

SC on Voters Right to Persecute Candidates

Prelims: Current events of national and international importance | Polity

Why in News?

Recently, the Supreme Court of India delivered a landmark ruling holding that voters and individual citizens have the legal right to prosecute election candidates who conceal or provide false information in their mandatory nomination affidavits.

Highlights of the Supreme Court Ruling

- **Mandatory Disclosure Obligations** - Candidates contesting elections are legally required to file detailed affidavits covering their criminal antecedents, assets, liabilities, and educational qualifications.
- The Supreme Court reaffirmed that suppressing or falsifying these material facts infringes directly upon the **voter's Right to Know**, which is rooted in Article 19(1)(a) (Freedom of Speech and Expression).
- **Right to File Private Complaints** - The ruling clarifies that legal recourse is not restricted solely to state machinery or election commissions.
- Ordinary voters and citizens possess the *locus standi* to initiate criminal prosecution or file private complaints against candidates who mislead the electorate through false declarations.
- **Deterrence Against Electoral Malpractice** - By enabling direct public-led legal action, the judgment acts as a vital deterrent, compelling candidates to maintain absolute transparency and integrity regarding their personal and financial backgrounds.

Strategic Significance

- **Empowering the Electorate** - Shifts the balance of power closer to the grassroots, allowing active citizens to directly challenge electoral fraud without relying entirely on institutional triggers.
- **Cleaning Up the Electoral Process** - Complements existing jurisprudence on criminalization in politics by targeting deceptive practices that shield candidates past records from public scrutiny.

VOTER-LED PROSECUTION OF ELECTION CANDIDATES



PRINCIPLE: Right to Information (RTI) is integral to Article 19(1)(a)
• Voters have a fundamental right to know candidate antecedents.

CONCEALMENT OF FACTS



Hiding criminal records, assets or educational background in affidavits.



Amounts to undue influence on voters.

CITIZEN-LED RECOURSE



Voters/citizens can file private complaints or seek investigation for false declarations.



Helps ensure cleaner elections and greater accountability of candidates.

Significance



Strengthens voter rights and informed choice.



Empowers citizens in the democratic process.



Deters false declarations and promotes transparency.

Reference

[The Hindu | SC on voters right to persecute candidates](#)

