

LAWFOYER INTERNATIONAL
JOURNAL OF DOCTRINAL LEGAL
RESEARCH
(ISSN: 2583-7753)

Volume 1 | Issue 4

2024

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THE COERCIVE POWER OF THE STATE AND ITS RELEVANCE IN MODERN DEMOCRACY

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I. ABSTRACT

The interplay between the coercive power of the state and the principle of democracy presents a nuanced and complex dynamic, particularly in the context of modern democracies like India. This abstract explores the relevance of coercive power in safeguarding national security while upholding democratic values, focusing on India's intricate socio-political landscape.

In India, a diverse and vibrant democracy, the state's exercise of coercive power often intersects with the imperatives of national security. This abstract delves into the multifaceted relationship between coercive power and national security, analyzing the theoretical justifications, practical implications, and ethical considerations inherent in the Indian context. It examines historical events and contemporary challenges, shedding light on how the state's coercive measures have shaped India's security policies and democratic ethos.

The abstract emphasizes the delicate balance required to reconcile the state's security imperatives with the preservation of individual rights and democratic principles. It explores the challenges faced by India in navigating this balance, including the impact of conflicts, insurgencies, and terrorist threats on civil liberties. Additionally, it highlights the role of oversight mechanisms, judicial review, and legislative checks in ensuring accountability and transparency in the exercise of coercive power. Through case studies and analysis, the abstract underscores India's ongoing efforts to adapt its legal and policy frameworks to address emerging security threats while safeguarding democratic values. It discusses key milestones in India's history, such as the Emergency in 1975 and the 2008

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Mumbai attacks, to illustrate the complexities of balancing security and liberty. Moreover, it explores contemporary issues such as internet shutdowns and data privacy concerns in the digital age, reflecting India's evolving approach to coercive power in a dynamic socio-political landscape.

II. KEYWORDS:

Coercive power, state, democracy, national security, India.

III. INTRODUCTION

One may argue that coercion and force became interchangeable synonyms in the 20th century. At its core, the Cold War, which lasted for four decades, was really an effort by western nations to impose their will on countries in the eastern bloc and vice versa.

In the complex landscape of modern democracies, the exercise of state power has taken on a multifaceted role, encompassing not only public welfare but also the preservation of order and security. The state wields a unique tool i.e. Coercive power – the ability of the state to employ force or the threat of force to achieve its objectives. Social conflict is on the rise, the economy is not growing at an adequate rate, and democratic institutions are now being cited as reasons for society's inability to deal with social and economic issues because they are losing their democratic character and powerless to halt the tide of violence. Coercion by the state over time aids in fostering the conditions necessary for voluntary compliance with laws and their justification. However, coercion also erodes credibility. Constant use of force to quell dissent, settle social disputes, and uphold order may cause the state's legitimacy to erode and threaten its ability to rule. All states rely on a combination of coercion and legitimacy, and they work to use force in a way that makes the legitimacy of the law stronger and reduces the need to use it. The way a democratic state handles social problems that arise in society and how force is employed to resolve them determines its stability.

Since it is fact that Indian Constitution has given great opportunities to legislative and the executive to enact laws that negate rights which is supposed to be conferred to the

people. Present criminal laws are same as they were during the British Raj and In spite of adult franchise and representative democracy, our state nevertheless uses coercion methods.

It is clearly evident from Kelsen's theory that he rejects the notion of 'the state' as a power that can make laws. The state is simply the legal system as it is seen from a particular angle. Apart from the laws that define them, they have no other identity. As a result, Kelsen asserts that every state is a Rechtsstaat, or a state under the rule of law. According to Kelsen, the rule of law is a crucial concept for effectively limiting governmental arbitrary behavior.

