P: ISSN NO.: 2394-0344 RNI No.UPBIL/2016/67980 VOL-3* ISSUE-11*(Part-1) February 2019
E: ISSN NO.: 2455-0817 *Remarking An Analisation*

Judicial Activism and Political Reforms in India- An Overview

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Abstract

India is the biggest democracy in the world. During the last seventy years in India, it is witnessed that sixteen general elections have been conducted successfully. But it is also witnessed that some unwelcomed incidents like abuse of administrative machinery for some vested interests of few political parties, use of black money, communalism, racism and many other corrupt practices in contesting election happened during these elections. That requires immediate attention towards keeping the political system free from such evils. These reforms can be initiated at the Legislative, Executive and Judicial level, but the first two not shown interest in this regard .The first two bodies never showed interests to reformthe political system. The Constitution has enabled the Judiciary to review the actions taken by the legislature and Executive. This idea made the Judiciary very powerful and active to look into any kind of problem harming the system. So in this way, the Judiciary has made constant efforts to keep the political system free from criminality, communalism, and corruption and keep it updated to meet the needs of modern democracy. Firstly this paper is aimed to conceptualize the idea of 'Judicial Activism' in India which made Judiciary more capable to reform the political system of the country, secondly, it tries to explore the efforts of the Judiciary made to reform the political system in the country.

Keywords: Judicial Activism, Political Reforms, Election Commission, Electoral Process, Democracy, corruption

Introduction

Two words 'Judicial' and 'Activism' refer towards the concept of judicial dynamism which means an active role of the Judiciary played for the promotion of justice to all in a changing society. Whenever the jurisdiction of the Judiciary is not clear and Judiciary made an attempt to give solution over the problem, this is called 'Judicial Activism'. According to Black's Law Dictionary- Judicial Activism is a philosophy of judicial decision making whereby judges allow their personal views about public policy, among other factors, to guide their decisions usually with the suggestion that adherents of this philosophy tend to find constitutional violations and are willing to ignore precedent.[1] According to *Prof. UpendraBaxi*, Judicial Activism is an inscriptive term. It means different things to different people. While some may exalt the term by describing it as judicial creativity, dynamism of the judges, bringing a revolution in the field of human rights and social welfare through enforcement of public duties etc., others have criticized the term by describing it as judicial extremism, judicial terrorism, transgression into the domains of the other organs of the state negating the constitutional spirit etc.

The Supreme Court of India has tried to define this concept of 'Judicial Activism' in words- "Judicial Activism denotes towards the particular role of the Judiciary to which Judiciary performed in the ambiguous areas to give a solution of the problems."[2] When the other rest organs of the Government i.e. Legislature and Executive remain inactive in performing their obligations like social welfare, ensuring justice, rule of law, equality, liberty, dignity and fraternity of the citizens etc. then this situation enables the Judiciary to issue certain directions toward the legislature and executive for ensuring the spirit of constitutionalism. Although encroaching in one's jurisdiction by the other organ of the government is contrary to the theory of 'Separation of Power' but the necessity makes the Judiciary active to issue directions against the Legislature and Executive and to scrutinize the actions of the rest organs of the government.

In recent years, law-making has assumed new dimensions through Judicial Activism of the Courts. The Judiciary has adopted a healthy trend of interpreting laws in a social context. Hitherto, the rigidity of the *locus standi* rule deprived the poor sections of the society of approaching the courts for the enforcement of their fundamental rights against the rich and affluent class of society. Now the concept of Public Interest Litigation (PIL) has liberalized the *locus standi* rule to such an extent that it has opened new vistas for the redressal of social problems.[3]It must be noted that liberalizing the *locus standi* rule and the emergence of PIL could be possible through Judicial Activism. Judicial Activism in the name of PIL has been proved as an effective tool of social, political and economic reforms in India. Through the Judicial Activism the Supreme Court and High Courts have made many efforts to give the solution on various problems and issues like Protection of ecology and environment pollution, Bonded labourers, Protection against inhuman treatment in prisons, Sexual harassment of working women, Ban on smoking in public places, Emergency medical aid, Free legal aid, Child welfare, Female foeticide, Fake encounters, Right to education, Right to information, Guidance in appointments of some constitutional officials like CVC[4], Appointment of Lokpal[5] etc.

