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We, The People, in a Digital World: Revitalising Constitutional Ethos in Electoral Democracy

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ABSTRACT

This paper examines how the constitutional ethos of India, rooted in justice, liberty, equality and fraternity, faces unprecedented challenges in an era dominated by digital communication, algorithmic influence, and artificial intelligence. As India marks seventy-five years of its constitutional journey, the author explains that the vitality of electoral democracy depends not merely on procedural mechanisms but on the ethical foundations envisioned by the framers. Drawing from key Supreme Court judgments, including Indira Nehru Gandhi v. Raj Narain, K.S. Puttaswamy v. Union of India, and Shreya Singhal v. Union of India, this study explores how constitutional morality, voter autonomy, and democratic integrity are being reshaped by digital disruptions. The paper further examines the growing influence of misinformation, deepfakes, micro-targeted political advertising, and algorithmic bias, demonstrating how these phenomena undermine informed consent, distort political competition, and erode public trust. The author explains that such manipulative digital practices pose a direct threat to the constitutional promise of free and fair elections, recognised as part of the basic structure of the Constitution. By analysing institutional vulnerabilities and emerging patterns of digital political behaviour, the paper highlights the widening gap between traditional electoral safeguards and contemporary technological realities. Additionally, this research evaluates the urgent need for comprehensive electoral reforms that integrate digital ethics, transparency, and algorithmic accountability. The author argues that safeguarding India's democratic spirit requires a coordinated framework involving legal reforms, strengthened regulatory oversight, responsible political communication, and enhanced digital literacy among citizens. Ultimately, this paper contends that reasserting constitutional ethos in a digital world is not only a normative obligation but also a democratic imperative. By reaffirming constitutional morality and electoral integrity, India can ensure that "We, the People" remain the true custodians of democratic power, even amidst rapid technological transformation.

Keywords: *Accountability, Digital, Democracy, Election, Ethos.*

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I. INTRODUCTION

“Democracy is not merely a form of government; it is primarily a mode of associated living, a manner of respect and reverence for fellow citizens.”

- Dr B.R. Ambedkar²

Dr B.R. Ambedkar’s profound observation captures the essence of India’s constitutional journey, one in which democratic institutions draw legitimacy not only from electoral procedures but from the deeper values that animate the Constitution. As India completes seventy-five years under its transformative constitutional framework, the idea of constitutional ethos becomes central to evaluating the health of its democratic order, especially in the face of unprecedented technological disruption. Constitutional ethos refers to the moral foundations, behavioural expectations, and normative commitments that underpin constitutional governance. It includes principles such as justice, liberty, equality, fraternity, constitutional morality, and responsible exercise of public power. These values do not operate in abstraction; rather, they acquire meaning through the lived practices of electoral democracy, public participation, institutional accountability, and civic responsibility. Historically, India’s electoral system—anchored in universal adult suffrage and the autonomy of the Election Commission—served as the primary vehicle for expressing constitutional ideals. Free and fair elections, judicially recognised as part of the basic structure, helped sustain public trust and institutional integrity.³

However, the digital era has introduced complex challenges to this constitutional vision. Social media manipulation, deepfakes, targeted disinformation, algorithmic bias, and opaque digital campaigning now influence political perceptions at unprecedented speed and scale. These developments threaten informed voter choice, distort political competition, and weaken democratic accountability—thereby undermining the constitutional ethos that sustains electoral legitimacy. In a society as diverse as India, such disruptions pose serious implications for social harmony, public order, and the constitutional ideal of fraternity.

