



# Electoral Democracy and Judicialization of Politics: The Expanding Role of Constitutional Courts in India

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**ABSTRACT:** This has led to the judicialization of politics becoming one of the characteristics of the modern Indian electoral democracy that has witnessed an increased involvement of constitutional courts in the governance of elections and political affairs. The paper discusses how constitutional courts in India are increasingly playing a large role especially in disqualifying legislators, anti-defection jurisprudence, electoral transparency, political funding, and even looking at the integrity of electoral institutions. It evaluates the role of the Supreme Court of India as a guardian of constitutional morality and democratic integrity whose role has become more and more active in reaction to the institutional failures of the political actors. Though the role of judiciary has been instrumental in increasing procedural protection, accountability, and also bolstering the independence of electoral bodies like the Election Commission of India, it has also been a point of contention over judicial activism and the degradation of representative decision-making. The article critically assesses the role of judicialization as a corrective tool that strengthens electoral democracy or as the tool that undermines political accountability through the democratic choice being replaced with the judicial power.

**Keywords:** electoral democracy; judicialization of politics; constitutional courts; electoral governance; political accountability.

## I. INTRODUCTION

Indian Electoral democracy is being based on the constitutional assurance of representative government, political elections every few years and political power accountability to people; however, in last several decades, there has been a radical change in this democratic system as a result of the growing judicialization of politics. Judicialization defines the increasing area of courts in determining issues which are fundamentally political in character such as Electoral disputes, party management and the issues of democratic legitimacy. Constitutional courts, in the Indian context, and above all the Supreme Court of India have increasingly taken a leading role in the protection of the integrity of the electoral process to the extent that they intrude upon, and at times assume a central role in areas where the legislature or the executive would traditionally have taken a lead role. This growth has been propagated by repeated institutional failures, including partisanism in electoral legislations, erosion of political competition ethics and internal political party democracy. The judiciary involvement in issues of legislative disqualification, anti-defection legislation, electoral financing as well as transparency fundamentally changed the position of political freedom and constitutional regulation. Meanwhile, the judiciary has been given supervisory authority on how the Election Commission of India works and operates, which strengthens the position of the Commission as an impartial constitutional body responsible to conduct free and fair elections. Although use of such interventions has been justified as a requirement to promote constitutional morality and safeguard democratic values, it has also brought much concern of judicial encroachment, separation of powers and erosion of political accountability. Opponents have argued that

overuse of courts to settle political disputes also runs the risk of making the judges to become de facto political actors, thus undermining the deliberative action of the elected institutions. The supporters, on the other hand, contend that judicialization is a form of correction in a democracy where political actors, most of the time fail to self-regulate themselves. It is on this basis that the current research explores the growing role of constitutional courts in the Indian electoral democracy wherein it discusses whether the judiciary involvement enhances the democratic governance in the country by ensuring that constitutional norms are adhered to or whether it is rather a disenfranchising practice by the judiciary as it takes the decision-making power away in the hands of the electorate and the electedii.

## II. SCOPE OF THE STUDY

This investigation has a narrower area of study, restricted to an analytical study on the judicialization process of electoral democracy in India, and more specifically, the widening role of constitutional courts in the regulation of electoral activities and political parties. It is a study on judicial intervention by the Supreme Court of India and sample High Courts on issues concerning disqualification of the legislators, interpretation of the anti-defection law, regulation of the political funding, transparency in the electoral process, and supervision of the independence of the Election Commission of India. It mainly takes a doctrinal and analytical approach, basing on the provisions of the constitution, judicial landmark ruling and secondary academic literature. The paper is not an empirical field study or statistical investigation of electoral behaviour, but instead it focuses on the normative and institutional consequences of judicial intervention. In time, the discussion is based on the changes of the post-1990 era, when the participation of judicial institutions in political affairs was enhanced. Selective references to comparative references are made in order to substantiate normative arguments, after which no systematic cross-national study is made.iii

