indian Democracy: A Critical Perspective

Bhagyasree Menon C^{1*}

DOI:10.5281/zenodo.16777613


^{1*} Bhagyasree Menon C, Assistant Professor On Contract, Department of Political Science, Devaswom Board College, Thalayolaparambu, MG University, Kottayam, Kerala, India.

India, a democratic nation, prioritizes the welfare and development of its citizens. To ensure this well-being and achieve the comprehensive development of every individual residing within its borders, the Constitution grants various rights. Among these, fundamental rights hold the utmost significance. These rights are essential for the well-being of individuals and serve as the cornerstone for the overall development of Indian democracy. While certain fundamental rights apply exclusively to Indian citizens, the majority extend to all individuals residing in India.

The rights enshrined in the Indian Constitution are crucial for the development of both individuals and the nation. The suppression of any of these rights negatively impacts growth. In contemporary Indian society, several of these rights are being stifled, with the Right to Dissent—protected under Article 19—being particularly vital. The Right to Dissent allows individuals to express differing or opposing views regarding the policies and ideologies of the current government. This right is fundamental to the progress of a democratic nation; its suppression can ultimately threaten the very foundation of democracy itself.

This paper addresses the growing suppression of the right to dissent and the various challenges individuals encounter as a consequence. It examines the current state of dissent in Indian society, analyzing the underlying factors that contribute to this phenomenon and offering potential solutions. Recognizing the significance of this issue, the study utilizes secondary sources and aims to mitigate the negative impact of this suppression on individuals and the nation overall.

Keywords: democracy, dissent, hindu ideology, movements, silencing voices, suppression

Corresponding Author	How to Cite this Article	To Browse
Bhagyasree Menon C, Assistant Professor On Contract, Department of Political Science, Devaswom Board College, Thalayolaparambu, MG University, Kottayam, Kerala, India. Email: sreemenonc9@gmail.com	Bhagyasree Menon C, Emerging Dynamics of Dissent in Indian Democracy: A Critical Perspective. Soc Sci J Adv Res. 2025;5(4):98-106. Available From https://ssjar.singhpublication.com/index.php/ojs/article/view/278	

Manuscript Received
2025-06-17

Review Round 1
2025-07-07

Review Round 2

Review Round 3

Accepted
2025-07-23

Conflict of Interest
None

Funding
Nil

Ethical Approval
Yes

Plagiarism X-checker
4.11

Note



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1. Introduction

The suppression of the Right to Dissent in contemporary Indian society has generated a critical situation that undermines the country's democratic structure. The Right to Dissent, a vital fundamental right, is essential for the development of a nation, particularly in a democracy like India. This suppression adversely affects not only the nation as a whole but also the individuals who reside within it. The Right to Dissent fundamentally involves the expression of opposing ideas, and it is closely linked to the Right to Freedom of Speech and Expression. Consequently, the curtailment of dissent also restricts the freedoms of Indian citizens. This study aims to investigate the primary reasons for this issue and its implications for Indian democracy. Additionally, it will address the growing concerns surrounding this matter and their impact on individuals, while proposing potential solutions to mitigate these challenges.

2. Democracy: Meaning, Evolution, and Development

The term "democracy" is derived from the Greek words "demos," which translates to "people," and "kratos," which means "power." Consequently, democracy can be defined as "the power of the people," representing a system of governance that is fundamentally based on the will of the populace. (Democracy, 2023). Democracy is a well-recognized system, especially in developing countries. It can be defined as a form of government where all citizens possess equal rights to engage in decision-making for the betterment of their society, ultimately aiming to enhance their quality of life. (Law, 2022).

The concept of democracy can be defined in a simple way, with the definition of Abraham Lincon and that is "Democracy is of the people, by the people, and for the people." (Democracy, 2023). Even though this is considered as the important and all-time significant definition for explaining democracy there are also so many other definitions in order to explain the concept of democracy.

Winston Churchill, "Democracy is the worst form of govt. However, it is the best form of govt. till we do not discover the better form of govt." (Admin, 2023)

C.F. Strong defines *democracy as a system of government in which the majority of the adult population participates in politics on the basis of a representative system.*

The evolution of democracy in India can be traced back to its ancient traditions. The idea of self-governing village councils, which existed in early Indian societies, serves as a foundational element of modern Indian democracy. The rise of nationalism further shaped this democratic framework. Throughout the 18th and 19th centuries, there was a notable surge in national consciousness. Influential thinkers such as Raja Ram Mohan Roy and Swami Vivekananda challenged the existing social order, advocating for individual rights, social reform, and a more equitable society. These ideas established the groundwork for a democratic India rooted in the principles of equality and liberty (Gyan Vihar World, 2024). The Indian National Congress and the freedom struggle had a profound impact on the development of democracy in India. Throughout the independence movement, influential thinkers and leaders such as Mahatma Gandhi, Jawaharlal Nehru, and B.R. Ambedkar played vital roles in shaping democratic values. After independence, significant milestones—including the formation of the constitution, the establishment of elections, and the emergence of social movements—continued to enrich the democratic landscape of India (ibid).