As India stands at this critical juncture, safeguarding constitutional ethos requires a reimagining of electoral reforms through the lens of digital ethics, transparency, and citizen empowerment. Strengthening legal frameworks, enhancing institutional vigilance, and cultivating digital literacy are essential to ensure that elections continue to reflect the will of the people and uphold

² B.R. Ambedkar, *Constituent Assembly Debates*, Vol. XI (Lok Sabha Secretariat, 1949) p. 979, available at https://eparlib.sansad.in/bitstream/123456789/763218/1/cad_01-09-1949.pdf (last visited on 15.11.2025)

³ *Indira Nehru Gandhi v. Raj Narain*, AIR 1975 SC 2299.

the democratic spirit envisioned by the framers of the Constitution.⁴

II. CONSTITUTIONAL ETHOS AND THE SPIRIT OF INDIAN DEMOCRACY

Constitutional ethos represents the collective moral conscience and foundational value system embedded within the Indian Constitution. It extends beyond the written text and reflects the deeper constitutional culture that shapes institutional conduct, public reasoning, and the ethical behaviour expected of both the State and its citizens. Rooted in the Preamble, this ethos draws upon principles such as justice, liberty, equality, fraternity, constitutional morality, responsible governance, and respect for the rule of law. Each of these values expresses the commitment of the Indian Republic to uphold democratic ideals in a socially diverse and culturally plural society.

Over seventy-five years of constitutional functioning, India has repeatedly demonstrated that its democratic success relies not merely on institutional structures but also on adherence to these guiding values. Electoral democracy, affirmed by the Supreme Court as part of the basic structure of the Constitution, operates as the primary channel through which constitutional ethos becomes visible in public life⁵. Free and fair elections continue to embody the ethical promise that political authority must always flow from the consent of the people, exercised through informed and autonomous voting choices. In this sense, electoral processes do not simply determine political outcomes; they reinforce the moral foundations of constitutional government.

The Preamble's assertion, "*We, the People*", situates sovereignty squarely within the citizenry and underscores the participatory character of Indian democracy. This vision requires electoral processes that are transparent, inclusive, accountable, and resistant to undue influence. Yet, the digital age has introduced profound disruptions that challenge this equilibrium. The speed and reach of digital communication have transformed political engagement, but they have also exposed voters to the risks of misinformation, manipulated media, algorithmic bias, targeted propaganda, and large-scale data harvesting. These disruptions threaten voter autonomy, distort public discourse, and weaken the trust upon which constitutional democracy depends.

Preserving constitutional ethos in such a rapidly evolving environment therefore requires constant vigilance, institutional adaptation, and a reaffirmation of ethical democratic behaviour. As India embraces technological progress, it must simultaneously strengthen regulatory

⁴ S.Y. Quraishi, *An Undocumented Wonder: The Making of the Great Indian Election* (Rupa Publications, 2014) p. 212.

⁵ Supra note 4

safeguards, promote digital literacy, and ensure that electoral practices remain aligned with constitutional values. Ultimately, the resilience of Indian democracy depends on the collective commitment of institutions, political actors, and citizens to uphold the spirit—rather than merely the form—of the Constitution⁶.

III. CONSTITUTIONAL ETHOS: MEANING, SCOPE AND CONTEMPORARY RELEVANCE

Constitutional ethos is not explicitly defined in the text of the Indian Constitution, yet it is deeply embedded in the doctrines and jurisprudence that have evolved over the decades. The Supreme Court has repeatedly emphasized the moral fabric of constitutionalism—an idea that derives from both legal theory and Indian civilizational principles. Dr B.R. Ambedkar underscored this idea when he stated that constitutional morality requires “a disposition to observe constitutional rules and maintain them in the spirit in which they were enacted⁷.”

Constitutional ethos thus includes the following elements:

1. Constitutional Morality

Constitutional morality, inspired by Dr Ambedkar’s vision, requires citizens and institutions to uphold not just the text of the Constitution but its deeper ethical principles. It insists that public power be exercised with restraint, fairness, and respect for constitutional limits, ensuring governance remains aligned with justice, accountability, and democratic integrity⁸.

2. Rule of Law

The Supreme Court in *E.P. Royappa v. State of Tamil Nadu*⁹, emphasised that equality before the law is inseparable from non-arbitrariness in state action. This principle affirms that governance must operate through fair, transparent, and reasoned decisions, forming a core ethical foundation of constitutionalism and reinforcing public confidence in democratic institutions.

