

Case name

Election Commission of India v. Subramanian Swamy (2002)

Case

The Supreme Court of India directed the Election Commission of India (ECI) to secure to the voters the following information pertaining to the candidates contesting the election to the Parliament and the State Legislative Assemblies.

Brief Summary

The Supreme Court held that the Election Commission of India (ECI) has the power to issue directions for disclosure of assets, educational qualifications, and involvement in criminal cases of candidates contesting elections. The Court also directed the ECI to disseminate the information to the voters.

Main Arguments

The main arguments revolved around the interpretation of Article 324 of the Constitution of India, which empowers the Election Commission of India (ECI) to issue directions for the conduct of elections. The Court held that the ECI has the power to issue directions for disclosure of assets, educational qualifications, and involvement in criminal cases of candidates.

Legal Precedents or Statutes Cited

The Court cited Article 324 of the Constitution of India, which empowers the Election Commission of India (ECI) to issue directions for the conduct of elections. The Court also referred to the Representation of the People Act, 1951 and the Representation of the People Rules, 1961.

Quotations from the court

"The Election Commission of India is empowered to issue directions for the disclosure of assets, educational qualifications and involvement in criminal cases of candidates contesting elections. The Election Commission has the power under Article 324 to issue such directions."

- Supreme Court of India

"Freedom of speech and expression includes right to receive and impart information which includes right to hold opinions. The right to know which is derived from concept of freedom of speech and expression, though not absolute, is a factor that should make one wary when secrecy is claimed for transactions that can at any rate have no repercussions on public security." - Supreme Court of India

Present Court's Verdict

The Supreme Court held that the right to know about the candidates who are contesting elections is derived from the concept of "freedom of speech and expression" under Article 19 (1) (a) of the Constitution. The Court also directed the Election Commission of India (ECI) to call for information on an affidavit from each candidate seeking election to the Parliament or a State Legislature.

Conclusion

The Supreme Court held that the Election Commission of India (ECI) has the power to issue directions for disclosure of assets, educational qualifications, and involvement in criminal cases of candidates contesting elections. The Court also directed the ECI to disseminate the information to the voters, upholding the right to know about the candidates who are contesting elections.