Democracy in India continues to thrive, despite various challenges. It is characterized by several key features. India adopts a representative form of democracy with a bicameral legislature at the national level. Drawing from Gandhi's vision, it also embraces a decentralized approach, which can be understood as grassroots democracy.

Indian constitution can be considered an important base for the development and maintenance of democracy in India. With the constitution and the rights enshrined in it, the democracy of India has been maintained up to an extent. Among the rights, the most significant one that is guaranteed to the people of India is fundamental rights. Even though each and every right are important fundamental rights hold an important position in the Indian constitution. According to Jawaharlal Nehru, "A fundamental right should be looked upon, not from the point of view of any particular difficulty of the moment, but as something that you want to make permanent in the Constitution".(The Light of the Constitution - Indian Liberals, 2022).

Dr. B. R. Ambedkar remarked, "The Declaration of the Rights of Man has become an intrinsic part of our mindset. These principles now serve as the unspoken, pristine foundation of our worldview."

Dr. S. Radhakrishnan stated, "It is imperative that we protect the liberty of the human spirit from the overreach of the State. While State regulation is necessary for improving economic conditions, it should not undermine the essence of the human spirit. The declaration we are making today serves as both a commitment to our own people and a pledge to the civilized world." (ibid).

The fundamental rights are enshrined in part 3 of the Indian constitution. Articles from 12 to 32 talk about the concept of fundamental rights. Among these fundamental rights, certain rights are given only to the citizens of India, while most of them are valid for each and every individual residing in India. Among these rights which is the basic notion of India's constitution, the Right to Dissent holds an important position.

3. Dissent: Meaning, Nature, and Evolution

As dissent is considered as the ability to disagree against the government it can be considered as the most important feature of a democratic nation and necessary for its maintenance. As dissent is such a significant concept it can be understood with separate theories. A well-defined political theory of dissent is crucial for illustrating that dissent should be recognized as a positive and constructive element within society. Dissent serves many important functions: it encourages democratic citizenship, strives to eradicate injustices, and has the potential to enhance institutional frameworks while bolstering participatory equality. While dissent is a valuable form of participation, it cannot be entirely institutionalized. Nonetheless, a democratic society must acknowledge and uphold dissent as a fundamental right (Leppanen,2016).

Dissent within a democratic framework challenges the idea that democracy solely functions as a system of representation. Any system of representation inherently involves some degree of exclusion (Benhabib, 2007). This exclusion, by its very nature, denies certain segments of the population a voice in the decisions made by that system. Consequently, there are always viewpoints

that remain unrepresented and silenced. In other words, no democratic system can fully encompass every possible divergent perspective. Dissent serves as a vital channel for expressing these marginalized voices. Thus, the inclusionary aspect of dissent is closely linked to the concept of participatory democracy. (Leppanen,2016).

Dissent arises in response to various forms of injustice that result in negative consequences. For instance, dissenters may be individuals experiencing material, cultural, or identity-based injustices, reflecting a desire to confront the injustices rooted in the institutional structure of society. Moreover, dissent can emerge from disagreements with specific policies, aiming to bring about change. In other words, any idea advocating for a shift in the current state of affairs can be regarded as dissent when articulated. By definition, dissenters are part of the subaltern, as they stand in opposition to those wielding influence (ibid). Dissent serves important purposes within society. One of its primary aims is to challenge and eradicate existing injustices that persist across various institutions. In such cases, dissent is focused on addressing the oppressive elements within society. Often, this leads individuals who oppose certain societal features to band together and form social movements to advocate for change. Iris Young highlights that one key function of social movements is to seek out and realize the potential for emancipation that lies dormant within institutions (Young, 1990).

In such a way, in a democratic country for its well being the concept of dissent has to be followed. It means that dissent is considered a necessary component for the very existence of a democratic nation.

4. Right to Dissent

The Preamble to the Constitution of India guarantees the liberty of thought, expression, belief, faith, and worship. Clauses (a) to (c) of Article 19(1) enshrine the following freedoms:

- Freedom of speech and expression;
- Freedom to assemble peacefully and without arms;
- Freedom to form associations or unions.