Laws such as MISA, AFSFA are cited as illustrations, which is used by the executive to arrest people and keep them behind bars for a time being that suits their interests, as these are some of the coercive power of states in modern democracy. India poses a challenging position. Although competition and voting are the main political mechanisms, coercion and force are overpowering them more and more. In the modern democracies, where individual rights and participation are paramount, the interplay between the state's coercive power and democratic principles raises thought provoking questions. This project aims to explore the nuances of coercive power of the state and its relevance within the framework of a contemporary democratic society.

IV. COERCIVE POWER IN THE INDIAN CONTEXT:

Coercive power refers to the ability of the state to compel compliance from its citizens through the threat or use of force, sanctions, or other punitive measures. In India, the state exercises coercive power through various institutions such as the police, armed forces, and intelligence agencies. These institutions are tasked with maintaining law and order, combating internal and external threats, and upholding the sovereignty and integrity of the nation². However, the exercise of coercive power in India is not without its complexities. Historically, India has grappled with issues such as state repression,

² Bhattacharyya, Harihar, and Chandan Suklabaidya. "Coercive Power in India: The Armed Forces Special Powers Act." *International Journal on World Peace* 29, no. 4 (2012): 7-31

human rights abuses, and excessive use of force by law enforcement agencies. Instances like the Emergency in 1975, during which civil liberties were suspended, serve as stark reminders of the potential dangers of unchecked coercive power. In recent years, concerns have been raised about the misuse of coercive power, particularly in conflict-affected regions such as Kashmir and the Northeast³. The controversial Armed Forces Special Powers Act (AFSPA), which grants security forces broad powers in these regions, has been criticized for its impact on civilian rights and accountability.

V. STATE AUTHORITY AND DEMOCRACY IN INDIA:

State authority in India is derived from the democratic principles enshrined in the Constitution, which vests power in elected representatives and institutions accountable to the people. India's democratic framework includes regular elections, a multi-tiered system of governance, an independent judiciary, and a vibrant civil society.

Democracy in India is characterized by its diversity, with a complex mosaic of languages, cultures, religions, and socio-economic backgrounds⁴. Despite challenges such as poverty, inequality, and corruption, India has successfully maintained a robust democratic system for over seven decades, marked by peaceful transitions of power and vibrant political participation. However, the relationship between state authority and democracy in India is not without tensions. While democracy promotes the rule of law, equality before the law, and protection of individual rights, the exercise of state authority sometimes encroaches upon these principles. For example, the use of coercive measures during protests, the regulation of freedom of speech and expression, and the imposition of security laws in conflict zones raise questions about the limits of state authority in a democracy. Moreover, issues of social justice, representation, and decentralization continue to shape the discourse on democracy in India. Marginalized communities,

³ Basu, Srimati. "State Repression in Colonial India and Contemporary Counterinsurgency in South Asia: The Limits of Historical Comparison." *Studies in Ethnicity and Nationalism* 17, no. 3 (2017): 364-380.

⁴ Guha, Ramachandra. *India after Gandhi: The History of the World's Largest Democracy*. HarperCollins, 2007.

including Dalits, Adivasis, and religious minorities, often face systemic discrimination and struggle to access political power and resources.

In conclusion, the concepts of coercive power, state authority, and democracy in the Indian context are deeply intertwined and continually evolving. Balancing the imperatives of state security with the principles of democracy requires ongoing dialogue, institutional reforms, and a commitment to upholding constitutional values and human rights.

VI. HYPOTHESIS

Effective exercise of state's coercive power necessitates upholding rule of law and accountability while safeguarding civil liberties, to preserve democratic values of representation and participation.

VII. AIMS AND OBJECTIVE

1. To analyze the concept and manifestation of coercive power within the context of modern democracy.
2. To examine the challenges and strategies involved in maintaining a balance between coercive power and democratic values.
3. To assess role of coercive power in national security and its implications for democratic governance.

