

INDIRA GANDHI VS. RAJ NARAIN

[Indira Gandhi versus Raj Narain](#) is one of the most, if not the most, momentous cases in post-independent Indian history, which brought a plethora of changes in Indian politics as well as society. The case dates back to 1971, when Raj Narain, a socialist leader, accused Prime Minister Indira Gandhi of malpractices in the general election of 1971 and moved a petition in the Allahabad High Court to declare the election null and void. The High Court gave the verdict in favour of Raj Narain; as a result, Indira Gandhi appealed in the Supreme Court against the verdict.

Raj Narain was a candidate of the Samyukta Socialist Party contesting against the sitting Prime Minister Indira Gandhi, from Raebareli constituency in the 1971 general election. He was confident about his victory; the result, however, came in favour of Indira Gandhi. Raj Narain filed a petition in the Allahabad High Court arguing that Indira Gandhi had been involved in electoral malpractices, misuse of state machinery and violation of laws enshrined in the Representation of the People's Act, 1951. Justice Jagmohan Sinha [held the verdict](#) in favour of Raj Narain on 12 June 1975 and declared Gandhi's election invalid. The court also held that Indira Gandhi cannot hold the Prime Minister's post and gave 20 days to Congress for appointing a new Prime Minister.

Dissatisfied with the judgment, Indira Gandhi appealed in the Supreme Court. In its initial hearing, the Supreme Court upheld the verdict given by the Allahabad High Court, though it allowed Indira Gandhi to continue as PM, but with certain restrictions. Indira Gandhi was already facing stiff opposition from Jayprakash Narayan-led student movement and trade union strikes. The judgment escalated the opposition, resulting in her declaring an emergency on 25 June 1975, giving the reason of 'internal disturbances'. What followed was something which India witnessed for the first time. Democracy ceased to exist for 21 months, and something like authoritarian rule prevailed.

During the ongoing hearing and emergency, a new article was introduced through the [39th Constitutional Amendment](#). Named as [329A](#), Clause 4 of the article stated that the election of the Prime Minister, President, Vice-President and Speaker cannot be scrutinised by the judiciary. For such purposes, a committee should be formed by the Parliament. Thus, through this amendment, Indira Gandhi tried to curb the judgment that would have been potentially against her. In the Supreme Court, it was argued that the rule of law and judicial review are not in the Basic Doctrine of the Constitution.

Question of Law

In the beginning, the major question of law before the bench was the constitutional validity of the election of Indira Gandhi, and thus, the court was primarily concerned with the Representation of the People's Act, 1951. However, with the 39th Amendment, the constitutional validity of Article 329A (4), which keeps the election of the Prime Minister outside the ambit of judicial review, also became a question of law. It was also argued that clause 4 of this article violated the right to equality.

Judgment

The court, delivering its judgment, validated the election of Indira Gandhi, stating that the claim of electoral malpractices lacked evidence. The court, regarding the 39th Amendment, stated that the matters concerning elections come under the powers of Parliament and thus left it for Parliament to decide its validity. However, the court invalidated Clause 4 of Article 329A, which kept the Prime Minister outside judicial review. The court held that this clause is against the Right to Equality enshrined in Article 14. The Supreme Court also categorised judicial review, rule of law, free and fair elections and right to constitutional remedies as the basic structure of the Constitution, which cannot be violated.

References

- *Indira Gandhi versus Raj Narain AIR 1975 SC 2299*
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