All these highly sensitive issues should be given priority and resolved by the Legislature and Executive themselves. Often they remained inactive, and then the judiciary became active and vigil and actively made interference in these areas. In this context, the actions of the Judiciary for political reforms in the country are much appreciable work of the judiciary.

Some recent examples of Judicial Activism can be traced in the verdicts of the Supreme Court on 2G Spectrum scam, Coal block scam, Commonwealth Games scam, Noida land acquisition case, orders for 'Floor Test' in Uttarakhand[6], Karnataka and Maharashtra to end the Constitutional impasse, strike down NJAC, Act etc. were affected the Indian politics more, where the Supreme Court issued important directions in public interest and played an important role towards the political reforms in India.

Aim of the Study

The paper is aimed to conceptualize the idea of 'Judicial Activism' in India which enablethe Judiciarymore for theelectoral reforms and politics. The study tries to explore the efforts made by the Judiciary in regards to curbing the political corruption in the country. The study finally attempts to make certain recommendations as to law and practice concerning political reforms in the country.

Origin and history of Judicial Activism in India

Before the twentieth century, legal scholars squared off over the concept of judicial legislation, that is, judges making positive law. Where Blackstone (1723-1780) favoured judicial legislation as the strongest characteristic of the common law, Bentham (1748-1832) regarded this as a usurpation of the legislative function and a charade or 'miserable sophistry. Bentham, in turn, taught John Austin, who rejected Bentham's view and defended a form of judicial legislation in his famous 'Lectures on Jurisprudence'[7]. In future, this scholarly debate gave rise to the concept of Judicial Activism.

In America, the history of Judicial Activism can be traced out dates back to 1803 when the concept of judicial review was evolved by chief justice Marshall in the landmark judgment of the U.S. Supreme Court in case of *Marbury vs. Madison*. (5 U.S. 137 (1803) U.S. LEXIS 352) But the term 'Judicial Activism' was coined and recorded perhaps for the first time by *Arthur Schlesinger Jr*. in his article "The Supreme Court: 1947," published in Fortune magazine in 1947[8]

In India first time this term was explained and recognized by the Supreme Court in *L.C. Golaknath & Ors. vs. State of Punjab*[9] case wherein the court laid down the judicial principle of 'Prospective Overruling' by giving a wider beneficial interpretation of Article 13 of the Constitution. This judgment was the initial stage of Judicial Activism in India.

The history of Judicial Activism in India began in the late seventies when the strict rule of *locus standi* was given a final rest in *S.P Gupta vs. Union of India*[10] popularly known as Judges Transfer case. In this case, Justice *Bhagwati* better known as champion of PIL, inter- alia observed: "Where a legal wrong or legal injury is caused or threatened to a person or determinate class of persons and as such person or determinate class of person is by reason of poverty,helplessness or disability of socially or economically disadvantaged position,unable to approach the court of relief;any member of public can maintain an application for an appropriate direction, order or writ in any High Court under Art 226 and in the Supreme Court under Art 32,seeking judicial redress for the legal wrong or injury caused to such person."[11]

Constitutionality of Judicial Activism:

In support of the concept of Judicial Activism, some provisions of the Constitution such as Articles 13, 32,226, 141 and 142 are of considerable importance. Article 32 makes the Supreme Court as the protector and guarantor of the fundamental rights. Article 13 conferred wide power of judicial review to the Supreme Court and High Courts. In the exercise of the power of judicial review, it can examine the constitutionality of executive or legislative actions. Article 226 confers this power in favour of high courts so they have also the same power in this regard.

Art 141 indicates that the power of the Supreme Court is to declare the law and not enact it, but in the course of its function to interpret the law, it alters the law.