These three freedoms serve as essential avenues for expressing dissent.

The rights to freedom of opinion and freedom of conscience rights to freedom of opinion and freedom of conscience inherently encompass the vital right to disagree. Consequently, the right to dissent and to embrace differing perspectives are fundamental to every citizen of the country (Gupta, 2020).

The phrase "let's agree to disagree" succinctly encapsulates the concept of "dissent." Dissent typically involves disagreement, criticism, questioning, or protest against coercive decisions or unjust laws and policies imposed by those in positions of authority. When approached in a constructive manner, peaceful and nonviolent dissent can foster dialogue and open discussions, strengthen democratic principles, address injustices, and challenge oppression. Collective acts of disobedience often pave the way for meaningful social transformation. (Impri et al., 2023).

5. Dissent and Democracy in India; Emerging Dynamics

Dissent plays a crucial role in the development of a democratic country like India. As a nation committed to progress across various sectors, the active participation of its citizens is vital. The right to dissent, enshrined in the fundamental rights of the Indian Constitution, highlights the importance of dissent within Indian society. But during these recent times, the existence of dissent in Indian society is facing more challenges.

Mr. Anand Grover, Senior Advocate at the Supreme Court of India, asserts that constitutionally governed liberal democracies, such as India, must respect dissent and protests, as these are essential components of democracy. In these democracies, the judiciary is responsible for reviewing the actions of both the Legislature and the Executive, and it is required to operate independently of them. Additionally, numerous institutions, including the media, the Election Commission, and scientific or statistical organizations, serve as checks on the Executive and are expected to maintain their independence. Over the past decade, India has experienced what has been referred to as a "democratic recession." This decline has resulted in substantial compromises to the independence of the aforementioned institutions. Moreover, individuals who express dissent, engage in protests or participate in movements opposing the government are not only discouraged from doing so but are often criminalized (SOAS, 2024).

Historically, individuals who spoke out against the colonial system were regarded as political dissenters and often faced imprisonment under the law. However, 75 years after gaining independence from colonial rule, and as we endeavour to embody a democracy that champions liberty and tolerance, our state continues to uphold regulations that stifle dissenting voices (EPW, Engage, 2022). India's political landscape has changed significantly since 2014. The Modi-led Bharatiya Janata Party (BJP), the country's ruling party, is ideologically supported by the RSS (Rastriya Swayamsevak Sangh), a right-wing Hindu nationalist paramilitary volunteer group with millions of members across the country. The change in the ideology of this political party has clearly impacted the dissent voices in India. (Kaul,2023).

The effect and influence of Hindu ideology in India have grown as a result of PM Narendra Modi's recent tactics. Instead of advancing its secular ideology, the ruling BJP has been working to transform India into a Hindu rastra since its ideology is primarily based on Hinduism. In India, this is arguably the main cause of the silence of dissident voices. The suppression of various protests, particularly those that would jeopardize their Hindu rastra agenda, has not only stifled dissent but also upended the fundamental secular underpinnings of Indian society (Thakur, 2021).

Despite inciting violent anti-Muslim sentiment during its first term, the political party was re-elected for a second term in 2019. As a part of the agenda, their further moves during the second term included the repletion, the scrapping of triple talaq, and the demolishing of the Babri Mosque to make way for the Ram temple. These events further solidified the Bharatiya Janata Party's ideology and its efforts to convert India to Hinduism. Despite the fact that demonstrations against these rulings were largely put down, Hindu forces violated the Indian citizens' fundamental right to dissent (ibid).

A documentary named India: The Modi Question was made during these years to reveal the attitude and relationship of PM Narendra Modi with the Muslim groups of India. As it was a two-part documentary, the first part starts with the experience of a British Muslim man who visited his family during the Gujarat riot of 2002. In a further way, it also explains the atrocities and suppressive measures taken over by the government to suppress the rising voices.

The second part of the series explains about the policies and programs initiated by the Modi government and directly explains how their idea has been influencing India to convert it into a Hindu nation (Roy, S 2023). According to opposition politician Shashi Tharoor, "India must have a purely Hindu identity." This basic paradox cannot be ignored by Mr. Modi, but the only way to address it is to disband the very forces that have contributed to his political success. (Tharoor 2020). As the documentary was released in the year 2023, before getting higher attention or circulation the documentary was banned by the Indian government explaining it as "Hostile propaganda and anti-India garbage" and was taken down from most social media platforms. Even though its publisher BBC explained it was released with true data after vigorous study and research the government was not ready to withdraw its ban. In this way, censorship also became a way for the current Indian government in order to silence the dissenting voices existing in India (Roy, S 2023).

