

PEOPLE'S UNION FOR CIVIL LIBERTIES v. UNION OF INDIA¹

In the pivotal PUCL v. Union of India case from 2003, the Supreme Court of India upheld voters' basic right under Article 19(1)(a) of the Constitution to be informed about the criminal, financial, and educational backgrounds of candidates. This ruling strengthened accountability and openness in the Indian electoral process by upholding the tenets of the previous ADR case and overturning clauses that attempted to restrict candidate disclosure.

Facts of the Case

The Supreme Court ruled in Union of India v. Association of Democratic Reforms that a voter or citizen has a right to be informed about the background and history of candidates standing in elections. The Court mandated that candidates running for office provide the Election Commission with information on their criminal histories, educational backgrounds, assets, and liabilities in order to uphold this right. However, the legislature overturned the ruling of the Association of Democratic Reforms case with the Representation of Peoples Amendment Act of 2002.

The Union for Civil Liberties filed a writ challenge under Article 32 contesting the legitimacy of Representation of People Act (Amendment) Ordinance, 2002. In contrast to the Supreme Court's earlier ruling, the petitioners contested it on the grounds that it was arbitrary and violated citizens' fundamental right to know their electoral candidate. The Act of 1951 rendered the Election Commission's directives to implement the ruling in the earlier case of UOI v. Association for Democratic Reforms, which explicitly stated that the voter/citizen has the right to obtain information about the candidate and that this right is derived from the fundamental right of freedom of speech and expression.

Article 19(1) protects the right to free speech and expression, which is a basic right that cannot be restricted by legislation. PUCL argued that the Parliament could not overturn a court ruling by enacting an arbitrary ordinance or order. The order to make the relevant information on the candidate public was essentially invalidated by Section 33B, which directly undermines the idea of free and fair elections. Section 33B is arbitrary and infringes upon fundamental rights. Thus, the writ filed to contest Section 33B's legality and constitutionality.

Question of Law

¹ AIR 2003 SC 2363

The main question was whether, under Article 19(1)(a), which protects the right to free speech and expression, voters had a basic right to information about election candidates and if Representation of Peoples Act's Section 33B violates Article 19(1)(a) by restricting the disclosure area. Also, whether the Parliament's departure from the orders this Court gave the Election Commission in the Democratic Reforms Association case was within its authority was another issue raised.

Judgement

The Court held that the right to information is an essential part of the freedom of speech and expression under Article 19(1)(a), meaning that citizens have a right to know about those who seek to represent them. It made it mandatory for all election candidates to disclose details of their criminal background, financial assets and liabilities, and educational qualifications. The Court emphasized that such transparency is necessary to ensure clean, fair, and informed elections, as a healthy democracy depends on voters having access to relevant information about their candidates. Regarding criminal background, the Court determined that Section 33A of the Representation of Peoples Act, which was established by the Parliament, was sufficient. According to the Court, revealing a candidate's educational background is not a necessary part of the freedom to information guaranteed by Article 19(1)(a) of the Constitution.