Art 142 enables the Supreme Court in the exercise of its jurisdiction to pass such order or make such order as is necessary for doing complete justice in any cause or matter pending before it.

These Articles make the Supreme Court, as well as High Courts; enable to play a significant role in the redressal of several social, political and economic issues.

The Supreme Court has stated itself in *K. Veeraswami vs. Union of India &Ors*. [12] that Judicial Activism denotes towards the particular role of

Judiciary to which Judiciary performed in the ambiguous areas to give the solution of the problems.

Judicial Activism and political reforms in India

A free and fair election is the essence for a healthy democracy and it is possible when a healthy political system will exist in the country. For seventy years we have witnessed the conduct of successful elections, peaceful changes of government at the Centre and States. People are exercising their voting rights, freedom of expression, and contesting election etc. At the same time very frequently we often listen complains about corrupt practices in politics, booth capturing, rigging in EVMs, nexus between politicians, bureaucrats and criminals, use of black money, arms, liquors, communalism, classism, castism and religious extremism to win the elections etc. And after winning election politicians involved in several scams like 2G-spectrum, Coal block allotment scam, INX Media scam etc. These are some challenging issues before the Indian political system which are degrading Indian politics and a big danger to the democracy and a barrier in the development of the country. In such a frustrating situation hopes go towards the judiciary for seeking justice and reforms in the system. All these situations open pace for possibilities of judicial activism and open the door for the Judiciary to play an active role to repair the system. The Indian judiciary is constantly patched up in the political system and trying well to reform the political system.

Abuse of electoral Process,criminalization, communalism and corruptionare the four important factorswhich are contaminating the Indian politics more. Electoral reform, decriminalise and decommunalise of politics and fight against corrupt political leaders are the major areas require constant check and reform for the healthy political system in India. The judiciary has made several efforts to mend the Indian politics by passing some remarkable judgments in this respect, which are discussed below-

Judicial measures to Electoral Reform in India

Article 324 of the Constitution of India provides for the constitution of Election Commission (EC), for the superintendence, direction and control of elections in India. The obligation upon EC is to conduct free and fair elections. Another piece of legislation to deal with this task is the Representation of People's Act, 1951 (further stated as RPA, 1951) and the Conduct of Election Rules, 1961. India has developed a very comprehensive system of election. The experiences of the last sixteen general elections in the country have shown the potential of this system. However, still, the electoral process is a witness with many evils like the use of black money, classism, casteism, communalism rigging in EVMs, abuse of administrative machinery, criminalization of politics etc. all these evils lead to eroding of citizen's faith in the free and fair election process.

The impacts of all these evils on the politics in India are that the ineligible candidates are elected to the responsible public offices like the Parliament and Assemblies. This makes Parliament less efficient in enacting necessary laws. Parliament loses its credibility and the council of ministers loses its legitimacy to administer the country. The culture of adjournment of the sittings of the houses is noticed severally. In the 16thLok Sabha, there were the highest numbers of members Facing criminal charges. According to the Association for Democratic Reform (ADR) which analysed the affidavits filed before the Election Commission, 34% of the new MPs face criminal charges. The number in 2009 and 2004 was respectively 30% and 24%.[13]

Judicial direction for use of VVPAT

The Supreme Court in *Dr Subramanian Swamy vs. Election Commission of India* (2013) directed to EC for the introduction of the VVPAT system to maintain the transparency in the election process. The apex court stated that we are satisfied that the "paper trail" is an indispensable requirement of free and fair elections. The confidence of the voters in the EVMs can be achieved only with the introduction of the "paper trail". EVMs with VVPAT system ensure the accuracy of the voting system. With intent to have fullest transparency in the system and to restore the confidence of the voters, it is necessary to set up EVMs with VVPAT system because the vote is nothing but an act of expression which has immense importance in a democratic system.

The SC in *PUCL vs. Union of India* said negative voting would even encourage people who are not satisfied with any of the candidates to turn up to express their opinion and reject all contestants.