3. Fraternity and Civic Responsibility

Fraternity, though often overshadowed by other constitutional ideals, serves as the binding force that sustains social unity in a diverse nation. It urges citizens to respect one another’s rights, participate peacefully in democratic processes, and uphold mutual trust, ensuring that elections

⁶ Supra note 3

⁷ B.R. Ambedkar, *Constituent Assembly Debates*, Vol. VII (Lok Sabha Secretariat, 1948) p. 38 available at https://eparlib.sansad.in/bitstream/123456789/762996/1/cad_04-11-1948.pdf (last visited on 16.11.2025)

⁸ Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Oxford University Press, 1966) p. 75, available at <https://www.bbau.ac.in/Docs/FoundationCourse/TM/MPDC405/GRANVILLECONSTITU.pdf> (last visited on 15.11.2025)

⁹ AIR 1974 SC 555.

strengthen harmony rather than deepen social or political divides.

4. Democratic Integrity

In *Indira Nehru Gandhi v. Raj Narain*¹⁰, the Supreme Court affirmed that free and fair elections form part of the Constitution's basic structure. This principle ensures that electoral outcomes genuinely reflect the people's will, preventing arbitrary interference and preserving democratic legitimacy as an essential foundation of constitutional governance.

5. Constitutional Patriotism

Constitutional patriotism urges citizens to anchor their loyalty in democratic values rather than political, religious, or sectarian identities. It promotes commitment to justice, equality, liberty, and fraternity as the true markers of national unity. By prioritizing constitutional principles, societies strengthen democratic culture and resist divisive influences that threaten collective harmony.

These dimensions collectively shape the ethical expectations of India's electoral system. As India enters a deeply digital age, ensuring that electoral reforms preserve the constitutional ethos becomes essential.

IV. ELECTORAL DEMOCRACY: THE LIVING EXPRESSION OF CONSTITUTIONAL ETHOS

Electoral democracy is the primary instrument through which constitutional ethos becomes active in society. Universal adult suffrage, ensured by Article 326, reflects the constitutional value of equality. It recognizes each citizen as an autonomous political agent whose vote carries equal weight regardless of caste, gender, class, or religion.

Throughout the last seventy-five years, electoral processes have endured significant challenges and reforms. The establishment of the Election Commission of India (ECI) as an independent constitutional body symbolizes the foundational promise of impartial electoral governance. The Supreme Court reaffirmed the Commission's autonomy in *T.N. Seshan v. Union of India*¹¹, emphasising that free and fair elections are indispensable to democracy.

Electoral democracy enhances constitutional ethos in several ways:

1. Asserting Popular Sovereignty

Asserting popular sovereignty means ensuring that electoral processes genuinely reflect the

¹⁰ Supra note 4

¹¹ (1995) 4 SCC 611.

people's collective will. Elections translate constitutional authority from citizens to their representatives, reaffirming that political power originates in the electorate. When conducted fairly and transparently, elections strengthen democratic legitimacy and demonstrate that governance continues to flow from the consent of the governed.

2. Promoting Equality and Inclusion

Promoting equality and inclusion requires ensuring that every citizen, regardless of caste, gender, class, or region, can participate meaningfully in elections. Universal adult franchise and wider polling access reduce structural barriers, allowing marginalized communities to exercise their political voice. This strengthens substantive equality and reflects the Constitution's commitment to inclusive democratic participation.

3. Strengthening Accountability

Strengthening accountability requires regular elections that compel the political executive to justify its actions before the electorate. When leaders know they must periodically face voters, they are more likely to act transparently, deliver on promises, and avoid misuse of power. This recurring scrutiny reinforces constitutional governance and maintains public trust in democratic institutions.

4. Reinforcing National Integration

Reinforcing national integration occurs when citizens across India participate in a shared electoral process that transcends regional, linguistic, and cultural differences. Nationwide elections create a collective democratic moment, fostering unity and reminding people that despite diversity, they are part of a single constitutional community committed to common values and national cohesion.

