



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

CASE COMMENTARY

CAN LEGISLATORS SELL THEIR VOTE?

A CRITICAL COMMENTARY ON SITA SOREN V. UNION OF INDIA (2024)

Samikhya Patro

Citation: Sita Soren v. Union of India, (2024) 6 SCC 1

Court: Supreme Court of India (Constitution Bench — 7 Judges)

Date of Judgment: March 4, 2024

Coram: C.J.I. D.Y. Chandrachud, JJ. A.S. Bopanna, M.M. Sundresh, P.S. Narasimha, J.B. Pardiwala, Sanjay Kumar & Manoj Misra

ABSTRACT

The Supreme Court of India in *Sita Soren v. Union of India* (2024) unanimously overruled its 1998 five-judge bench ruling in *P.V. Narasimha Rao v. State*, which had controversially held that a Member of Parliament or a Member of a State Legislature who accepts a bribe to vote in a particular way is immune from prosecution under Articles 105(2) and 194(2) of the Constitution¹. The 2024 judgment, delivered by a seven-judge Constitution Bench, overruled the controversial precedent in *P.V. Narasimha Rao*. This commentary examines the facts, the constitutional reasoning, the doctrinal shifts, and the broader democratic implications of this landmark ruling.

¹ *Sita Soren v. Union of India*, (2024) 6 SCC 1.

I. INTRODUCTION

The central issue before the Supreme Court was whether a legislator who accepts a bribe in connection with a legislative vote can claim immunity under Article 194(2) of the Constitution.

The case of Sita Soren arose from a fairly straightforward factual matrix. Sita Soren, a Member of the Jharkhand Legislative Assembly and was accused of accepting a bribe to cast her vote in favour of an independent candidate in the 2012 Rajya Sabha elections. She allegedly accepted a bribe but did not ultimately vote for the candidate concerned. Relying on *P.V. Narasimha Rao*, she argued before the courts² that she was entitled to absolute immunity under Article 194(2) of the Constitution³ for her vote, and consequently, any bribery allegation attached to that vote must also be immune from prosecution.

The Jharkhand High Court rejected this argument. Sita Soren appealed to the Supreme Court, and the matter was referred to a larger bench given the significant constitutional questions it raised. The matter was referred to a seven-judge Constitution Bench which reconsidered the scope of parliamentary immunity.

II. THE GHOST OF P.V. NARASIMHA RAO (1998): WHAT WAS THE OLD LAW?

The 1998 ruling in *P.V. Narasimha Rao v. State* arose from the infamous 1993 no-confidence motion against the minority government of P.V. Narasimha Rao. Several Members of Parliament were alleged to have accepted bribes to vote against the no-confidence motion, thereby helping the government survive.

In *P.V. Narasimha Rao v. State* (1998), the Supreme Court held that legislators who accepted bribes and voted accordingly enjoyed immunity under Article 105(2).⁴ This precedent formed the basis of Sita Soren's claim before the Court. The Constitution Bench was therefore required to determine whether parliamentary privilege could extend to criminal acts such as bribery.

A. THE DOCTRINE OF CONSTITUTIONAL MORALITY

² *P.V. Narasimha Rao v. State (CBI/SPE)*, (1998) 4 SCC 626.

³ INDIA CONST. art. 194(2).

⁴ *P.V. Narasimha Rao v. State (CBI/SPE)*, (1998) 4 SCC 626.

The Court relied on constitutional morality to interpret Articles 105 and 194⁵. The Court held that the Constitution is not merely a legal document but a moral compact, and that its provisions must be interpreted in a manner consistent with the values that animate it. Democratic participation, free and fair elections, the integrity of the legislature, and the rule of law are not peripheral aspirations — they are foundational commitments.

B. OVERRULING NARASIMHA RAO: THE STANDARDS APPLIED

The absurdity pointed out was particularly striking: under the old law, a legislator who accepts a bribe and votes accordingly is immune, but one who accepts a bribe and then votes differently is not. The honest betrayal of a corrupt promise resulted in prosecution; the faithful execution of it did not. No coherent legal system could endorse such an outcome.