VIII. RESEARCH METHODOLOGY

The research methodology adopted in the project is mainly focused on doctrinal way of research. References in the project have been taken from web journals, articles, newspaper, websites and books. However every reference has been taken in an un plagiarised manner and due credit has been given to each source in the bibliography section. Views have been presented on each topic with no outsourcing of facts. Every view presented is completely original in form of

comments and the facts and other contents are interpretation of authentic materials. The books cited Guha, Ramachandra. *India after Gandhi: The History of the World's Largest Democracy*. HarperCollins, 2007.

Bhattacharyya, Harihar, and Chandan Suklabaidya. "Coercive Power in India: The Armed Forces Special Powers Act." *International Journal on World Peace* 29, no. 4 (2012): 7-31. The reason for choosing doctrinal way of research is because this is such a topic on which facts and data is already available and it depends on an individual that how he interprets such facts. No discovery or invention of facts is required for this topic.

IX. UNDERSTANDING COERCIVE POWER

*"It is the essential characteristic of law as a coercive order to establish a community monopoly of force."*⁵

Coercive power is the ability of a person in a position of authority to compel subordinates to comply with their demands by threatening punishment. The dread of punishment serves as a motivator for obedience. There are many different types of coercive power, including expert power, legal power, reward power, and informational power.

In the context of legal interpretation, coercion should be viewed as a form of influence which shows up in the state's implementation of legislated moral standards. Authority, which collectively make up a collection of legal constraints, denying yourself, or other such actions to oblige the coerced to abide by the set rules the rules of the law. The many forms of state coercion protected by present law can be divided into two categories based on the basis of application: those that constitute a legal duty and those that do not. The latter can be further broken down into preventive (preventive) measures, state coercion measures intended to uphold public needs, state coercion measures intended to ensure the state's and its institutions' functions, legal recovery or protection measures, and procedural enforcement measures, depending on the objectives.

⁵ Hans Kelsen, *Peace Through Law*, 3 (1944)

If there is one thing that all definitions of power have in common, it is the idea that power is the capacity to influence people to take actions that they otherwise would not. Even though it appears to prevail among modern political scientists, this is a limited and recent understanding of power.¹ Unfortunately, this perspective ignores or conflates coercion with the other forms of power, which include collaboration, love, exchange, and the like, and instead focuses attention on the instruments of coercion, such as guns, the military, the police, jails, sanctions, threats, and so forth.

It is understandable that an emphasis on coercion has tended to highlight the coercive basis of the state and state relations, to the exclusion of alternative bases of power like competence, compassion, love, etc , that justice has been viewed as ideally independent of such power rather than being based on effective power, and that love and power have been considered as opposites rather than fundamentally connected.⁶

It has been stated that coercion is one of the fundamental indications and components of all power. ⁷ Since it is essential to preserving public order and security, coercive power of state has unique social value. Through a justifiable restriction of the person's freedom of action and encouragement of their law-abiding behavior, coercion makes it feasible to reduce deviant behavior. It should be mentioned that in this situation, state compulsion serves as a strategy for maintaining goodwill with the public and raising the general level of legal culture.

X. COERCIVE POWER IN MODERN DEMOCRACY

Coercive power in modern democracy refers to the ability of state to use force or threat of the force to maintain law and order, to enforce laws, and to protect the security of state. In modern democracy they are characterized by their commitment to right of individuals, rule of law, and civilian control of the military and Law enforcement agencies, state needs certain levels of coercive power to ensure the safety and well – being of their citizens. In

⁶ Understanding conflict and war vol 2 : conflict of Helix, chapter 20 by R.J.Rummel

⁷ I.A. Maslov, State coercion and state violence in modern political and legal doctrine, *Legal Thought* 4-5(114-115), 33-40 (2019) DOI: 10.25839/MATGIP.2020.88.60.004

contemporary modern times Government has coercive power and it can simply deploy that power against the opposition. They use law enforcement agencies like CBI, ED, CID, NIA etc to suppress them. Or make the opposition weak. In democratic nation, the exercise of coercive power must be carefully scrutinized and constrained to safeguard the principles of liberty, justice and the rule of law.