Later on, the Citizenship Amendment Act which was passed in the year 2019 can be considered as another threat that was created by this government when the protests were against this issue in Uttar Pradesh it was suppressed by the UP government. As a continuation of this protest, when the students encountered the full power of the party's army of vilification and the state's jackboots. Speaking at a Jharkhand state election rally on December 15, 2019, Modi blew a high-pitched dog whistle. He said that, "Woh unke Kapdon se hi pata chal jata hai" (meaning "they can be identified by their clothes," referring to bearded men wearing skullcaps and women wearing hijabs). Following Modi's example, a senior police official reprimanded a protester, saying, "Go to Pakistan." This illustrates the extent of the corruption in India's institutions as a result of Modi's tacit acceptance of the cancer of religious intolerance (Thakur, 2021).

The Unlawful Activities (Prevention) Act is a legacy of the Britishers that continues to haunt our postcolonial liberal democratic system. In 1908, the Criminal Law Amendment Act first introduced the term "unlawful association" to target the Indian national movement. Ironically, in the post-independence era, the government has utilized similar powers to suppress political dissent through legislation such as the Unlawful Activities (Prevention) Act (UAPA).

Singh 2012. A report by the People's Union of Civil Liberties (PUCL) titled "UAPA: Criminalising Dissent and State Terror" explains that, between 2015 and 2020, less than 3% of arrests made under the strict law resulted in convictions; of the 8,371 individuals arrested under the law, only 235 were found guilty during that time frame (Civicus monitor, 2022). As a result of this, the Universal Periodic Review report of 2022 at the Human Rights Council says that the Indian government has to make comprehensive laws to protect human rights, rather than creating negative impacts on the rights of Indian citizens (ibid). Rather than this act the sedition law is also used against those who are using the dissenting voices.

Not only these incidents but different scenarios explain the situation of the right to dissent in India and the suppression faced by it in the contemporary scenario. The incident of the documentary ban shows how the government has been trying to restrict the right to dissent by suppressing the right to press freedom. Not only these but there are so many instances that try to explain the intrusion of the Indian government in digital platforms to suppress dissenting voices.

6. Dissent and its Effect on Democracy in the Digital Space

In contemporary India, the digital space transcends its role as a mere communication platform; it possesses the capability to significantly influence the functioning of the Indian government through discussions, debates, and the dissemination of information. In 2023, Chief Justice D.Y. Chandrachud noted that the increasing dependence on private, corporation-owned social media platforms by civil rights groups to voice dissent and assert their right to freedom of expression could yield troubling consequences. These unaccountable mega entities are effectively becoming repositories of power, a role that was traditionally held in check by the constitution and the electorate. (The Economist, 2024).

People should have the freedom to voice their thoughts in the biggest democracy in the world, but they are increasingly losing that freedom due to fear of government penalties and mob harassment.

On the questionable grounds that it is "offensive" or "objectionable," attempts have been made in a number of social media-related lawsuits to control or restrict social media information. (Basu & Sen, 2023)

According to the Freedom in the World 2021 Report published by Freedom House, India's status has shifted from "free" to "partly free" regarding internet freedom. The democracy watchdog, funded by the U.S., highlights that civil liberties and political rights in India have been deteriorating since Narendra Modi assumed the role of Prime Minister in 2014, particularly due to growing intolerance towards Muslims and others expressing dissenting views. This trend has intensified since Modi's re-election in 2019. During this period, authorities have increased regulations and oversight of online platforms to control political discourse and stifle dissenting voices (Panwar, 2021). Since 2014, social media has played a crucial role in influencing Indian elections. Platforms such as Facebook, WhatsApp, and Twitter have become key tools for political campaigns and advertising. The ruling central government has effectively harnessed these platforms to strengthen its influence and control while silencing opposing voices in online spaces (Khandhadai, 2021).

Indian state governments, regardless of their political affiliations, have increasingly resorted to internet shutdowns as a means to suppress dissent and create the appearance of decisive action aimed at maintaining law and order. (Kathuria, et.al, 2018). Unfortunately, as is clear on the ground, the Indian government places more importance on maintaining its public image than upholding law and order. Furthermore, these shutdowns disproportionately damage marginalized groups by obstructing access to essential services including healthcare, education, and vital supplies. For instance, Manipur saw horrifying events in early 2023 where women were the targets of unimaginably horrible crimes, such as gang rapes, violent murders, and naked parades. These incidents took place during an 80-day complete blackout of Internet access in the area, which stifled this upsetting information for over three months. (India Today, 2020).

