Polity & Governance · GS - II

Examine the distinction between judicial review of criminal proceedings and adjudication of election disputes in India.

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 26/11/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
15	~250 words

Answer Hint

Quashing of criminal cases, High Court's inherent jurisdiction, Article 329(b), Representation of the People Act, 1951, electoral accountability

Model Answer

Two distinct judicial functions

The Indian constitutional framework provides separate mechanisms for examining criminal offences associated with elections and resolving disputes concerning election outcomes. Their purposes and legal consequences are different.

1. Judicial review of criminal proceedings

1. High Courts exercise inherent jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (formerly Section 482 CrPC), to prevent abuse of judicial process and secure the ends of justice.
2. Proceedings may be quashed where allegations do not disclose an offence, evidence is legally insufficient to sustain prosecution, or continuation would constitute an abuse of process.
3. Such an order does not automatically establish factual innocence after a full trial.

2. Adjudication of election disputes

1. Article 329(b) restricts judicial interference in elections except through an election petition presented in the manner prescribed by law.
2. Under the Representation of the People Act, 1951, election petitions challenging parliamentary and state legislative elections are generally tried by High Courts.
3. Grounds include corrupt practices, improper acceptance or rejection of nominations and other legally recognised electoral irregularities.

3. Why the distinction matters

Criminal proceedings determine individual criminal liability, whereas election petitions examine the legal validity of an election. Consequently, quashing a criminal case does not automatically validate an election or prevent a separately maintainable election petition.

Conclusion

Maintaining this distinction protects both due process and electoral integrity. Independent investigation, reasoned judicial scrutiny and timely election adjudication are essential to public confidence in democratic institutions.

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