## III. PURPOSE OF THE STUDY

This research is aimed at critically analyzing the growing involvement of constitutional courts in influencing the electoral democracy of India by the process of judicialization of politics. It attempts to examine the reasoning, the scope, and the effects of judicial intervention in the electoral procedures and party management, especially out of the institutional failure of political actors and the democracy institutions. The study will evaluate the existing literature on the effectiveness of judicial oversight in creating and promoting improvements in the integrity of democracy or eroding the political accountability and representative governance by concentrating on the interventions of the Supreme Court of India and the supervisory role that the Supreme Court exercises over the bodies like the Election Commission of India. The paper will also aim to find out the normative conflict in the constitutional guardian and the separation of powers and what may follow when the courts are arbiters in politics. In the end, it is aimed at making contributions to the constitutional and democratic theory by assessing judicialization in India as a corrective process or a long-term threat to electoral democracy.

### 1. CONCEPT OF ELECTORAL DEMOCRACY IN INDIA

In India, electoral democracy is anchored on the constitutionality of the popular sovereignty; this is whereby political power is based on the will of the populace through the election process that is periodically, free, and fair. As competitive party system, political equality and universal adult franchise are the main democratic values that are established by the Indian Constitution as representative democratic system. Electoral democracy does not just cover the conduct of elections only but also institutionalized mechanisms that uphold transparency, accountability and safeguarding of political rights. The Election Commission of India entrusted with the duty of conducting elections is given its constitutional role by the constitutional framework and the Supreme Court of India is the ultimate protector of constitutional norms in the election process. Electoral democracy, in the Indian context, also means that the behaviors of the political parties, the candidates and the elected parties are also highly controlled to ensure that there are no instances of corruption, coercion and abuse of poweriv. Therefore, electoral democracy in India is a vibrant union of a popular mandate, institutional overseeing and constitutional responsibility.

## 2. MEANING AND EVOLUTION OF JUDICIALIZATION OF POLITICS

Judicialization of politics is the process of involving courts in the solution of the problems, which were formerly the prerogative of the legislatures, executives, and political parties. It represents a change whereby political scandals, political choices and issues of democratic governance are being increasingly resolved and determined by the legal and constitutional adjudication. The process of judicialization in India may be traced back to the development of the judicial review and the aggressive integration of the fundamental rights by the Supreme Court of India, especially since late 1970s. Public interest litigation, the doctrine of basic structure and focus on constitutional morality has made courts more active as part of political processes. Judicialization has over time spread to electoral governance, legislative disqualification, political finance, and regulation of the parties. This development is indicative of the self-conception of the courts as the custodians of democracy as well as the increasing recourse to the judicial forums because of institutional inefficiencies and diminished trust of the masses in the political organizations.vi

## 3. RATIONALE FOR JUDICIAL INTERVENTION IN ELECTORAL GOVERNANCE

The justification of the judicial intervention in the affairs of electoral governance in India has its basis in the necessity to maintain the constitutional values of free and fair election, equality in political matters and democratic accountability. This has been coupled with the credibility of the electoral process without the proper handling of state power, misuse of elections, dark politics of financing elections, and partisanship structures of the electoral institutions. Here, it is constitutional courts who have been stepping in to rectify the institutional failures and to implement constitutional norms, especially, the Supreme Court of India. The judicial review has played an important role in protecting the independence and impartiality of the Election Commission of India, disclosure of candidacy, and overcoming any delay or partisanship in legislative disqualification cases. This kind of intervention is appropriate as a process to enforce constitutional morality when the political actors are unable to self-govern. Nonetheless, judicial interference is not aimed to act as an alternative to democratic decision-making but rather as a corrective and oversight force, which puts a thin line between constitutional oversight and political autonomy.