However, rapid digital transformation has begun to distort the democratic equilibrium. Social media platforms now act as political battlegrounds, shaping voter preferences in ways that were previously unimaginable.

V. DIGITAL ERA AND THE CRISIS OF DEMOCRATIC INTEGRITY

Technological changes have altered the landscape of political communication. While digital platforms democratize speech, they also amplify misinformation, hate speech, and targeted manipulation.

Several challenges have emerged:

1. Misinformation and Disinformation

False narratives spread with unprecedented speed on social media, undermining informed electoral choice. WhatsApp forwards, manipulated videos, and fabricated statistics distort political reality.

2. Deepfakes and Synthetic Media

AI-generated videos and audio clips can misrepresent political figures, creating confusion among voters. Global democracies—from the United States to Brazil—have already witnessed deepfake threats during elections.

3. Algorithmic Bias and Filter Bubbles

Social media algorithms curate content that reinforces existing beliefs, creating echo chambers. This undermines deliberative democracy, a core component of constitutional ethos.

4. Micro-targeted Political Advertising

Data analytics enable political parties to tailor messages to specific demographic groups, often exploiting vulnerabilities and bypassing public scrutiny.

These developments threaten the integrity of elections by compromising voter autonomy, a principle central to constitutional morality and democratic legitimacy.

VI. CONSTITUTIONAL MORALITY AND ETHICAL CHALLENGES IN DIGITAL POLITICS

Digital political manipulation conflicts with constitutional morality in multiple ways:

1. Violation of Informed Consent

Manipulated political content, such as deepfakes, distorted statistics, and targeted misinformation, interferes with a voter's ability to make free and informed choices. When individuals form electoral preferences based on false or misleading information, their political consent loses authenticity, undermining democratic legitimacy and weakening the constitutional value of autonomous, rational decision-making.

2. Erosion of Equal Opportunity

Opaque algorithms amplify certain political messages while suppressing others, giving technologically advanced actors disproportionate influence. This creates an uneven electoral arena where smaller parties and independent candidates struggle to compete fairly. Such a digital imbalance undermines the constitutional expectation of equal political opportunity and

weakens the legitimacy of electoral competition.

3. Undermining Accountability

Anonymous online campaigns and coordinated misinformation networks make it difficult to identify who creates or circulates harmful political content. When responsibility is hidden, neither citizens nor regulators can hold actors answerable for manipulative behaviour. This lack of transparency erodes democratic accountability and weakens the constitutional expectation of ethical, responsible political conduct.

4. Threatening Public Order and Fraternity

Digital propaganda intensifies social divisions by amplifying communal, caste-based, and ideological hostilities. Misleading or inflammatory online content quickly escalates into real-world tensions, disturbing public order and weakening mutual trust. Such polarization directly threatens the constitutional ideal of fraternity, which seeks unity, harmony, and cooperative coexistence within India's diverse society.

The Supreme Court in *K.S. Puttaswamy v. Union of India*¹² emphasized that privacy includes the right to informational self-determination. Digital manipulation undermines this right by using personal data to influence political behaviour.

VII. ELECTORAL REFORMS FOR A DIGITAL DEMOCRACY

The constitutional commitment to free and fair elections demands reforms in response to digital challenges. The Election Commission and Parliament must act in tandem to uphold the constitutional ethos. The following reforms are crucial:

1. Transparency in Political Funding

Transparency in political funding is essential to protect democratic integrity. The Supreme Court's 2024 decision striking down the Electoral Bonds Scheme reaffirmed that hidden financial contributions compromise voter awareness and accountability¹³. Ensuring clear disclosure of political donations strengthens public trust, prevents undue influence, and upholds the constitutional value of transparent governance.

2. Regulation of Digital Political Advertising

Regulating digital political advertising requires updating the Representation of the People Act,

¹² (2017) 10 SCC 1.

¹³ Association for Democratic Reforms v. Union of India (2024) SCC Online Blog Exp 17 available at <https://www.sconline.com/blog/post/2024/02/20/analysis-and-anatomy-of-electoral-bond-judgment/>

1951¹⁴, to address modern online campaigns. This includes clear disclosure of sponsored content, strict rules for data-driven micro-targeting, and mandatory verification of political accounts to prevent anonymous influence. Such reforms ensure transparency and protect voters from manipulative digital messaging.