None of The Above (NOTA)

The negative voting would even encourage people who are not satisfied with any of the candidates to turn up to express their opinion and reject all contestants.The Supreme Court on a petition of Peoples Union for Civil Liberty (NOTA case), had made a judgment thereby directed to the Election Commission to provide NOTA option on Ballot papers and EVMs. The apex court observed that negative voting will lead to a systemic change in polls and political parties will be forced to project clean candidates. If the right to vote is a statutory right, then the right to reject a candidate is a fundamental right of speech and expression under Article 19 (1) (a) the Constitution. The bench also pointed out that the system of negative voting existed in several other countries. Even in Parliament, the MPs have the option to abstain during a vote.[14] Following the judgment, Election Commission has initiated option of NOTA button in the assembly elections 2017 in 5 states, Chhattisgarh, Madhya Pradesh, Rajasthan, Delhi and Mizoram. Again n 17thLok Sabha general election- 2019, NOTAwas introduced. The highest 51660 (5.31%) of voters used NOTA in Gopalganj constituency (Bihar) and the lowest 3001 (0.25%) in Rohtak constituency (Haryana).

Supreme Court on EVMs Tampering Debate

Very recent on March 11, 2017, in five states, Goa, Manipur, Punjab, Uttar Pradesh and Uttarakhand, BhartiyaJanta Party (BJP) get a dramatic lead raised a debate about EVMs tampering, Leaders like BSP chief *Km. Mayawati* and Delhi CM *Arvind Kejriwal*have alleged large scale rigging in the just-concluded Assembly elections in five states, where BJP won the majority in all 4 out of the 5

States' Assembly elections.A PIL filed before the Supreme Court in this connection by ML Sharma to sought a direction to Centre for registering an FIR to investigate the alleged tampering of EVMs. He contained that the ECI should not have replaced ballot papers with EVMs since the RPA specifically mentions ballot paper. The Supreme Court asks Election Commission to reply on PIL alleging EVM can tamper. The PIL is pending before the Supreme Court. EVM machines are not 100 per cent tamper-proof. Various developed countries have also banned the use of EVM machines in elections. There are pieces of evidence hinting that EVM machines were tempered. Allegations made by various people must be a probe.

Decriminalization of Politics

Among the other needed reform in political system decriminalization of politics deserves much attention. Keeping this in view, the Supreme Court has made efforts to cleanse the electoral process. In the way of decriminalization of politics, the Supreme Court of India in *Union of India vs. Association for Democratic Reforms*[15] held that the voters have right to make informed choices during election and hence directed ECI to make it mandatory for contesting candidates to declare their assets and liabilities, that of their spouses and dependent children, any criminal conviction through the court of law, any pendency of criminal case and the educational qualification at the time of filing nomination papers.

To address the situation arising out of the Supreme Court decision in Association for Democratic Reform case (2002) the Parliament introduced an amendment in the Representation of People's Act, 1951 and inserted new section 33-B which provides a member had to declare his assets and liabilities only before the presiding officer of the house within 90 days after having become a member of the house.

However, in *People's Union for Civil Liberties vs. Union of India*[16] the Supreme Court struck down section 33-B as unconstitutional on the ground that it violated the fundamental rights of citizens to make an informed choice.

In *Krishna Murthy vs.Shiva Kumar &Ors*,[17] The Supreme held, concealing pending criminal case by a candidate amounts to corrupt practice and is a ground for setting aside the election of representative.

In *TheChief Election Commissioner vs. Jan Chowkidar (Peoples Watch) &Ors.*[18], a two-judges bench of the Supreme court dismissed the SLP filed by the Chief Election Commission etc. challenging the judgment passed by Patna High Court held that since any person confined in prison or in lawful custody of the police is not entitled to vote under Section 62 of The Representation of the People Act (RPA), 1951, the imprisoned person shall also not be entitled to contest elections to Parliament or state legislatures.

