

Voting Rights

Below are some of the rights of voters as granted and safeguarded by the Indian Constitution.

➤ **Right to Know:** All voters have the right to know about the candidates who are contesting for the elections. This right has been granted to voters under Section 19 of the Indian Constitution. This Section empowers voters to seek information pertaining to the election manifesto of the candidates, their total financial worth as also their criminal record, if any.

➤ **Right Not to Vote (NOTA):** Voters have been granted the right not to vote, which is recorded in the system. Also known as a NOTA (None of the above) vote, the voter participates in the election but chooses not to vote for any of the candidates contesting the elections.

In this way, voters are participating in the electoral process and exercising their right to choose if they wish to vote for the candidates contesting or not.

➤ **Special Assistance to Infirm and Illiterate Voters:** As per the guidelines of the Election Code, voters who are unable to cast their votes due to physical disability or other such infirmity and can't cast their vote through postal ballot, can take the assistance of an electoral officer, who will record their vote.

➤ **NRI and Prisoner Voting Rights:** An NRI (Non Resident Indian) was not permitted to vote until recently. However an amendment was made in 2010 which allows NRI's to register themselves as voters and vote in elections, even if they have not been in the country for over 6 months for any reason.

Prisoners are not permitted to exercise their franchise as per the current law.

➤ **Tendered Votes:** This applies to an individual who declares himself a voter and seeks to cast his vote when a vote has already been cast in his name. In such a case the individual can cast his vote if he can provide proof as to his identity. His vote will be recorded on a separate ballot paper as decided by the Election Commission.

The Constitution of India guarantees fundamental rights for equal protection of law and equality before law and no discrimination can be made between citizens living in India.

Voting in India is a Constitutional right if one is a citizen over 18 years of age. However, that also makes it optional. It has been a tendency among voters, especially in the urban areas, to treat the voting day as a day of rest. While skipping the vote may not seem to cause any harm, the long-term consequences are disastrous.

In this background, it is significant to formulate a Project on "Voting Rights" in order to make public aware at large about their rights to vote as well as to make them

understand about the importance of voting during elections in our country.

OBJECTIVES

- To create awareness amongst the public about their voting rights during election.
- To highlight all aspects of election processes for free and fair election in the country.
- To contribute in the development and progress of country by exercising their right to vote.
- To educate voters on the importance of voting and voting is as much a responsibility as it is a right.
- To reach out the people living in remote and rural areas and to sensitize them about importance of vote for democratic republic.
- To organize awareness campaign in association with Election Authorities to make public aware at large about their Right to Vote.
- To apprise first time voters about importance and process of being registered in the voters list.
- To organize awareness programmes in the Educational Institutions, especially in the colleges for the students who have attained the age of 18 years.

Action Plan

- Each DLSA shall have a meeting with Local Election Authorities at district level to sensitize the Panel Lawyers and PLVs about the various aspects related to elections.
- Each DLSA in co-ordination with Election Authorities at district level shall organize awareness campaign to educate public about their voting rights.
- Each DLSA shall form a team of Panel Lawyers and PLVs to hold Door-to-Door campaigning in rural and remote areas to create awareness amongst people for casting their votes during election and how significant it is for a democratic republic.
- Each DLSA shall take up the matter with Election Authorities at district level to get the public obtain their Voter cards in time.
- Each DLSA in association with District Education Department shall conduct awareness programmes in the schools/colleges to make students aware about their Right to Vote and other various aspects related to it.
- Each DLSA shall create awareness at large amongst the public about the Toll Free Helpline Numbers i.e. **1950 & 1800111950** to get any kind of assistance related to election process.



“Future is in Your Hands”



A Voting Right Awareness Campaign

by

Haryana State Legal Services Authority

HARYANA STATE LEGAL SERVICES AUTHORITY

Plot No.9, Sector-14, Panchkula, Phone/Fax : 0172-2583309, Toll Free No.:1800-180-2057
E-mail : hslsa.haryana@gmail.com, website : www.hslsa.gov.in

INTRODUCTION

“The ballot is stronger than the bullet” :
[Abraham Lincoln]

Democracy means for the people, of the people and by the people. The inherent consideration of a democratic setup is social equality, where people choose their representatives to form government, not to rule them but to administer them. Also, Article 14 of the Indian Constitution upholds this principle of equality. The Constitution under Article 326 guarantees 'universal adult franchise' to every citizen of India, being eighteen years or above of age but with some restrictions. Also, the section 62 (5) Representation of People Act, 1951 provides for certain restrictions on voting rights of prisoners.

