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TODAY'S ANALYSIS

(10 April 2024)

RIGHT TO PRIVACY OF ELECTION CANDIDATES

The **Supreme Court** on Tuesday held that an **election candidate** has a **right to privacy** from voters and **need not lay out every scrap** of his or her **personal life and possessions, past and present**, for the electorate to examine with a magnifying glass.

THE JUDGEMENT

A Bench of **Justices Aniruddha Bose** and **Sanjay Kumar** said a candidate's choice to **retain his privacy** on matters which were of no concern to the voters or were irrelevant to his candidature for public office **did not amount to a 'corrupt practice'** under **Section 123 of the representation of People act, 1951**.

Such **non-disclosure** would **not amount to a "defect of a substantial nature"** under section 36(4) of the 1951 Act.

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Justice Kumar, who wrote the judgment, observed **there was no compulsion on a candidate to lay his life threadbare for the electorate to prod and scrutinise.**

SIZEABLE ASSET DISCLOSURE

It is not necessary that a candidate declare every item of movable property that he or his dependent family members own, **unless these items are of such value as to constitute a sizeable asset in itself** or reflect upon his candidature, in terms of his lifestyle, and require to be disclosed,” Justice Kumar distinguished.

But the Court said **every case would turn on its own peculiarities** on what would amount to a non-disclosure of assets of a substantial nature.

Suppressing information about a **collection of expensive watches from voters would be a substantial defect.**

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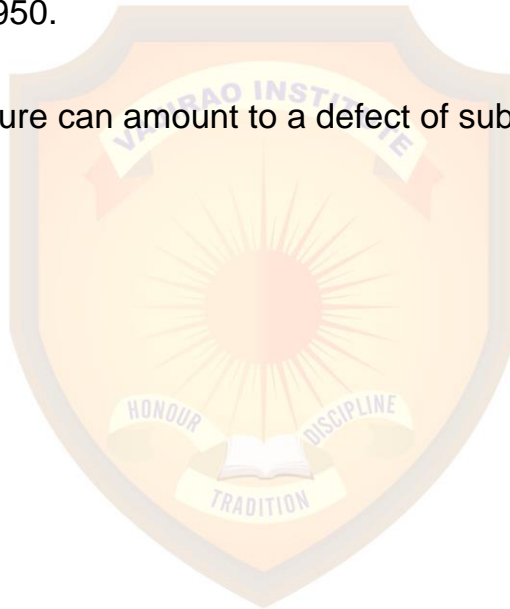
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MCQs

1. Consider the following statements and mark the correct one:
 1. Disclosure of assets by an election candidate is mandated by the representation of peoples act, 1950.
 2. Such non disclosure can amount to a defect of substantial nature.
- (A) Only 1
- (B) Only 2
- (C) Both 1 & 2
- (D) Neither 1 nor



Ans. (B)

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