A. Sources of coercive power in modern democracy :

i. Legal frameworks and institutions :

In modern democracies, coercive power is based on legal systems and institutions that regulate the legislative power of the state. These include police departments, the military, and other law enforcement agencies. The law itself provides a basis for coercive power by defining what is permissible and what is not, with penalties for non-compliance.

ii. Executive authorities :

Elected officials, such as the president or prime minister, wield considerable coercive power through cabinet oversight. They can issue orders, deploy armies, and direct law enforcement to follow the law.

iii. Legislative bodies :

Legislative bodies, such as the Lok sabha and Rajya sabha of India play an important role in empowering and maintaining power through legislation. They also oversee the executive's use of coercive measures through checks and balances.

B. Application of Coercive Power

i. Maintaining law & order

One of the primary function of coercive power is to maintain law and order by preventing criminal activities and enforcing judicial pronouncements. Police

forces and law enforcement agencies are responsible for performing these functions within the limits of law.

ii. National Security

Coercive power extends to matters of national security, including protection against external forces. Military is and integral part part of coercive power to defend national sovereignty and integrity.

XI. LEGAL FRAMEWORK AND INSTITUTIONS

- **Modern Democracy:** Coercive power in modern democracies is grounded in legal frameworks and institutions that uphold the rule of law and individual rights. Law enforcement agencies operate within legal constraints and are subject to oversight mechanisms.⁸
- **Authoritarian Regimes:** In authoritarian regimes, coercive power is often concentrated in the hands of the ruling elite or a single leader. Legal systems may serve to legitimize state repression rather than protect citizens' rights, with law enforcement agencies acting as tools of political control.
- **Executive Authority:** Modern Democracy: In democracies, executive authorities derive their power from elected representatives and are accountable to the people⁹ Coercive measures are typically subject to checks and balances by other branches of government and independent institutions.
- **Authoritarian Regimes:** In authoritarian regimes, executive authority is centralized, often in the hands of a dictator or ruling party. Coercive power is wielded without significant oversight, allowing leaders to suppress dissent and consolidate power.

⁸ Hirschl, Ran. "The Judicialization of Mega-Politics and the Rise of Political Courts." *Annual Review of Political Science* 11 (2008): 93-118.

⁹ Ginsburg, Tom, and Tamir Moustafa. "Rule by Law: The Politics of Courts in Authoritarian Regimes." Cambridge University Press, 2008

Legislative Oversight:

- **Modern Democracy:** Legislative bodies in democracies play a crucial role in overseeing the executive's use of coercive power through legislation, budgetary control, and inquiries. They provide a forum for debate and scrutiny of government actions.¹⁰
- **Authoritarian Regimes:** Legislative bodies in authoritarian regimes may exist as rubber-stamp institutions, with limited power to challenge or check the executive's coercive measures. They serve to legitimize the regime rather than provide genuine oversight.¹¹

Application of Coercive Power:

- **Modern Democracy:** Coercive power in democracies is primarily used to maintain law and order, protect national security, and enforce legal norms. Measures are expected to be proportionate, transparent, and subject to judicial review.
- **Authoritarian Regimes:** In authoritarian regimes, coercive power is often used to suppress dissent, silence political opposition, and maintain control over society. State-sponsored violence, arbitrary detention, and censorship are common tactics employed to quash dissent.

Public Accountability:

- **Modern Democracy:** Coercive power in democracies is subject to public scrutiny and accountability mechanisms such as elections, media scrutiny, and civil society activism. Citizens have avenues to challenge abuses of power and hold authorities accountable.

¹⁰ Maravall, Jose Maria. "The Consolidation of Democracy and the Role of Political Institutions." *Democratic Governance and International Law*, 2000.

¹¹ Howard, Marc Morje. "The Weakness of Civil Society in Post-Communist Europe." Cambridge University Press, 2003.