3. Combating Misinformation

Combating misinformation requires sustained cooperation between the Election Commission and major digital platforms to identify and remove false content quickly. Flagging altered media, promoting verified information, and integrating reliable fact-checking systems help protect voter awareness. These measures uphold electoral integrity by ensuring citizens receive accurate, trustworthy information during campaigns.

4. Deepfake Prevention Laws

Deepfake prevention laws are essential to protect elections from deceptive synthetic media capable of manipulating voter perception. A dedicated statute should criminalize the creation and circulation of harmful deepfakes, mandate platform-level detection tools, and establish rapid complaint mechanisms. Such safeguards preserve electoral integrity and uphold democratic authenticity.

5. Strengthening the Model Code of Conduct

Strengthening the Model Code of Conduct requires explicitly regulating online political behaviour, including coordinated social media campaigns, digital hate speech, and cross-border influence operations. Updating the MCC to cover these emerging practices will ensure ethical campaigning, promote fair competition, and protect voters from manipulative digital tactics that undermine democratic values.

6. Ensuring Algorithmic Accountability

Ensuring algorithmic accountability requires social media platforms to disclose how their algorithms prioritize, suppress, or amplify political content. Regular transparency reports, independent audits, and clear explanations of content-reach patterns are essential. These measures prevent hidden digital biases, promote fair political communication, and safeguard the constitutional values underpinning free and informed electoral choice.

7. Voter Literacy Programmes

Voter literacy programmes must focus on strengthening digital awareness by teaching citizens

¹⁴ Representation of the People Act, 1951 (Act 43 of 1951)

to identify misinformation, verify online content, and understand manipulative tactics used during elections. Guided by Article 51A(h)¹⁵, such initiatives promote scientific temper, empower voters to make informed decisions, and reinforce the constitutional values essential for a healthy democracy.

Collectively, these reforms ensure that elections remain faithful to constitutional ideals in the digital era.

VIII. JUDICIAL PERSPECTIVES ON DIGITAL DEMOCRACY

Indian courts have already engaged with questions of digital influence, privacy, and electoral fairness:

In *Shreya Singhal v. Union of India*¹⁶, the Supreme Court struck down Section 66A of the IT Act, holding that vague and overly broad restrictions on online speech violate Articles 19(1)(a) and 19(2). The judgment reaffirmed that any limitation on digital expression must strictly conform to constitutional standards of reasonableness and legality.

In *PUCL v. Union of India*¹⁷, the Supreme Court affirmed that the voter's right to secrecy is integral to Articles 19 and 21, as it protects free expression and personal autonomy. The Court emphasized that confidentiality in voting is essential for maintaining electoral integrity, preventing undue influence, and preserving genuine democratic choice.

In *K.S. Puttaswamy v. Union of India*¹⁸, the Supreme Court declared privacy a fundamental right intrinsic to dignity, autonomy, and personal liberty. The judgment emphasized that informational control is vital in a digital society, and protecting citizens' data is essential for safeguarding independent decision-making and meaningful participation in democratic processes.

In *Re: Prajwala Letter*¹⁹, the Supreme Court directed digital platforms to develop proactive systems for detecting and removing harmful online content. The Court emphasized that intermediaries must adopt technological safeguards to prevent misuse of their services, establishing an important benchmark for regulating online information flows during elections and protecting digital democratic integrity.

¹⁵ art. 51A(h)... It shall be the duty of every citizen of India to develop the scientific temper, humanism and the spirit of inquiry and reform.

¹⁶ (2015) 5 SCC 1.

¹⁷ (2003) 4 SCC 399.

¹⁸ Supra note 13.

¹⁹ (2018) 12 SCC 799.

