



UNION OF INDIA V. ASSOCIATION FOR DEMOCRATIC REFORMS (2002)

Constitutional Interpretation & Basic Structure

PRELIMS SNAPSHOT

◆ 1. Prelims Snapshot (Fact Box)

- 📅 Year: 2002
- ⚖️ Case: Union of India v. Association for Democratic Reforms (ADR)
- 👤 Bench Strength: 2 Judges
- 📖 Key Articles Involved: Article 19(1)(a), Article 324
- 🧠 Doctrine Evolved: Voter's Right to Know is part of the Fundamental Right to Freedom of Expression
- 💬 Famous Line: "A well-informed voter is the foundation of a healthy democracy."

CONTEXT & BACKGROUND

The Association for Democratic Reforms (ADR) had approached the Delhi High Court in 1999 seeking a direction to the Election Commission to obtain and disclose information about the criminal, 1



financial, and educational background of candidates contesting elections. When the Delhi High Court ruled in favor of ADR, the Union of India challenged this decision before the Supreme Court, arguing that such disclosures were not required under the Representation of the People Act, 1951.

CONSTITUTIONAL ISSUES RAISED

- Does the voter have a fundamental right to know the background of candidates under Article 19(1)(a)?
- Can the Election Commission expand its powers under Article 324 to seek such disclosures in absence of parliamentary law?
- Is disclosure essential for free and fair elections?

VERDICT & RATIO DECIDENDI

The Supreme Court upheld the Delhi High Court's decision and ruled that:

- The right to know the background of candidates is part of the freedom of speech and expression under Article 19(1)(a)
- The Election Commission can exercise residual powers under Article 324 to ensure free and fair elections



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- Parliament's failure to legislate cannot prevent citizens from accessing essential information about those who seek to represent them

This ruling became a milestone in deepening electoral democracy in India.

DOCTRINE / PRINCIPLE EVOLVED

- Right to know about candidates is a constitutional right for informed participation in elections
- Article 324 empowers the Election Commission to take necessary actions even in the absence of express statutory provisions
- Citizens' rights override legislative inaction



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IMPACT & LEGACY

- Made it mandatory for all candidates to disclose criminal records, assets, liabilities, and educational qualifications
- Was followed by the PUCL v. Union of India (2003) case, which reaffirmed this right
- Catalyzed a wave of electoral transparency reforms and civil society participation in electoral scrutiny
- Marked a turning point in empowering voters to make informed choices



MAJOR SUPREME COURT JUDGEMENTS

RELEVANCE FOR UPSC

- GS Paper 2:
 - Electoral reforms and transparency
 - Constitutional powers of the Election Commission
 - Citizens' rights in electoral democracy
- GS Paper 4 (Ethics):
 - Integrity in public life, transparency, right to information
- Essay Paper:
 - Topics like Empowering the Voter, Transparency in Elections, Strengthening Democracy
- UPSC Interview:
- Useful in discussions on electoral criminality, voter awareness, and constitutional remedies when legislation is absent

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