- **Authoritarian Regimes:** In authoritarian regimes, public accountability is limited or nonexistent¹². Opposition voices are silenced, media is controlled, and dissent is often met with harsh reprisals, making it difficult for citizens to hold the government accountable for its actions.

XII. KELSENS VIEW ON LAW AND COERCION

Hans Kelsen was a prominent legal philosopher who is known for his work on theory of law, particularly pure theory of law. His idea on legal positivism and the nature of law can be related to the concept of coercion within legal system. According to his theory, validity of legal norm is not dependent on its moral or ethical content but on its position within hierarchical structure of the legal system. Legal norms are enforced through use of coercive sanctions, these coercive mechanism are employed by the state to ensure compliance with legal norms. When a legal norm is violated, the state through its coercive apparatus, can enforce sanctions against the violator. The authority of state to use coercion is itself derived from the grundnorm, which establishes the states legitimacy.

While Kelsen's Pure Theory of Law offers valuable insights into the relationship between legal norms and coercion, it is not without its critiques and limitations. Here, we provide a balanced view by discussing both the strengths and weaknesses of Kelsen's theory, along with counter perspectives:

1. **Clarity and Systematic Approach:** Kelsen's theory provides a clear and systematic framework for understanding the structure and functioning of legal systems.
2. **Separation of Law and Morality:** Kelsen's theory distinguishes law from morality, asserting that the validity of legal norms is not dependent on their moral content.
3. **Focus on State Legitimacy:** Kelsen's concept of the grundnorm highlights the importance of state legitimacy in the enforcement of legal norms.

¹² Norris, Pippa. "Democratic Deficits: Addressing the Challenges to Sustainability and Consolidation." *Comparative Political Studies* 37, no. 9 (2004): 1037-1066.

Along with strength there are also some weakness related to it,

1. **Limited Scope of Analysis:** Critics argue that Kelsen's theory overlooks the social and historical context in which legal systems operate.
2. **Neglect of Substantive Justice:** Kelsen's emphasis on the formal validity of legal norms can lead to a disregard for substantive justice.
3. **Questionable Assumptions about State Authority:** Some scholars question Kelsen's assumption that the authority of the state to use coercion is derived solely from the grundnorm.

In conclusion, while Kelsen's Pure Theory of Law offers a valuable framework for understanding the relationship between law and coercion, it is important to acknowledge its limitations and consider alternative perspectives that offer a more comprehensive analysis of legal systems. By critically evaluating Kelsen's theory and engaging with counter perspectives, we can develop a more nuanced understanding of the complex dynamics of law and society.

XIII. BALANCING COERCIVE POWER AND DEMOCRATIC VALUES

Taking the context of world's largest democracy India it has always with the delicate balance between democratic values and coercive power. Since coercive power is essential to maintain law and order by the government and enforce its authority, vis a vis democratic values, including individual freedoms, human rights and rule of law are the bedrock grappled of democracy.

India's independence from british colonial rule was also a battle for democratic values, justice and freedom. The framers of the Constitution of India were very determined to ensure that the new nation is based on democratic principles and protects the rights and freedoms of its various people. The preamble of the Constitution reflects this commitment through justice, liberty, equality and the emphasis on brotherhood. In democracy, the state has the legitimate authority to exercise coercive power, through its various instruments. The role of state is paramount in protecting its citizens from external

threats and internal disturbances. However, the challenges remains remains to prevent the abuse of this power and to ensure that it is exercised responsibly and in accordance with democratic principles. India has a diverse society and various rights and freedom and enshrined to its citizen, these add complexity for state to safeguard these freedoms while maintaining public order.

XIV. CHALLENGES FACED

1. **National security vs. civil liberties** - National security concerns often lead to controversy over intrusive surveillance mechanisms and restrictions on civil liberties. A balance is needed to avoid excessive state power.
2. **Law enforcement vs. Human Rights** - Allegations of police brutality and human rights violation have raised concerns. Ensuring accountability and transparency among lawmakers is important.