In *Facebook v. Union of India*²⁰, the Supreme Court held that digital platforms cannot refuse lawful requests for information in serious investigations. The Court stressed that intermediary status does not exempt platforms from accountability, highlighting the need for transparency, traceability, and cooperation to protect public order and democratic processes in the digital sphere.

In *Anuradha Bhasin v. Union of India*²¹, the Supreme Court held that internet restrictions directly affect freedom of speech and trade under Articles 19(1)(a) and 19(1)(g). The Court mandated that any internet suspension must be temporary, proportionate, and reviewable, establishing essential safeguards for protecting democratic participation in the digital era.

IX. SAFEGUARDING INDIA'S DEMOCRATIC SPIRIT

Safeguarding India's democratic spirit in the digital age requires a deliberate alignment of constitutional ethos with evolving norms of digital ethics. The expanding influence of social media, data-driven campaigning, and algorithmic communication has introduced new pressures on free and fair elections, making transparency, accountability, and fairness indispensable foundations of electoral governance. Upholding constitutional values necessitates protecting individual autonomy, encouraging responsible political communication, and ensuring that every citizen's voice is respected within a diverse and plural society.

India's democratic resilience ultimately depends not only on constitutional design but also on the civic virtue and digital responsibility exercised by its citizens. The ability to verify information, resist manipulative narratives, and engage in constructive discourse strengthens the democratic culture envisaged by the Constitution. The Supreme Court has repeatedly underscored that democracy flourishes when citizens participate as informed and conscientious individuals, a principle that resonates with both constitutional morality and the broader goals of electoral integrity.²²

Political actors also bear an ethical and constitutional obligation to uphold transparency, refrain from divisive rhetoric, and adopt responsible digital practices. Institutions such as the Election Commission of India must continue to function with independence and vigilance, ensuring that electoral processes remain insulated from undue technological or political interference.

Although the digital era presents unprecedented challenges, it also offers transformative opportunities to deepen democratic engagement. If guided by constitutional principles, India

²⁰ (2021) 5 SCC 1.

²¹ (2020) 3 SCC 637.

²² Supra note 13.

can develop a model of digital governance that strengthens public participation while preserving the foundational values that define its constitutional democracy.²³

X. CONCLUSION

India's democratic experience over the past seventy-five years demonstrates that constitutional ethos is not merely a theoretical ideal but a living force that shapes political behaviour, institutional integrity, and public trust. As the nation enters an increasingly digital environment, the challenges to democratic functioning have grown more complex, demanding deeper reflection on how elections can remain free, fair, and truly representative. Digital technologies have transformed the speed, scale, and influence of political communication, creating unprecedented risks such as misinformation, deepfakes, data-driven manipulation, and algorithmic bias. These developments threaten the autonomy of voters and the legitimacy of electoral outcomes, striking at the heart of constitutional morality and the promise of informed consent.

Safeguarding India's democratic spirit in this context requires a multi-layered approach that integrates legal reform, administrative vigilance, technological responsibility, and civic awareness. Electoral institutions must adapt proactively, ensuring that regulation keeps pace with digital innovation without compromising constitutional freedoms. Political actors must uphold transparency, ethical campaigning, and respect for democratic norms. Most importantly, citizens must cultivate digital literacy and constitutional commitment, enabling them to navigate online spaces responsibly and resist manipulative content.

If India succeeds in harmonizing constitutional ethos with digital ethics, it can build a model of democratic governance that is resilient, inclusive, and future-ready. Preserving the sanctity of elections in the digital era is not merely a procedural requirement but a constitutional obligation, one that ensures the continued vitality of the Republic and reaffirms the enduring vision of justice, liberty, equality, and fraternity.

“The price of freedom is eternal vigilance; the preservation of democracy rests on the constant alertness of its citizens.”

- Jawaharlal Nehru²⁴

²³ Supra note 5.

²⁴ Jawaharlal Nehru, *Selected Works of Jawaharlal Nehru*, Vol. 5 (Oxford University Press, 1980) p. 112. available at <https://archive.org/details/in.ernet.dli.2015.120445> (last visited on 16.11.2025)