After the judgment of the Supreme Court, to address the situation arising out of this decision, The Representation of People Act, 1951 has been amended by the Representation of People (Amendment and Validation) Act, 2013 and a proviso has been inserted under section 62(5) of the RPA, 1951, that by reason of the prohibition to vote under section 62(5), a person whose name has been entered in the electoral roll shall not cease to be an elector. Section 1(2) of the Amendment and Validation Act, 2013 states that the aforesaid amendment is deemed to have come into force on 10th July 2013.As a consequence of the Representation of Peoples (Amendment and Validation) Act, 2013 a person does not cease to be an elector only by reason of his being in police custody or in imprisonment. It is, therefore, not necessary for us to consider these review petitions which are, accordingly, dismissed and the prayer for intervention is rejected.

In the same year in *Lily Thomas vs. Union of India*[19] case, the Supreme Court laid down some guiding principles for the decriminalization of politics. *Lily Thomas* a lawyer along with a Lucknow based NGO *LokPrahari* petitioned in the Supreme Court to strike down Section 8(4) of the Representation of the People Act, 1951 to disqualify a legislator immediately when convicted for two or more years' imprisonment. The Supreme Court passed landmark judgment to cleanse the political system of the criminals. The Court held section 8(4) of the Representation of People's Act, 1951 as unconstitutional and void which states that if a sitting MP or MLA is convicted and sentenced to not less than 2 years of imprisonment shall be disqualified from being a member of any house. However, if the member goes in an appeal against the conviction within 3 months, then he shall not be subject to disqualification. Now the consequence of this judgment will be that, if a sitting Member of Parliament or State Legislature is convicted and sentenced to not less than 2 years of imprisonment, he or she will be disqualified from being a member of the house with immediate effect. This is a very crucial judgment and will go a long path in cleaning and decriminalization of our political system. In effect of this judgment, dozens of politicians became disqualified from membership of Lok Sabha, Rajya Sabha and Legislative assembly. On 1 October 2013, *Rasheed Masood* became the first MP to lose his membership of parliament under the new guidelines, when he was sentenced to four years imprisonment in MBBS seat scam. *Lalu Prasad Yadav* and *Jagdish Sharma* convicted in the fodder scam and sentenced for 5 years hence disqualified from Lok Sabha.[20]

Decommunalization of Politics

India is a secular country where 1.26 billion people from different religion race, caste and colour live together from centuries before. A lot of unity in diversity can be seen here. But many times some communal mindset politicians for the sake of their political strength used their communal ideology. They push the public in the fire of communal violence for some vested interest. These riots are being adopted either to polarize the voters, mobilize voters or to prevent them from exercising their right to vote. A recent study conducted by three political scientists of the Yale University, Gareth Nellis, Michael Weaver, Steven Rosenzweig, political scientists from the Yale University in their paper titled "Do parties matter for ethnic violence? Evidence from India", has maintained

that "the election of a single Congress MLA in a district brought about a 32% reduction in the probability of a riot breaking out prior to the next election. Simulations reveal that had Congress candidates lost all close elections in our dataset, India would have faced 10% more riots and thousands of more riot causalities. Analysing the effect of riots on the vote share of 'Hindu Nationalist Parties', the paper reveals that, the BJP saw a 0.8% increase in their vote share following a riot in the year prior to an election. The polarization of the electorate induced by riots disadvantages Congress in subsequent elections and makes it counter-productive for the party's affiliates to instigate riots following an electoral loss. In addition, local Muslim voters on whom the Congress depended for votes would presumably have looked unfavourably towards Congress orchestrating riots in which Muslims were the principal victims. This would make instigating riots a high-risk strategy where there are large Muslim populations, yet this is precisely where we find the effect of Congress to be strongest.[22]

Ultimately the aftermath of these communal riots remains very harsh for the social, political and economic progress and stability of the nation. India is the witness of frequent planned communal riots which are engineered for some vested political interests. Here also the Judiciary has shown its Judicial Activism and made efforts to water down the problem of communal riots.

