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ASSOCIATION FOR DEMOCRATIC REFORMS V. UNION OF INDIA (2002) 5 SCC 294

-Vishakha Soni

INTRODUCTION

The landmark case of *Association for Democratic Reforms V. Union of India (2002) 5 SCC 294*¹ deals with Section 33 of the Representation of the People's Act, 1951² which deals with the filing by candidates contesting elections of nomination papers. This case upholds the significance of Article 19(1)(a) which states the fundamental right to information. The case arose from a 'Public Interest Litigation (PIL)' filed by the Association for Democratic Reforms (ADR) before the Delhi High Court in the year 1999. ADR sought implementation of the 'Law Commission's 170th Report' and the 'Vohra Committee' recommendations, which highlighted the growing criminalization of politics and recommended mandatory disclosure of candidates' criminal records, assets, liabilities, and educational qualifications.³ At the time the PIL was filed there were no statutory provision for candidates regarding their disclosure of education, criminal records, assets and liabilities which somehow affected the democracy and the Indian legal system.

Therefore, the Public Interest Litigation was necessary to uphold the democracy and the basic structure of the constitution which is to prevent the Article 19(1)(a)- the fundamental right to information to the Indian citizens, which made parliament to amend the act and hence the Article 33A was inserted which made candidates to disclose their assets, liabilities, criminal records and their educational qualification mandatory in the nomination papers.

¹ Ass'n for Democratic Reforms v. Union of India, (2002) 5 S.C.C. 294 (India).

² Representation of the People Act, No. 43 of 1951, § 33 (India).

³ Indian Kanoon, Ass'n for Democratic Reforms v. Union of India, (2002) 5 S.C.C. 294 (India), <https://indiankanoon.org/doc/6396968/>.

BACKGROUND

A Public Interest Litigation was filed in the year 1999 by an NGO named Association for Democratic Reforms (ADR) before the Delhi High Court. The ADR's Public Interest Litigation was relied on the Law Commission's 170th Report and the Vohra Committee recommendations, which highlighted the criminalisation in the politics and highlighted their recommendation for reforms. The Public Interest Litigation had mentioned that Election Commission of India must required the candidate to disclose their assets, liabilities, criminal records and their educational qualification. Before the Public Interest Litigation, there was no Article dealing with disclosure hence, the Delhi High Court allowed the Public Interest Litigation and asked Election Commission to collect such mandatory information of the candidates.

After Delhi High Court asked the Election Commission to collect information and the information was published the Union of India filed their appeal to the Honourable Supreme Court of India. The Supreme Court upheld the Delhi High Court's directions and laid down the landmark judgements.

As the case *Resurgence India v. Election Commission of India (2014) 14 SCC 189*⁴, in significance with ADR (2002) case, ensured the effective implementation of the principles reinforced. Also, that candidates must truthfully fill all columns in nomination forms, blanks or vague entries must be counted as disclosure of details.

Further, in case of *Lok Prahari v. Union of India (2018) 4 SCC 699*,⁵ expanded the Association for Democratic Reforms judgement by broadened the requiring disclosure of sources of income of candidates and their associates.

ISSUES

1. Whether the High Court had jurisdiction to issue directions, in a writ petition filed under Article 226 of the Constitution of India?
2. Whether Election Commission is empowered to issue directions as ordered by the High Court?⁶

⁴ *Resurgence India v. Election Comm'n of India*, (2014) 14 S.C.C. 189 (India).

⁵ *Lok Prahari v. Union of India*, (2018) 4 S.C.C. 699 (India).

⁶ *Indian Kanoon, Ass'n for Democratic Reforms v. Union of India*, (2002) 5 S.C.C. 294 (India), <https://indiankanoon.org/doc/6396968/>.

JUDGEMENT

The Honourable Supreme Court of India upheld the Delhi High Court's directions that under Article 226, the High Court can issue direction in order to prevent the fundamental rights and to ensure free and fair election and thus, made two landmark judgements:

1. Voters have the right to know about candidate's their assets, liabilities, criminal records and their educational qualification is now a part of the fundamental right to freedom of speech and expression under the Article 19(1)(a) of the Indian Constitution.
2. Directed the Election Commission that it must ensure that before signing the nomination papers, each candidate disclose their details under Section 33 of the Representation of the People Act, 1951.

The Honourable Supreme Court of India upheld that the Election Commission of India has power under Article 324 of the Indian Constitution⁷ to conduct free and fair elections in the country hence, it has power to issue directions.

ANALYSIS

1. JUDICIAL ACTIVISM

This case is an outstanding example of judicial activism which filled a gap where the parliament had failed and the court's directions were mandatory to uphold the basic structure and democratic values of the country. Hence, it had also raised the question over judiciary if they were encroaching on legislative functions?

2. STRENGTHEN THE ELECTION COMMISSION'S POWER

This case affirms the powers of Election Commission under the Article 324 which expanded the authority of Commission to issue directions to ensure the free and fair elections all over the country.

3. RIGHT TO INFORMATION – ARTICLE 19(1)(a)

This case's judgement broadened the scope of Article 19(1)(a), making elections the democratic instead of the individual's liberty. This judgement, enhanced the electoral transparency.

4. ELECTORAL REFORMS

⁷ India Const. art. 324.

This case led to the amendment of 2002, which caused to insert the Clause 33A and the Clause 33B under the Article 33 of the Representation of the People Act, 1951. But as the Clause 33B restricting the disclosures, the Clause 33B was struck down and showed the commitment of judiciary to transparency.

5. LIMITATIONS

Even after laying the landmark judgements, the enforcement remains weak, candidates often misrepresent the details like Rahul Gandhi's latest disclosure controversy (July 2026) centers on his allegations of "massive tampering" in CBSE Class 12 exam results through the new On-Screen Marking (OSM) system. He claimed that the contract was given to a company with a questionable past, while CBSE rejected his charges as misleading.⁸ Due to all this disturbance, the reforms also be requiring the further vigilance for more effectiveness.

CONCLUSION

I support the court's decision to strengthen the powers of the Election Commission of India which is necessary to conduct the free and fair election all over the country and to protect the democracy in the country. Also, upholding the decision of High Court of Delhi to give directions and more justified powers to High Courts of India to issue directions under the Article 226 of the Indian Constitution to prevent the fundamental rights of the people of India and to ensure the free and fair election in the country which protects fundamental rights of the people of India and provides the democracy, transparency, justice to the people.

⁸ Rahul Gandhi Alleges 'Massive Tampering' in CBSE's Digital Evaluation System, Outlook India, May 28, 2026, <https://www.outlookindia.com>.