## 4. CONSTITUTIONAL AND INSTITUTIONAL FRAMEWORK OF ELECTORAL GOVERNANCE IN INDIA

Articles in the Constitution that govern the elections (Articles 324-329) The legal articles that govern the elections to the Parliament, State Legislatures, and also, to the office of the President and Vice-President are mostly embodied in Articles 324-329 of the Constitution. Article 324 vests the surveillance, administration and management of elections to an independent constitutional authority and Articles 325 and 326 govern political equality by non-discrimination and universal adult franchise. Article 327 and 328 devolve the authority of the Parliament and State Legislatures to create the laws on election under a restriction of the constitution and Article 329 restricts the exercise of power in the matters of the election by the judicial bodies except through the election petitions, a check and balance between autonomy and accountability.vii. Role and Powers, The Election Commission is the institutional heart of electoral government that is endowed with the duty of having fair, free and impartial elections. Some of its authorities include the preparation of electoral rolls, arranging of elections, administration of the model code of conduct, registering political parties as well as the management of electoral symbols. The effectiveness of the Commission relates to functional autonomy and independence of the executive, whereas constitutionally independent, which has become subject to the judicial review. High Court/ Supreme Court Jurisdiction of Electoral Matters In Electoral Matters The judicial review of constitution in interpreting the electoral laws, resolution of election matters and inquiry of breach to the constitution affecting the electoral process is assigned to the constitutional courts. Despite the fact that all electoral issues that fall under normal electoral disputes are resolved by election petitions courts have intervened in the abnormal situations of institutional failure and legislative disqualifications, and violations of electoral integrity. Doctrine of Free and Fair Elections Under this is the doctrine of free and fair elections which has been judicially acknowledged to be a part of the basic structure of the Constitution. Through this doctrine, the minimum intervention by the judicial system is authorised in ensuring the integrity of election so that elections become a real exercise of the popular will without the overreach of constitutional control and democratic self-rule.viii.

## 5. JUDICIAL INTERVENTION IN DISQUALIFICATION OF LEGISLATORS AND ANTI-DEFECTION JURISPRUDENCE

History of Anti-Defection Law (Tenth Schedule) The anti-defection law was enacted with a Constitutional Amendment Act of 1985 in an effort to curb political defections with the name of personal interest to provide a stable elected government by appending Tenth Schedule to the Constitution. The law would have enhanced party powers such that the legislators would lose the office by joining and voting against the party rules during their liberation. But in the interpretation grey areas and exemption of splits and mergers beginning yielded way to intrigues in politics and the constitution has been challenged in numerous occasions. The judiciary interpretation of the scope and usage of the Tenth Schedule is a conclusive parameter on which, the constitutional courts and most of all the Supreme Court of India have been playing. The decisions of the courts have helped to explain how a person may voluntarily renounce membership, has extended the situations where a person may be disqualified to include other things other than formal resignation and have placed the decision of the ruling officers to examination of the courts to avoid arbitrary and mala fide decisions making. Delay, Bias and the Role of the Speaker: Judicial Responses The discretion, of allotting or refusing disqualification petitions, which rests with the Speaker or Chairman, is a vexing issue in the anti-defection jurisprudence and a burden to it in terms of unseemly procrastination or political partisanship. The answer to this has been time-constrained directives by the courts, the acceptance of the Speaker as a quasi-judicial official and in certain exceptional instances, the assumption of supervisory jurisdiction in the quest to safeguard constitutional values. Effect of judicial intervention on party discipline and defection by opportunists the contribution judiciary makes to party discipline and defection by opportunists has improved stability in the government. Meanwhile, the frequency of court intervention into the business of law-making has led to the so-called court overreach debate and has indicated the ongoing conflict between political independence and judicial power in a representative democracy.