In the history of independent India an important initiative towards the 'Decommunalize' politics, and make election free and fair, was taken by Bombay High Court and set aside the election of *Shiv Sena* leader *Manohar Joshi*. In Maharashtra after the 1992-93 Mumbai riots, *Shiv Sena* leader *Manohar Joshi* who appealed before voters in the name of religion and used objectionable language against Muslims and had promised to turn Maharashtra into India's first Hindu State. The Bombay High Court nullified Joshi's election as by seeking a vote in the name of religion. Court said, seeking votes in the name of religion is an amount to a corrupt practise under section 123(3) of the PRA, 1951.

In *Dr Ramesh YeswantPrabhoo vs. Shri PrabhakarKashinathKunte and Ors*[23]., the above judgment was challenged before three judges' bench of the Supreme Court. The apex court on December 11, 1995, delivered judgment in a number of appeals arose from the decision of Bombay High Court relating to the validity of the elections of certain Shiv Sena- BJP candidates to Maharashtra Assembly. The Bombay High Court had set aside the elections of these candidates mainly on the ground that they had committed a corrupt practise as defined by Section 123(3) of the Representation of the People Act, 1951. The corrupt practice defined in Section 123(3) consists of "the appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion. But the Supreme Court overturned the judgment of the High Court saying that 'Hindutva' is a way of life, not religion.[24] This gave the BJP and the Shiv Sena considerable legal ground to justify their ultra-nationalist politics. The decision of the apex court was not in consonance of secular democracy. Since then, the issue was raised in the top court many times, including in 2002 when the court referred the matter to a seven-judge bench for clarity.

Recently, the Supreme Court on January 2, 2017, on *'Hindutva'* delivered a landmark judgment in *Abhiram Singh vs. C.D. Commachen & Ors.*[25] The seven judges' constitutional bench of the Supreme Court headed by Chief Justice T.S. Thakur interpreting section 123(3) of the PRA, 1951 held, seeking a vote in the name of religion, caste and community amounted to corrupt practice and the election of a candidate who indulges in it can be set aside. The Supreme Court on '*Hindutva*' case clarified on religion and politics, religion has no role in the electoral process which is a secular activity. Religion cannot affect the purity of the electoral process. Appeal by anyone in names of religion, race, caste, language and community will hold the poll bad. The court observed, "state is obliged to allow practising and professing of religious faith a citizen follows but can forbid interference of religions and religious beliefs with secular activity such as elections." Thanks to the Supreme Court for delivering such landmark judgment. It will clean the election process from communalism and extremism.

Judicial measures on prevention of Political Corruption

According to 2016 results of the Corruption Perception Index of Transparency International, India ranks 79th place out of 176 countries. The largest contributors to the corruption cases are entitlement programs and social spending schemes sponsored by the government. For example Mahatma Gandhi National Rural Employment Guarantee Act and National Rural Health Mission. Hereunder some notable scams noticed during the last ten years are where political leaders who are known to lead the nation were found involved in many scams like, Sardha Group Financial Scandal (2013) of rupees 40,000 Crore, KunalGhose (M.P., Rajya Sabha) of All India Trinamool Congress jailed. Common Wealth Game Scam (2010) of rupees 70,000 Crore, Suresh Kalmadi, Sheila Dixit were involved. The CVC found discrepancies in tenders and misappropriation of funds. Indian Coal Allocation Scam (2012) of rupees 185,591 Crore, CAG, the Coal Ministry and many electricity boards and private companies were involved. Uttar Pradesh NHRM Scam (2012) of Rupees 10,000 Crore, Babu Singh Kishwaha and Mayawati and some bureaucrats were involved. Babu Singh Kushwaha and Abhishek Shukla (IAS) were jailed. 2G Scam (2008) of Rupees 176,000 Crore, NiraRadia (Lobbyist), A. Raja (Telecom Minister), M.K. Kanimozhi Daughter of five-time Chief Minister of Tamil Nadu M. Karunanidhi. DMK Member of Parliament, representing Tamil Nadu in the Rajya Sabha and many telecommunication companies were involved.[26]