In balancing democratic values and coercive power of state judiciary plays a very important role. The SC as a guardian of constitution, has delivered landmark judgments that has protected citizens' rights and strengthened democracy. It has the authority to invalidate legislative and executive actions that are in violation of the constitution through judicial review. It is the guardian of the Indian Constitution, and judicial review is granted under numerous articles, including 13, 32, 131-136, 143, 226, 145, 246, 251, and 372.

Balancing coercive power and democratic and democratic values in India is an ongoing challenge. Policy and decision-making must be guided by the country's commitment to its democratic ideals enshrined in its constitution Discretion, accountability and sound judgment are essential to maintain this delicate balance. India's success in navigating this balance will determine its future as a vibrant democracy that respects the rights and freedoms of all its citizens. Recent example is the Citizenship Amendment Act (CAA), the repeal of Article 370 in Jammu and Kashmir, and the handling of protests, have raised questions about coercive power and democratic values of equilibrium. These issues are

subject to ongoing debate and are facing legal challenges. Balancing coercive power and democratic values is a complex task, often illustrated by contemporary events such as the Citizenship Amendment Act (CAA) and the abrogation of Article 370 in India. These examples highlight the tension between the state's use of coercive measures and its commitment to democratic principles, including equality, rule of law, and protection of minority rights.

1. Citizenship Amendment Act (CAA):

- **Description:** The CAA, passed by the Indian Parliament in December 2019, provides a path to Indian citizenship for illegal migrants from six religious communities (Hindu, Sikh, Buddhist, Jain, Parsi, and Christian) from Pakistan, Afghanistan, and Bangladesh, excluding Muslims. It sparked widespread protests across India, with critics arguing that it undermines the secular fabric of the country and discriminates against Muslims.
- **Balancing Act:** The implementation of the CAA raises concerns about the state's use of coercive power to suppress dissent and stifle democratic protests. While the government asserts that the law is necessary to protect persecuted minorities, critics argue that it violates constitutional principles of equality and non-discrimination.¹³

2. Abrogation of Article 370:

- **Description:** In August 2019, the Indian government revoked Article 370 of the Constitution, which granted special autonomous status to the state of Jammu and Kashmir. The move was accompanied by a significant deployment of security forces and a communication blackout in the region.¹⁴

¹³ Amnesty International India. "India: Crackdown on Protests Against Citizenship Law." Amnesty International, 28 Dec. 2019, <https://www.amnesty.org/en/latest/news/2019/12/india-crackdown-on-protests-against-citizenship-law/>.

¹⁴ Human Rights Watch. "India: Communications Blackout in Kashmir." Human Rights Watch, 16 Aug. 2019, <https://www.hrw.org/news/2019/08/16/india-communications-blackout-kashmir>.

- **Balancing Act:** The abrogation of Article 370 raises questions about the balance between national security concerns and democratic values, including the right to self-determination and freedom of expression. While proponents argue that it integrates Jammu and Kashmir into the Indian Union and promotes development, critics view it as an infringement on the rights of Kashmiri residents and a unilateral exercise of coercive power.

These contemporary examples demonstrate the challenges of reconciling coercive power with democratic values in a diverse and pluralistic society like India. While governments may justify such actions in the name of national security or socio-political stability, it is essential to ensure that they uphold constitutional principles and respect the rights of all citizens, especially those belonging to marginalized communities.

XV. COERCIVE POWER AND NATIONAL SECURITY

*Will is ineffective without power; but power is only randomly effective without will.*¹⁵

National security encompasses the protection of a nation's sovereignty, territorial integrity, and citizens from external and internal threats. It includes safeguarding against military aggression, terrorism, cyber-attacks, and other forms of harm that jeopardize the safety and well-being of the nation and its people.