## 6. COURT OVERSIGHT OF ELECTION COMMISSION AUTONOMY

Independence and Neutrality of Election Commission The principle of the electoral democracy in India is that of independence and neutrality of the Election Commission of India as it is a constitutional directive to the Commission to superintend, direct and control the election. It is also believable since it works without involving political forces and that it treats both the political parties and candidates equally. Over time, the concerns on the preferential treatment of the Model Code of Conduct, how and when to hold elections and how the executive may play with the process have raised concern leading to the loss of independence to the institutions and the increased judicial review has ensued. One of the critical issues that the judiciary has been playing a significant role over the years is the Judicial Review of Executive Influence in Appointments It has not been established to create a wide statutory framework. Such executive concentration of power has been questioned by the Supreme Court of India that has identified unbridled discretion as a weakness of institutional neutrality and confidence among the peoplex. The independence of Commission has become an element in the judicial rationale that links the existence of an open and consultative procedure of nomination as a constituent of free and fair elections. Judicial Interventions that ensure Institutional Independence The constitutional courts have ensured institutional independence in the form of the Election Commission, via a series of landmark decisions, by interpreting Article 324 purposely and expanding its functional reach during the election. The courts have been upholding the authorities of the Commission to make binding orders, to impose ethical principles and counter executive influence in situations where statutory protection is wanting. These interventions have seen the judiciary become a constitutional watchdog which the Commission carries out its mandate effectively particularly in cases that are politically sensitive. Judicial Worries and Constrains Comparing the protective role of judiciary, judicial encroachment of internal functioning of Election Commission, raises concerns on overreach and institutional supplanting. The critics respond by saying that by promoting the idea of the perfect judicial review, the Commission will lose its autonomy as it will become over dependent on the goodness of the judiciary. This has resulted in a courts too, which have realized they must practice restraint, such that judicial intervention ought to be limited to being corrective and exceptional, in supplementing, and not supplanting, the constitutional mandate of the Election Commission in the Indian democratic setting.

#### IV. LITERATURE REVIEW

Court-democratic relationship is a concern that has been well entrenched in the academic knowledge of judicialization of politics and electoral democracy by normatively and critically examining the issue. Upendra Baxi in *The Avenging Judiciary* (2010) has given a critical background of judicial power in India by establishing the fact that the advent of judicial activism is not only an implication of democratic aspirations but also an expression of pathological institution. According to Baxi, the Indian judiciary is a paradoxical topic that both legitimizes the voices of the marginalized demographics and the power of the judiciary over the area that has conventionally been governed by the political frameworks. His writing reveals the growing reprisal of lapses in governance by courts hence redefining the democratic accountability. Similarly, the classical works like *Democracy and Its Critics* by Robert Dahl (1989) provides a normative position of reference to evaluate democracy with the perspectives of political equality, popular control, and accountability. The conceptual frame, according to Dahl, is crucial in considering the positive or adverse impacts of the judicial intervention in the democracies by shifting the balance out of the elected institutions to the unelected judgesxi.

Judicialization comparative perspectives also help to shed light on the Indian experience. The article by Charles Epp titled *The Rights Revolution* (1998) explains that the support apparatus such as activist lawyers and the civil society has a greater impact on judicial empowerment than judicial ambition does. The explanation provided by Epp can be applied to comprehend why courts up end up playing the principal role in democracies where the political institutions are not capable of protecting the rights. According to the book *Judicial Review in New Democracies* (2003) by Tom Ginsburg, constitutional courts are viewed as being strategic in ensuring that the process of democratization is stabilized and serve to bind political uncertainty. His conclusion that judicial review is more apt to rise when we have fragmented political systems will be of special concern to the electoral politics which is coalition based in India. Together, these articles put judicialization in a context rather than judicial overreach so to speak, but as a structural response to political fragmentation and institutional distrust.xii

The Indian constitutional scholarship has played a significant role in this discussion and offered a solution to the particular social-political context of the Indian democracy. In the article *Oxford Handbook of the Indian Constitution*, edited by Choudhry, Madan, and Khosla (2016), the history of constitutional governance and the judiciary in particular were meticulously documented with the shift of the judiciary into election regulation and balance and responsibility of the institutions as far as federalism is concerned. The handbook brings out the role played by the constitutional courts in making the dynamic interpretation of the democratic principles to find solutions to the emerging political issues. This opinion is reinforced by Rohit Sen, in his meditations about the practices of parliament and the institutions of democracy that has been destroyed by the very norms of legislation and the internal accountability mechanisms. All these discussions show that the role of the judicial action is generally to seal the gaps of the governance that have been occasioned due to the undermined political institutions and not to override the available democratic processes.