Supreme Court on 2G Spectrum Allocation Scam, On September 13, 2010, the Supreme Court issued notices to Telecom Minister A Raja and the

CBI following a petition filed by two activist groups and senior journalist *ParanjoyGuhaThakurta* which alleges that the exchequer suffered a loss of Rs 70,000 crore due to the way 2G spectrum was allocated. On 2 February 2012, the Supreme Court of India ruled on a Public Interest Litigation (PIL) related to the 2G spectrum scam. The court declared the allotment of the spectrum "unconstitutional and arbitrary", cancelling the 122 licenses issued in 2008 under A. Raja then Minister of Communications & IT (2007 to 2009), the primary official accused. According to the court, *A. Raja* "wanted to favour some companies at the cost of the public exchequer and virtually gifted away important national assets". The zero-loss theory was discredited on 3 August 2012 when, after a Supreme Court directive, the government of India revised the base price for 5-MHz 2G spectrum auctions to 140 billion (US$2.2 billion), raising its value to about RS. 28 billion per MHz (near the Comptroller and Auditor General estimate of RS. 33.5 billion per MHz).[27]

In another proceeding against *A. Raja* then Telecom Minister and *Kanimozhi* DMK M.P. main accused in 2G Spectrum Allocation scam were jailed later acquitted by a special CBI Court.

Recently, the Association for Democratic Reforms (ADR) has filed PIL before the Supreme Court to seeking a stay of the controversial Electoral Bond Scheme. In the light of media reports that the Central Government went ahead with the Electoral Bond Scheme ignoring the serious objections raised by the RBI and Election Commission of India. The RBI has warned repeatedly that the scheme has the potential to increase black money circulation, money laundering, cross-border counterfeiting and forgery. Hopes the Supreme Court will actively take an action against the Electoral Bond Scheme.

Conclusion

India has a sound political system to form competent Governments in Union and States. Free and Fair election is the key toa healthy democracy.But the recent trend of religious fanaticism, fascism and casteism is threatening the democratic fabricof the country. The practice of political alliances is not good for Indian democracy. The recent trends of forming governments bymaking post-election alliances of the parties totally opponent in ideology is a new threat to the electoral policy of the country.

The Supreme Court has showna 'Zero tolerance' approach towards corruption in politics. The Supreme Court has ruled, the courts must deal with corrupt people with iron hands. The Judiciary has made appreciable efforts to water down the challenges before Indian politics. Either it may be the problem of contaminated election process or criminalization of politics; communalism and corruption everywhere the Judiciary through the tool of Judicial Activism has made appreciable efforts to reform the political system. But the efforts in this regard on the side of Legislature and Executive are not traced out. Perhaps it is because the Legislature and Political Executive in India are formed through the election process and so they are not interested to make the political system healthy. The recent activism of the Supreme Court in cases of the formation of State Governments in Uttarakhand, Karnataka and Maharashtra very is much appreciable. If the Court does not handle the situations actively, the political parties crush the democratic spirit of the country.

Suggestions

Apart from the ideologies of political parties, the people must regard the Constitutional values regarding the democratic system. The measures in regard to political reforms in India taken by the Judiciary must be appreciated by the Parliament by enacting them. The Representation of People's Act, 1951and The Conduct of Election Rules, 1961 should be reviewed. The present debate on EVMs rigging has alarmed the political system to be checked and reformed immediately. The Judiciary must remain more vigil and active to take immediate initiatives towards making the electoral process transparent. The Supreme Court must issue important guiding principles for the formation of Governments after poll results because of in resent time corruption is shifting from polling to results and formation of governments.

Endnotes

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5. *[1] On April 27, 2017 on the petition filed by NGO 'Common Cause' for seeking a direction to the Centre to ensure that the procedure for selecting the chairperson and members of Lokpal must be transparent as envisaged under the Act. The SC said the Lokpal and Lokayukta Act, 3013 is a workable piece of legislation and it was not justifiable to keep it operation pending.*
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