

The Supreme Court has observed that it is the duty of the Election Commission of India (ECI) to ensure that the candidates contesting elections disclose their criminal antecedents and their assets and liabilities in their election affidavits. The bench of Justices L. Nageswara Rao, BR Gavai and Krishna Murari observed thus: "It is the duty of the ECI to ensure that the candidates...contesting...elections disclose their criminal antecedents...and their assets and liabilities...in their election affidavits. The Election Commission of India is directed to issue appropriate directions to the Chief Electoral Officers of all the States and Union Territories to ensure that the candidates contesting the elections It is to be stated that under the Act the candidate is required to disclose his assets and liabilities to the Election Commission after being elected. Section 75A(5) provides that wilful contravention of Rules regarding disclosure of assets and liabilities may be treated as breach of Privilege of the House. Para 48(5) to be declared. No provision. Para 48(6) Breach of Provisions. No direction regarding consequences of non-compliance. Section 125A creates an offence punishable by 6 months imprisonment or fine for failure to furnish an affidavit in accordance with Section 33A, as well as falsity or concealment in The Supreme Court has observed that the right to know the antecedents of a candidate contesting an election is a facet of the fundamental right to freedom of speech and expression guaranteed by Article 19(1) (a) of the Constitution. The bench of Justices L. Nageswara Rao, BR Gavai, AS Bopanna, V. Ramasubramanian and BV Nagarathna observed that the right to know is a facet of the right to freedom of speech and expression. "The right to know the antecedents is a facet of the right of freedom of speech and expression guaranteed to the voter under Article 19 (1)(a) of the Constitution. The right to know the antecedents The Supreme Court has held that the right to know the antecedents of a candidate is a fundamental right guaranteed under Article 19(1) (a) of the Constitution of India. A Constitution Bench of the Supreme Court comprising of Justices A.M. Khanwilkar, Dinesh Maheshwari, Sanjiv Khanna, B.V. Nagarathna and Bela M. Trivedi held that the right to know is an integral part of the right to freedom of speech and expression guaranteed under Article 19 (1)(a) of the Constitution. "The right to know the antecedents is an integral part of the right of freedom of speech and expression guaranteed by Article 19 (1) (a) The Supreme Court has observed that the right to know the antecedents and assets of a candidate contesting election is a fundamental right of a voter. The bench of Justices L. Nageswara Rao, BR Gavai and Krishna Murari observed that the right to know is implicit in the right to freedom of speech and expression guaranteed under Article 19(1) (a) of the Constitution. "The right to know the antecedents, assets and liabilities of a candidate contesting the election is a fundamental right of the voter. The right to know is implicit in the freedom of speech and expression guaranteed by Article 19(1) of the Constitution. The right to know is a facet of the right to freedom of speech The Supreme Court has held that the right of a voter to know the bio-data of a candidate is a fundamental right under Article 19 (1) (a) of the Constitution. The bench of Justices L. Nageswara Rao, BR Gavai and Krishna Murari observed that the right to know the antecedents of a candidate is a part of the right to free speech and expression guaranteed under Article 19 (1)(a) of the Constitution. "The right of a voter to know about the antecedents of the candidate is the foundation of democracy. Let the people have the truth and freedom to discuss it and all will be well with the Government. The old dictum should prevail. The true test for deciding The Supreme Court has observed that the right to information about the contesting candidates in an election is an integral part of the right to freedom of speech and expression guaranteed by the Constitution.

"The right to information about the contesting candidate is an integral part of the freedom of speech and expression guaranteed by Articles 19(1)(a), 19(1)(b) and 19(1)(g) of the Constitution of India. It is a part of the right of the voter to know the antecedents of the contesting candidate. It is a part of the freedom of the voter to form an opinion about the contesting candidate. It is also a part of the freedom of the media to disseminate information about the antecedents of the The Supreme Court has observed that the right to vote is a constitutional right though not a fundamental right but the right to make a choice by means of ballot is a part of freedom of expression. "The right to vote for the candidate of ones' choice is of the essence of the democratic polity. This right is recognised by the Constitution and it is given effect to, in specific form, by the Representation of People Act. The Constitutional Assembly debates reveal that the idea of treating the right to vote as a fundamental right was dropped but it was decided to provide for it, elsewhere, in the Constitution. This move found expression in Article 326. However, case after case, starting from Ponnuswamy's case, characterised it as a stat The Parliament in its discretion did not choose to go the whole hog, but limited the scope of disclosures to one important aspect only. The question remained to be considered whether in doing so the Parliament out-stepped its limit and enacted a law in violation of the guarantee of Article 19 (1) (a). The allied question was whether the Parliament had no option but to scrupulously follow the Court's directives on the various items of information while framing the legislation. In considering these questions of far-reaching importance from the constitutional angle, it was necessary to have a clear idea about the ratio and implications of the judgment in the Association for Democratic Reforms Case. Whether and how far the directives given in the said case had an The Court observed that the Parliament has failed to provide for disclosure of the information on assets and liabilities of the candidates and at the same time, has placed an embargo on calling for further information by enacting the Section 33B of the Representation of the People (Amendment) Act, 2003. "That is where Section 33B does not pass muster of Article 19 (1) (a) as interpreted by this Court. The Parliament did not by law provide for the disclosure of information on certain crucial aspects such as assets and liabilities, and at the same time placed an embargo on calling further information by enacting section 33B," the Court said. The Court also observed that the Parliament has failed to "The right to information provided for by the parliament under Section 33A regarding pending criminal cases and past involvement in the same is reasonably adequate to safeguard right to information vested in the voters/citizens. However, there is no reason for excluding pending cases in which the cognizance has been taken by the court from the ambit of disclosure," the court said. The court also said that the failure to provide for disclosure of the educational qualification does not infringe the freedom of expression. "Having accepted the need to insist on the disclosure of the assets and liabilities of elected candidates together with those of the spouse or dependent children, the parliament ought to have made a provision for the furnishing of this information at the time of filing of the