The transformation of Indian democracy has been viewed in relation to judicialization especially in the recent scholarship. The empirical and doctrinal analysis by Jakob Fischer (2018)xiii is based on the history of judicial intervention into the practices of democracy, particularly in the electoral governments, and political accountability. Fischer is of the view that now the courts have become the significant arenas of democratic confrontation, and this impacts not only the direction in which the law runs but also the political activity. On the other hand, the Khosla in *India Founding Moment* (2020) puts the judicial power in the original democratic environment of the Constitution, i.e., the judicial constitutional adjudication was intended to check the majoritarian politics. These writings, taken together, assist in discovering such academic consensus: judicialization in India is not absolutely democratic or even anti-democratic. Instead, it is a complicated institutional reformation of the chronic political failure. Based on this literature review, there exists apparent gap in the systematic correlations between judicial intervention in the electoral process and democratic accountability which is being filled with the current studyxiv.

#### V. JUDICIAL SCRUTINY OF POLITICAL FUNDING AND ELECTORAL TRANSPARENCY

##### 1. ELECTORAL FINANCE AND DEMOCRATIC ACCOUNTABILITY

Democratic Accountability Electoral finance is a key indicator of democratic accountability since the circulation of money into political campaigns has a direct effect on the nature of electoral politics, priorities on policies, and the confidence people have in democratic institutions. The increasing size and secrecy of political financing in India has brought forth grave apprehension with respect to unequal opportunities to political authority, firmness, and undermining of electoral sanity. These issues have compelled constitutional courts to get more involved in the regulation of electoral finance as a tool of protecting democratic integrity.

## 2. JUDICIAL REVIEW OF POLITICAL FUNDING MECHANISMS

Judicial Review of Financing Systems of Politics the Supreme Court of India has taken the judicial review over different political financing systems to determine their conformity to the constitutional principles of equality, transparency and fair and fair elections. The question that has been tested by the courts is whether statutory programs on donation, tax exemptions, and disclosure requirements have the effect of skewing the playing field between the political parties or impairs the voters to make informed decisions. Courts have increasingly exercised scrutiny in this respect because it is understood that lack of or an inferior funding system may undermine the integrity of election results.

## 3. TRANSPARENCY, VOTER INFORMATION, AND RIGHT TO KNOW

Transparency, Voter Information, and Right to Know The expansion of the right to know among the voter as the part of the democratic participation has been a significant contribution of the judicial intervention. This has always been a view held by the courts that the electoral choice cannot be meaningful without transparency in financing political activities and the information of the candidates to the electorate hence the connection between electoral transparency and freedom of expression and informed consent of the electorate. Such decisions have improved the disclosure standards and enhanced accountability of the political players to the citizenry<sup>xv</sup>.

## 4. COURTS AND REGULATION OF CORPORATE AND ANONYMOUS DONATIONS

Judicial Review of Corporate and Anonymous Political Contributions The same has been applied to corporate and anonymous political contributions, which represent special dangers of inappropriate influence and policy capture. The constitutionality of the law that allows such donations has been reviewed by the courts focusing on the fact that the anonymity and the large scale corporate donations can erode the political equality and undermine the public control. By doing this, judicial arguments have attempted to strike a balance between the economic involvement in politics and transparency and democratic equity.

