
BOOK REVIEW:

Gautam Bhatia, The Indian Constitution: Conversations with Power (HarperCollins India 2023) pp. 384, ISBN: 9789356295284

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*Gautam Bhatia's The Indian Constitution: Conversations with Power is a timely and incisive contribution to Indian constitutional scholarship. Rather than treating the Constitution as a fixed legal text or a product of nationalist consensus, Bhatia presents it as a **site of constant contestation**. He frames the Constitution as a "**conversation with power**", a dynamic and evolving engagement between the individual and the state.¹ This framing opens new analytical pathways for examining how constitutional ideals are shaped, challenged, and occasionally undermined in practice.*

A Constitution in Conflict

At the heart of the book is the tension between constitutional promises and political realities. The Indian Constitution, Bhatia argues, embodies both emancipatory potential and authoritarian tendencies.² Through a thematic exploration covering freedom of speech, religious liberty, equality, federalism, emergency powers, and the judiciary, he examines how state power often encroaches on individual liberty through legal and constitutional mechanisms.

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Significant political and legal developments, such as the use of preventive detention, the criminalisation of dissent through sedition and anti-terror laws, the reading down of Article 370, and the Citizenship Amendment Act (CAA), are all presented as instances where legality is employed *not to uphold rights, but to restrict them*.² Bhatia draws these narratives into broader questions about constitutional morality, majoritarianism, and the limits of judicial review.

Reassessing Legal Constitutionalism

Bhatia's critique of the judiciary is one of the most forceful and significant parts of the book. He challenges the conventional image of the Indian Supreme Court as a counter-majoritarian guardian of rights. Instead, he argues that the Court has often failed to check executive excess, particularly at critical political junctures.³ For example, the Court's handling of the Ayodhya judgment and its inaction in the face of constitutional challenges to the NRC process are discussed as examples of judicial abdication.⁴

Importantly, the book *does not* reduce constitutionalism to courtroom battles. It foregrounds popular constitutionalism, the idea that citizens, civil society groups, and protest movements are also vital participants in shaping constitutional meaning.⁵ This emphasis becomes particularly relevant in the context of contemporary India, where democratic space is increasingly constrained.

Style, Structure, and Accessibility

The book is both accessible and intellectually rigorous. Bhatia writes with clarity, making complex legal concepts understandable without diluting their depth. Each chapter is well-structured and grounded in real-world cases and events. The analytical use of case law, while concise, is effective in showing how constitutional principles are interpreted, stretched, or abandoned in practice.⁶

Moreover, Bhatia's commitment to normative constitutional values is evident throughout the book. His arguments *are not grounded* in abstract legal theory alone, but in a deeper concern for justice, dignity, and democratic accountability.

Extended Reflections

Bhatia's approach is notable for its interweaving of legal analysis with political theory. Rather than isolating legal provisions from their political contexts, he situates each constitutional provision within the dynamics of power, social struggle, and institutional inertia. This interdisciplinary perspective not only enhances the explanatory power of his arguments but also challenges readers to rethink the boundaries between law and politics.

Moreover, Bhatia's critique is marked by an ethical commitment to constitutionalism as a moral and civic enterprise. His insistence on reading the Constitution in light of its transformative aims dignity, equality, justice, serves as a counterpoint to increasingly formalistic and executive-friendly interpretations that dominate legal discourse today. His work prompts serious reflection on the role of lawyers, judges, and citizens in safeguarding the constitutional republic.

The book also reflects on historical continuities, especially the colonial roots of laws like sedition and preventive detention, and how their modern applications often replicate colonial logics of control. In doing so, Bhatia reveals the extent to which postcolonial legality is still haunted by its imperial past. This aspect of the book is particularly valuable for students of postcolonial theory and comparative constitutional law.

Conclusion

The Indian Constitution: Conversations with Power is a significant scholarly intervention at a time when the Indian constitutional order is under strain. It provides a powerful critique of how state power uses legal tools to dominate rather than protect. At the same time, it is a hopeful text. It insists that constitutionalism can still be reclaimed through public action and democratic engagement.

This book will serve as an essential resource for students, scholars, practitioners, and anyone concerned with the future of constitutional democracy in India. It deserves to be read widely, not only in law schools and courtrooms, but in every space where the idea of justice is contested.

Declaration of Interest: The reviewer declares no conflict of interest.

Footnotes

1. Gautam Bhatia, *The Indian Constitution: Conversations with Power* (HarperCollins India 2023) 3.
2. *ibid* 91–116.
3. *ibid* 177–189.
4. *ibid* 213–215.
5. *ibid* 234–240.
6. *ibid* 51–56.

