

Case: Indira Nehru Gandhi v Sri Raj Narain & Anr

Date of Order / Judgment: 23rd August, 2024

The Matter Heard by Bench: Justice A.N. Ray (Chief Justice), Justice H.R. Khanna, Justice K.K. Mathew, Justice M.H. Beg, Justice Y.V. Chandrachud

Background

This case arose from the 1971 general elections, where Indira Gandhi, the then Prime Minister of India, was elected from the Rae Bareilly constituency. Her opponent, Raj Narain, challenged her election in the Allahabad High Court on the grounds of electoral malpractices. The High Court found her guilty of corrupt practices under the Representation of the People Act, 1951, and invalidated her election. This judgment led to a constitutional crisis, and an appeal was made to the Supreme Court of India.

Issues

1. Validity of the Representation of the People (Amendment) Act, 1974: The key issue was whether the amendments to the Representation of the People Act and the subsequent constitutional amendment (39th Amendment) that sought to immunise the election of the Prime Minister from judicial scrutiny were valid.
2. Separation of Powers: Whether the 39th Amendment violated the basic structure of the Constitution by taking away the jurisdiction of the judiciary over the election disputes concerning certain high officials, including the Prime Minister.
3. Principle of Free and Fair Elections: Whether the immunity given to the Prime Minister's election from judicial review under the 39th Amendment violated the basic principles of democracy and free elections, which are part of the basic structure of the Indian Constitution.

Observation

The Supreme Court observed that the 39th Amendment to the Constitution, which sought to place the election of the Prime Minister beyond judicial review, was a direct violation of the principle of separation of powers. The court further held that the amendment violated the basic structure of the Constitution by undermining the concept of free and fair elections.

The court acknowledged the inherent conflict between legislative amendments and the need for judicial review to maintain constitutional supremacy. It emphasised that the

amendments introduced by Parliament could not alter the basic structure of the Constitution as established in the Kesavananda Bharati case (1973).

Decision

The Supreme Court struck down the provisions of the 39th Amendment, declaring them unconstitutional. It reaffirmed that no part of the Constitution, including amendments, can abrogate the basic structure doctrine, which includes free and fair elections and the separation of powers. Indira Gandhi's election was declared void due to corrupt practices, but she was later cleared to continue as Prime Minister after a stay was granted on the execution of the judgment.

This case ultimately ruled that 'judicial review', 'separation of power', and 'free and fair elections' are part of the basic structure of the Constitution

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