## 5. IMPACT ON PARTY GOVERNANCE AND ELECTORAL FAIRNESS

Influence on Party Governance and Electoral Fairness the overall effect of the judicial intervention in political financing has been a progressive change in the regimes of party governance and electoral responsibility. As much as the courts have promoted transparency and limited ad hoc practices, critics warn that overreaching by the judiciary leads to infringement of the legislative prerogatives. However, judicial review has become an important tool of instilling greater fairness in electoral processes, reinforcing the faith of people as well as demanding political actors and institutions, such as the Election Commission of India, to greater levels of democratic responsibility<sup>xvi</sup>.

# VI. COURTS AS POLITICAL ARBITRATORS IN ELECTORAL DISPUTES

## 1. RISE OF COURTS IN RESOLVING POLITICAL AND ELECTORAL CONFLICTS

Over the past few decades, constitutional courts in India have been becoming critical in the settlement of political and electoral disputes and this has become a significant stage in judicialization of politics. Political instability, coalition governments, high defections, and lack of trust of the institution have made the political actors to seek the intervention of the judiciary to resolve disputes that would have been resolved by political negotiation or through the process of legislative conventions. The Supreme Court of India has at several instances interfered in electoral controversies that are time sensitive in order to avert constitutional stalemate

and maintain continuity of democracy. This increasing reliance on courts is an indication of the perceived objectivity of the judicial system, as well as the waning ability of political systems to mediate disputes amongst themselvesxvii.

## 2. JUDICIAL DETERMINATION OF PARTY SYMBOLS, SPLITS, AND MERGERS

The courts have had a constructive part in deciding on issues associated with the representation of parties, divisional divisions and political amalgamations, the outcomes of which have direct and extensive electoral impact. Even though the Election Commission of India is the main body that handles party recognition and allocation of symbols, according to the law, its ruling is often reviewed in the court. The courts have addressed the issue of internal party democracy, conformity to party constitutions and fairness in the procedures and this has helped to determine the political legitimacy of different factions. This kind of judicial decision can have great influence on the perception of the voters, the contest of the elections and the political power equilibrium.

## 3. ROLE OF COURTS IN GOVERNMENT FORMATION AND CONFIDENCE DISPUTES

The courts have gone a step further to intervene in issues related to the formation of government, floor tests and confidence motions especially in the hung houses and coalition politics. The courts have provided binding instructions as to the time of floor tests, restrained caprice actions of governors or speakers, and provided compliance with conventions of the constitution. These interventions will ensure that democratic legitimacy is maintained, and there is no manipulation of the electoral mandate. They, however, also make courts the centre of political power games, having judges playing decisive role in establishing the results of government.

## 4. FROM LEGAL ADJUDICATION TO POLITICAL ARBITRATION

All these trends have led to one consequence, which is the shift of constitutional courts to a status of de facto political, will arbiters rather than dispassionate judicial bodies. Although the judiciary has mostly been used in protection of constitutional morality and fair elections in times of institutional crises, it also brings about grave issues on separation of powers and democratic accountability. Continued judicial arbitration would put at risk the normalisation of a court-based form of governance whereby the role of political accountability becomes increasingly vested in unelected judges. This development outlines a fundamental contradiction in India electoral democracy, which is that, when crisis occurs, courts become a stabilising force, but the growing political presence has raised the question of the autonomy and accountability of the representative institutions.

## VII. JUDICIALIZATION AND DEMOCRATIC ACCOUNTABILITY: AN ANALYTICAL ASSESSMENT

### 1. DOES JUDICIALIZATION STRENGTHEN ELECTORAL DEMOCRACY?

Judicialization has assisted in enhancing the electoral democracy in India by imposing constitutional standards, safeguarding the electoral integrity, and rectifying the procedures and institutional flaws. Constitutional courts, especially the Supreme Court of India, have increased accountability through electoral transparency interventions, disqualification of legislators, as well as through monitoring electoral institutions, and have strengthened the principle of fair and free elections. Judicial review has served to make sure that the democratic procedures are not compromised by the executive overreaching or partisanship. Nevertheless, the process of reinforcing democracy by judicialization is conditional since too much of the same can also interfere with the balance of democratic governancexviii.

