



CONSTITUTIONAL LAW

Judicial Review Vs. Electoral Continuity: Understanding The Constitutional Balance

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Introduction: Judicial Non-Interference in Ongoing Elections

Free and fair elections are the cornerstone of India's constitutional democracy. Recognising the importance of uninterrupted electoral processes, the Constitution creates a comprehensive framework under **Part XV** to regulate elections while limiting judicial intervention during their conduct.

Although judicial review is a basic feature of the Constitution, Article 329(b) expressly provides that no election to Parliament or a State Legislature shall be called into question except through an election petition presented after the completion of the election. This constitutional safeguard ensures that elections are conducted efficiently, without delays caused by litigation at intermediate stages.

The principle underlying Article 329(b) has been consistently upheld by the Supreme Court since the landmark decision in *N.P. Ponnuswami v. Returning Officer* (1952), which held that the term “election” encompasses the entire electoral process—from the issuance of the election notification to the declaration of results. Consequently, disputes relating to nomination papers, scrutiny, polling, or counting must ordinarily be raised only after the election through the statutory remedy of an **election petition**.

Against this constitutional backdrop, the Supreme Court in *Meenakshi Natarajan v. Election Commission of India* reaffirmed the doctrine of non-interference in ongoing elections. The Court dismissed a writ petition challenging the rejection of the petitioner's Rajya Sabha nomination, holding that Article 329(b) bars judicial intervention during an active election and that the appropriate remedy is an election petition after the electoral process has concluded.

The judgment reinforces the constitutional balance between preserving the integrity of elections and safeguarding judicial review through the mechanism specifically provided by election law.

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Facts of the Case

The petitioner, **Meenakshi Natarajan**, a candidate of the Indian National Congress, filed her nomination for a Rajya Sabha seat from the State of Madhya Pradesh.

On 9 June 2026, the Returning Officer rejected her nomination on the ground that her Form 26 affidavit failed to disclose the pendency of a criminal case, despite the fact that summons had already been issued and she had appeared before the Magistrate. The Returning Officer held that this amounted to suppression of material information and rendered the affidavit incomplete.

Following the rejection, the petitioner approached the Election Commission of India seeking relief. As no order was passed by the Commission, she invoked the Supreme Court's jurisdiction under **Article 32**, contending that the Returning Officer's decision

was contrary to Section 33A of the Representation of the People Act, 1951.

She argued that disclosure under Section 33A is required only where charges have been framed for offences punishable with imprisonment of two years or more, whereas in her case, no charges had yet been framed. She further argued that the writ petition sought to enable a fair election rather than obstruct the electoral process.

The respondents, including the Election Commission of India and the private respondents, opposed the maintainability of the petition. They relied upon the constitutional bar contained in Article 329(b) and the settled precedent beginning with *N.P. Ponnuswami v. Returning Officer*, contending that the only remedy available against rejection of a nomination paper is an election petition after completion of the election.

The Legal Framework

Constitutional and Statutory Provisions

The constitutional and statutory scheme governing the issue is primarily contained in **Article 329(b)** of the Constitution of India, which provides that no election to either House of Parliament or to a State Legislature may be called in question except through an election petition presented in the manner prescribed by law.

This bar is reinforced by Sections 80 and 170 of the Representation of the People Act, 1951, which restrict election challenges to the statutory election-petition mechanism and limit judicial interference with decisions of the Returning Officer during the electoral process.

Nomination Scrutiny and Disclosure Requirements

In relation to nomination scrutiny, **Section 33A** of the 1951 Act, read with Rule 4A of the Conduct of Election Rules, 1961 and Form 26, requires candidates to disclose specified pending criminal cases and convictions.

Under Section 100(1)(c) of the 1951 Act, improper rejection of a nomination paper may constitute a ground for declaring an election void, but such a challenge must be raised through an election petition after completion of the election.

Key Precedents

Relying on *N.P. Ponnuswami v. Returning Officer*, *Mohinder Singh Gill v. Chief Election Commissioner*, *Election Commission of India v. Ashok Kumar* and *Manda Jaganath v. K.S. Rathnam*, the Court in *Meenakshi Natarajan v. Election Commission of India* reaffirmed that **“election” covers the entire electoral process** and that courts should not interrupt that process through Articles 32 or 226, even where the rejection of a nomination is alleged to be manifestly illegal.

The Court’s Reasoning

The Division Bench comprising of Hon’ble Justice Prashant Kumar Mishra and Justice Atul S. Chandurkar reasoned as follows:

- Non-maintainability under Article 32:** The Court held that the writ petition under Article 32 of the Constitution was not maintainable because the dispute directly concerned the rejection of the petitioner’s nomination paper during an ongoing election. The right to contest an election is a statutory right and not, by itself, a fundamental right enforceable under Article 32.
- Express bar under Article 329(b):** The Court relied on Article 329(b), which expressly provides that an election to Parliament or a State Legislature can be questioned only through an election petition presented in the manner prescribed by law. The Court held that the constitutional bar applies to the entire electoral process and not merely to the final result.
- Wide meaning of “election”:** Relying on *N.P. Ponnuswami v. Returning Officer*, the Court held that the word “election” must be understood in its wider sense. It covers the complete process beginning with the submission and scrutiny of nomination papers and ending with the declaration of the elected candidate. Therefore, rejection of a nomination paper is itself an election-related matter falling within the scope of Article 329(b).
- Complete statutory mechanism:** The Court observed that the Representation of the People Act, 1951 provides a complete statutory mechanism for resolving election disputes. Under Sections 80 and 100, an aggrieved candidate may challenge the election through an election petition after the election has concluded, including on the ground of improper rejection of a nomination paper.
- No exception for “manifest illegality”:** The Court rejected the argument that writ jurisdiction could be exercised because the alleged illegality was “glaring” or “manifest.” It held that Article 329(b) does not create an exception permitting courts to interfere in some cases of improper rejection while directing parties to file election petitions in others. Creating such an