A report from Access Now reveals that in 2020, India was responsible for approximately 70% of the world's internet shutdowns.

Among the most significant instances was the shutdown in Kashmir in 2019, following the abrogation of Article 370 of the constitution, which lasted an unprecedented 213 days. These internet shutdowns have been employed by the current central government as a means of suppressing dissent. Another notable example occurred in 2019 when the government suspended internet and mobile services in response to widespread protests against the Citizenship Amendment Act (Panwar, 2021). During times when the internet is active and not experiencing shutdowns, various social media platforms are often utilized to disseminate misinformation by governments, private individuals, and opposing governments. In India, research suggests that Facebook has emerged as a prominent platform for the spread of hate speech, misinformation, and incitement to violence against Muslims and other minority communities (Khandhadai, 2021).

In recent years, the constant monitoring of individuals through online platforms has become increasingly prevalent. "Being 'watched' is now an integral part of journalism," remarked Sushant Singh, an Indian journalist whose phone was infected with Pegasus spyware in July 2021. Each online platform is scrutinized to track activities and quickly silence any potential dissenting voices or critical attacks. Over the last few years, numerous media organizations have encountered unprecedented levels of surveillance. This represents significant challenges to press freedom because they are not able to showcase what they have or their actual idea. A 2014 report from the Software Freedom Law Center revealed that the Indian government has been known to outsource its surveillance initiatives to private third parties. Some of these companies have even resorted to infecting target devices with malicious software to gain access to sensitive information (Srishti Jaswal, 2023).

In India, online speech has been profoundly impacted by existing laws and regulations that are frequently misused to stifle dissent against the government and its policies. Although the current central government has revised the Indian Penal Code, laws such as the Unlawful Activities (Prevention) Act (UAPA) and sedition remain unchanged. In fact, the government has further strengthened and modernized the sedition law.

Shortly after this revision in 2024, a First Information Report (FIR) was filed against five journalists in Uttar Pradesh concerning their content on social media. They were accused of inciting mob lynching (Williams, 2024).

The IT Acts and their various amendments over the years have played a significant role in the suppression of dissenting voices in India, beyond merely imposing rules and regulations. The amendments enacted in 2018 and 2021, along with the introduction of a new act in 2023, have further empowered the government to intrude into individuals' private lives and silence their voices, reflecting a trend toward authoritarianism.

Following a series of amendments conducted over several years, the IT Intermediary Guidelines (Amendment) Rules, 2018 were enacted. These guidelines aim to prohibit a newly recognized category of information—specifically, content that poses a threat to public health or safety. (PRS Legislative Research, 2018). In the event of such an incident, intermediaries are required to seek assistance from the government within 72 hours and activate a tracing system to identify the originator of the information on their platform. To remove content that threatens public safety and security, intermediaries must utilize technological tools. Once such information is identified, they are also obligated to take down any unlawful content to prevent public access. (ibid). The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, enacted in 2021, represent a significant amendment in this regard. This regulation aims to govern the content on online platforms and specifically applies to online publishers of news, current affairs, and curated audio-visual content. (PRS, 2021). The Digital Personal Data Protection Act of 2023 was established to protect the privacy of citizens' data. This legislation aimed to enhance the protection of individual data and privacy rights. It created a lawful framework for data collection that requires obtaining consent from the individual. However, there are specific circumstances in which consent is not required. These include situations where individuals voluntarily share their data and instances where the state processes data for permits, licenses, services, and other benefits. As a result, the government is able to intrude into the private lives of data citizens and exercise control whenever it wishes, taking advantage of loopholes in these laws and regulations. (PRS, 2023).

7. Conclusion

In recent years, dissent in Indian democracy has increasingly faced suppression from the current central government. This fundamental right to dissent is crucial for the well-being and development of a nation like India; however, individuals expressing dissenting views encounter numerous obstacles. The existing rules and regulations have been altered by the current authoritarian government as part of a broader agenda, which undermines age-old principles such as liberty, equality, fraternity, socialism, and secularism.

The suppression of dissenting voices has escalated across both online and offline platforms. To address this concerning trend in contemporary India, the intervention of the judiciary—as an independent entity—should be considered to safeguard citizens' rights. Unnecessary amendments that diminish the credibility of laws and regulations can be alleviated through an effective system of checks and balances, coupled with judicial activism. Furthermore, reforming the central government or fostering a robust opposition can help address this pressing issue.

Ultimately, confronting the authoritarian tendencies of the current central government is of paramount importance. The persistent nature of this situation not only threatens India's development but also jeopardizes the integrity of its democracy.

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