### 2. COURTS AS GUARDIANS OR SUBSTITUTES FOR POLITICAL ACCOUNTABILITY

One issue that remains central in the debate on judicialization is the manner in which the courts can be dedicated to political accountability or whether they slowly replace political institutions. Although the courts have played a role of enforcing constitutional morality and democratic principles, the increasing judicial interference in political issues is likely to remove the roles of elected officials. The dependence on judicial solutions by political actors to their problems may lead to a loss of democratic accountability to the electorate

in favor of unelected judges, bringing about some questions about the legitimacy of democracy and institutional dependency.

### 3. *INSTITUTIONAL FAILURE OF POLITICAL ACTORS AND JUDICIAL COMPENSATION*

Intervention of judicial system in electoral and political issues in most cases is the reaction on failure of the political players to control themselves. Partisan decision-making, political stalemate, the decline of moral standards, and deteriorated intra-party democracy have resulted in the courts taking the role of compensatory institutions. To this end, judicialization acts as a corrective measure which seals gap in governance due to political dysfunction. Nonetheless, these incentives can dishearten institutional change and institutionalize political irresponsibility in the long-run through dependency on judicial compensation.

### 4. *IMPACT ON PARLIAMENTARY SOVEREIGNTY AND POPULAR MANDATE*

The growing influence of the courts is bound to have an impact on the parliamentary sovereignty and popular mandate power. The judiciary review of legislative behavior, governmental establishment, and election regulations might be considered an aggression on the will of the populace manifested in voting. Although the courts have defensible grounds to intervene, due to its continued use, courts may erode the line between constitutional supervision and political judgment, and unintentionally undermine the representative institutions.xix

### 5. *BALANCING JUDICIAL INTERVENTION AND DEMOCRATIC AUTONOMY*

The difficulty is to find the balance between needed judicial interference with autonomy in the democracy. The judicial control must also be principled, narrow and corrective, and should not supplant but strengthen democratic institutions. Sustainable electoral democracy involves the political players regaining the role of ethical political governance and courts playing the role of constitutional watchdogs as opposed to being the all time political arbiters. It is necessary to maintain this balance in order to maintain constitutional supremacy and democratic self-governance in Indiaxx.

## VIII. CONCLUSION

The growing judicialization of politics in India is a manifestation of an oblique and changing association between electoral democracy and constitutional adjudication. This paper has shown that constitutional adjudications, especially the Supreme Court of India, have taken a larger role in the electoral governance by intervening in the legislative disqualification, anti-defection, and political financing, judicial independence, and governmental formation. To a big extent, these interventions have developed to counter the ongoing institutional failures, manipulation by partisans, and weakening of democratic norms by the political actors. Judicial checks and balances have been a positive attribute to consolidating procedural democracy by instilling constitutional morality, improving transparency and ensuring the integrity of electoral institutions like the Election Commission of India. Simultaneously, the research also points out that judicialization is not a costless process when it comes to democracy. The high frequency of courts ruling in politically sensitive cases poses the danger of blurring the lines between constitutional adjudication and political decision-making, which may undermine parliamentary sovereignty and democracy ceasing to be answerable to elected officials and towards the unelected judges. Although courts have played the role of stabilising forces in times of political uncertainty, over dependence on courts can reduce the drive of political structures to make the internal reforms needed, as well as it can reduce the drive of political institutions to accept the responsibility of governing ethically. The difficulty then is not to impose the unwarranted rejection of judicial intervention but its constitutional boundaries. Judicialization should not be institutionalized, but should always be remedial, ideological, and extraordinary. In the end, the health of the Indian electoral democracy is based on a fine balance, where a constitutional court is as a guardian of democratic values, and the political actors and institutions are very sensitive to their most important mandate, the electorate. This balance is the key to maintaining constitutional pre-eminence as well as the democratic self-governance in India.

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