- exception would be contrary to the constitutional scheme and would result in uncertainty and delay in the election process.
6. **Section 33A, Rule 4A, and Form 26:** The Court considered the petitioner's reliance on Section 33A of the Representation of the People Act, Rule 4A of the Conduct of Election Rules, 1961 and Form 26. However, it held that even the correctness of the Returning Officer's interpretation of the disclosure requirement could not be examined in a writ petition during the pendency of the election.
 7. **Preservation of electoral timetable:** The Court emphasized the need for elections to be completed expeditiously and according to the prescribed timetable. Permitting judicial challenges at an intermediate stage could interrupt the election process, create conflicting decisions and undermine the special election-dispute mechanism established by Parliament.
 8. **Disposition with preservation of rights:** The Court dismissed the writ petition on the ground of the express constitutional bar under Article 329(b). It clarified that any observations made while deciding the writ petition would not prejudice the petitioner's right to file an election petition, which would have to be decided independently on its own merits.

Implications and Analysis

Upholding Electoral Continuity

The judgment in *Meenakshi Natarajan v. Election Commission of India* is significant as it reaffirms the constitutional principle that **judicial intervention must not disrupt the electoral process**. By upholding the bar under Article 329(b), the Supreme Court reinforced the idea that elections should proceed uninterrupted, with disputes being resolved only after their completion through the statutory mechanism of an election petition.

This approach preserves the certainty, continuity, and timely conduct of elections, which are essential to the functioning of a democratic polity.

Election Law as a Self-Contained Code

The decision also strengthens the doctrine that **election law constitutes a self-contained code**. By refusing to entertain a writ petition under Article 32, the Court reaffirmed that the Representation of the People Act, 1951 provides the exclusive remedy for challenging election-related grievances.

This ensures uniformity in the adjudication of electoral disputes and prevents parallel proceedings before constitutional courts, thereby avoiding conflicting decisions.

Continuing Relevance of N.P. Ponnuswami

Another important implication of the judgment is its reaffirmation of the continuing relevance of *N.P. Ponnuswami v. Returning Officer* (1952). Despite the petitioner's argument that the rejection of her nomination was manifestly illegal, the Court declined to create an exception to Article 329(b).

This reflects **judicial restraint** and reinforces the principle that constitutional courts cannot dilute an express constitutional prohibition based on the perceived merits of an individual case. In doing so, the Court maintained consistency in election jurisprudence and upheld the supremacy of the constitutional scheme governing elections.

Balancing Judicial Review and Electoral Autonomy

From a broader constitutional perspective, the judgment strikes a balance between judicial review and electoral autonomy. While the Court declined to intervene during the election, it expressly preserved the petitioner's right to challenge the rejection of her nomination through an **election petition** after the electoral process concluded.

Thus, the decision does not exclude judicial scrutiny but merely postpones it to the appropriate stage, ensuring that democratic processes are not hindered while legal remedies remain available.

The ruling is a significant reaffirmation of the constitutional commitment to free, fair, and uninterrupted elections. It underscores that electoral disputes should be resolved within the specialised framework envisaged by the Constitution and the Representation of the People Act, thereby strengthening public confidence in both the electoral process and the rule of law.

Conclusion

The Supreme Court's decision in *Meenakshi Natarajan v. Election Commission of India* (2026) is a significant reaffirmation of the **constitutional balance between judicial review and electoral continuity**. By dismissing the writ petition under Article 32, the

Court upheld the express bar contained in Article 329(b) and reiterated that disputes concerning the rejection of nomination papers must be pursued through an election petition after the completion of the electoral process.

The decision, consistent with the principle established in *N.P. Ponnuswami v. Returning Officer*, demonstrates that judicial review in electoral matters is not completely excluded but is subject to constitutional limitations regarding its timing and manner.

The judgment illustrates that protecting electoral continuity does not mean placing electoral authorities beyond judicial scrutiny. Rather, the Constitution **postpones such scrutiny to the appropriate stage** so that the electoral process can proceed without interruption.

By preserving the petitioner’s right to pursue an election petition under the Representation of the People Act, 1951, the Court maintained access to judicial remedies while preventing litigation from disrupting an ongoing election.

The decision reflects a careful constitutional equilibrium: judicial review safeguards legality, while electoral continuity safeguards the democratic process. Neither principle is rendered subordinate; instead, **Article 329(b)** determines when judicial review may appropriately operate. The judgment therefore reinforces the proposition that constitutional democracy requires effective judicial oversight and respect for the autonomy, continuity, and timely completion of the electoral process.

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