Coercive power refers to a country's ability to use force or the threat of force to achieve its strategic objectives and protect its interests in the context of national security. India as a regional superpower has a variety of coercive power elements contributing to its national security policy. In modern democracies, the state often invokes the need for national security as a primary justification for the exercise of coercive power.

In the realm of national security various repressive laws in form of coercive power were enacted by Indian Government. These laws have been passed in India as a means of combating the "extraordinary situation" known as terrorism. This is because India is one of the countries that faces numerous difficulties that have taken on what are known as

¹⁵ Karl M. Deutsh

"terrorist forms." An exercise that can be helpful is to consider how these issues are handled and what consequences there are for human rights. The Punjab Security Act, the Assam Disturbed Areas Act, and the Armed Forces (Assam and Manipur) Special Powers Act were all passed after the Preventive Detention Act, which was passed at the beginning of independence. all of which were passed in the 1950s. Two significant acts were passed in each of the decades of the 1960s and 1970s, five acts in the 1980s, and two acts in the 1990s. At central or state levels, there are roughly 20 to 30 restrictive laws. AFSFA Act, TADA Act for Terrorist and Disruptive Activities, POTA Act for Preventing Terrorist Activities, and UAPA Act for Preventing Illegal Activities are the four laws that have been chosen for a critical analysis because they have not only been widely used or abused but also have had a significant impact on the overall democratic structure and the rights and freedoms of Indian citizens.

XVI. CASE STUDIES ON NATIONAL SECURITY IN INDIA AND COERCIVE POWER OF STATE

- **Emergency in 1975** - Emergency Declaration was not only threat to Indian constitution but also, to Indian legal system. 1975 emergency by then PM Indira Gandhi, is perfect example of coercive power of state which can be misused in sake of national security and maintenance of law and order by bringing repressive laws like (MISA), (DIR), suppression of judges, arrest and detentions of political leaders, student union leaders, journalists etc.¹⁶
- **Internet shutdown in Kashmir** - since it is claimed that Internet censorship in Jammu and Kashmir is justified by a questionable, ambiguous, and evasive legislative framework that aims to "criminalize all forms of political interactions" and inflict "collective punishment." as 'terrorist related and threat to 'National Security'.¹⁷ The supreme court also didn't allow for restoration of services, It

¹⁶ <https://countercurrents.org/2016/06/state-repression-during-the-indian-emergency-of-1975-77-and-its-afterlife/>

¹⁷ <https://thewire.in/government/jammu-and-kashmir-internet-shutdown-jkccs>

argued that the need to reconcile fundamental rights with issues about national security. It correctly emphasizes the significance of the national security considerations present in J&K and their significance in determining limits.

National Security plays critical role in justifying and Exercising Coercive Power in Indian Context. It emphasizes the importance of striking a delicate balance between security needs and democratic values, taking into account India's unique socio-political context. This balance is central to the ongoing discussion about the coercive power of the state in the framework of India's vibrant democracy.

XVII. CONCLUSION

The coercive power of the state is a complex and necessary feature of modern democracies. Not only is it a means of maintaining order and security, it is also a potential threat to personal freedom. Navigating this delicate balance requires ongoing efforts to ensure that the exercise of coercive power remains accountable, transparent and consistent with democratic values. As the world continues to evolve, the challenges associated with coercive power will require new solutions that support national interests and the essence of democracy. Transparency, accountability, and robust judiciary are essential to maintain this delicate balance. Coercive power of state must be circumscribed by legal and ethical boundaries.

In making of laws and provisions for maintaining law & order and national security, Rule by law should not be confused with the rule of law. These two terms differ qualitatively from one another: whereas the latter represents the ruler's whims and preferences, the former deals with objective norms for behavior of state agencies when exerting authority that is both lawful and moral. It is moral in that the authority granted to the state is the result of a faith that the authority won't be used arbitrarily. It is legal to the extent that the authority is drawn from the law. In addition to harming the cause of human rights, the excessive or unchecked use of coercive power by the machinery is also detrimental to the internal operations of the state.

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