

Topic: Directions To Candidate To File An Affidavit Detailing Information About Themselves Under Article 324

Name of the case: UOI v. Association for Democratic Reforms, AIR 2002 SC 2112

Bench: Justice M.B. Shah, Justice Basheshwar Prasad Singh and Justice H.K. Sema

Judgment: The Supreme Court directed the election commission to issue certain direction to candidates to file an affidavit detailing information about themselves under certain specific heads. This was done to stop criminalisation of politics. People have a right to know about the candidate for whom they are being urged to vote. The right to know flows from Article 19 (1) (a). When law is silent Article 324 is a reservoir of power to act for the avowed purpose of having free and fair elections. The court has further observed in the following wording:

“The Constitution has taken care of leaving scope for exercise of residuary power by the commission in its own right as a creature of the Constitution in the infinite variety of situations that may emerge from time to time in a large democracy, as every contingency could not be foreseen or anticipated by the elected laws or rules by issuing necessary direction, the commission can fill the vacuum till there is legislation on the subject.”