C. THE CORRECT LEGAL POSITION POST-2024

The Court laid down the correct position clearly and without ambiguity: a member of Parliament or a State Legislature who accepts a bribe to vote or speak in a particular manner is not entitled to immunity⁶ under Articles 105(2) or 194(2) from prosecution for the offence of bribery. The act of bribery is complete at the time of acceptance of the illegal gratification.⁷ It is a separate offence, independent of and prior to any parliamentary act. The parliamentary act — the vote or the speech — retains its immunity, but the criminal transaction that preceded it does not.

On the specific facts of Sita Soren's case, the Court upheld the Jharkhand High Court's dismissal of her petition. She was not entitled to claim immunity. The criminal proceedings against her would continue.

III. CRITICAL ANALYSIS

A. THE JUDGMENT IS CONSTITUTIONALLY SOUND

It is difficult to find serious fault with the constitutional reasoning of this judgment. The majority in Narasimha Rao had committed a fundamental logical error by treating the bribe and the vote as

⁵ *Sita Soren v. Union of India*, (2024) 6 SCC 1.

⁶ *Sita Soren v. Union of India*, (2024) 6 SCC 1.

⁷ *Sita Soren v. Union of India*, (2024) 6 SCC 1.

a single indivisible act. They are not. A bribe is a crime under the Prevention of Corruption Act⁸; a vote is a constitutional act. The constitutional protection for the vote cannot retroactively launder the criminality of the bribe. The 2024 judgment correctly identifies this distinction and draws the line in the right place.

The judgment is particularly significant because it redefines the relationship between parliamentary privilege and public accountability. Parliamentary immunity was conceived as a safeguard against executive interference, not as a shield against criminal prosecution. By separating the act of voting from the act of accepting a bribe, the Court restored the original constitutional purpose of legislative privilege. This clarification strengthens public confidence in democratic institutions and aligns parliamentary immunity with the rule of law.

B. THE CONSTITUTIONAL MORALITY FRAMEWORK: A NOTE OF CAUTION

The Court's invocation of constitutional morality as an interpretive tool is intellectually interesting and, in this case, leads to the right result. However, it is worth noting that constitutional morality is a concept whose content is not self-defining. Courts must be careful not to use it as a vehicle for substituting their own moral preferences for the text and structure of the Constitution. The concern arises in cases where constitutional morality might be invoked to override, rather than to illuminate, constitutional text.

Nevertheless, the outcome of the case did not necessarily require reliance on constitutional morality. A textual reading of Articles 105(2) and 194(2) is itself sufficient⁹ to conclude that a bribe is distinct from a legislative vote. While constitutional morality may strengthen the Court's reasoning, excessive dependence on broad constitutional values can create uncertainty regarding the limits of judicial interpretation. Future courts should therefore ensure that constitutional morality supplements, rather than replaces, constitutional text.

IV. CONCLUSION: DEMOCRACY'S COMPACT WITH INTEGRITY

⁸ Prevention of Corruption Act, No. 49 of 1988, §§ 7, 8, 11, Acts of Parliament, 1988 (India).

⁹ INDIA CONST. arts. 105(2), 194(2)

The judgment correctly restores the distinction between legislative privilege and criminal liability. By overruling *P.V. Narasimha Rao*, the Supreme Court reaffirmed that parliamentary immunity protects legislative functions, not corruption.

The judgment also brings India closer to the position followed in other constitutional democracies, where parliamentary privilege protects legislative functions but does not extend to corruption or bribery.¹⁰ In this respect, the decision reflects an international understanding that democratic accountability and legislative independence are complementary rather than competing constitutional values.

¹⁰ Bill of Rights, 1689, 1 W. & M., Sess. 2, c. 2, art. 9 (Eng.).