Elections are conducted according to constitutional provisions and parliamentary legislation. These include the Representation of the People Act, 1950, which mainly deals with the preparation and revision of electoral rolls, and the Representation of the People Act, 1957 which deals, in detail, with all aspects of the conduct of elections and post-election disputes. The Supreme Court of India has held that where the enacted laws are silent or make insufficient provision to deal with a given situation in the conduct of elections, the Election Commission has the residuary powers under the Constitution to act in an appropriate manner.

The **Sixty-first Amendment** of the Constitution of India, officially known as **The Constitution (Sixty-first Amendment) Act, 1988**, lowered the voting age of elections to the Lok Sabha and to the Legislative Assemblies of States from 21 years to 18 years. This was done by amending Article 326 of the Constitution, which concerns elections to the Lok Sabha and the Assemblies.

The National Voters Day is celebrated on **January 25** every year. On this day in 1950, the Election Commission of India was founded. The ECI observes National Voters Day to create awareness on **voting** and voter rights.

The **Indian general election, 2014** was held to constitute the 16th Lok Sabha, electing members of parliament for all 543 parliamentary constituencies. According to the Election Commission of India, 814.5 million people were eligible to vote, with an increase of 100 million voters since the last general election in 2009, making it the largest ever election in the world. Around 23.1 million or 2.7% of the total eligible voters were aged 18-19 years. A total of 8,251 candidates contested for the 543 Lok Sabha seats. The average election turnout over all nine phases was around 66.38%, the highest ever in the history of Indian general elections.

How do Elections work

In order to be convinced to vote, you should also know

how the elections work. India is a democracy with an asymmetric federal government. Officials are elected from the local levels to state levels and the federal level. We have two houses of Parliament:

- **The Lok Sabha** - The lower house of the Indian Parliament is also known as the House of the People. Members of the Lok Sabha are elected through general elections. These elections take place every five years. There are two members of the Lok Sabha who will be nominated by the President of India. Currently the Lok Sabha has 545 members. Two members represent the Anglo-Indian community, while the other 543 are elected for five-year terms.
- **The Rajya Sabha** - The upper house of the Indian Parliament is also known as the Council of States. The members are elected by the elected members of the State Legislative Assemblies, and the Electoral college of the Union Territories. Therefore, the members of the Rajya Sabha are indirectly elected by the people. The Rajya Sabha has 245 members out of which 233 members are elected for 6-year terms. One-third of the house retires every two years.
- **Prime Minister** - The Prime Minister is elected by the elected members of the Lok Sabha. The Lok Sabha is the lower house of parliament in India.
- **President** - The President of India is elected for a 5-year term by an electoral college which consists of members of the State Legislatures and Federal Legislatures.
- **Local Body Elections:** In this case as well, people directly elect their representatives for a smaller geographical area. There are different types of local bodies. Corporations, Municipalities, Panchayats, etc.

Process of Elections

To conduct the elections and ensure smooth functioning, the Election Commission of India was formed. The Election commission takes care of everything related to elections which includes the superintendence, control and direction of the elections and the conduct of the elections. The following is a summary of the process of voting that you need to know.

- You first need to be registered on the Electoral Roll which is a list of eligible voters. You can apply online, at designated locations or through a Booth Level Officer.
- You will be issued a Voter ID which you need to present at the polling booth.
- The responsibility lies on the citizen to be aware of who is standing for elections.
- It is also the responsibility of the citizen to find out where the polling booth is in their respective constituency.
- You can vote on the Electronic Voting Machines.

- If you speak only English, you should familiarise yourself with the symbols of the candidates, because the names of the candidates will be listed in alphabetical order in the respective state's language.
- All you have to do is press the blue button next to your desired candidate's name and symbol. You can also vote NOTA.
- You will receive a mark of ink on your finger that signifies that you voted.
- While it helps identify if you have already voted, it is also a proud symbol you can bear.

With elections under way, all Indian citizens who are eligible to vote are given a chance to exercise their franchise and participate in the electoral process. The Indian Constitution has granted the right to vote to all Indian citizens of sound mind above the age of 18, irrespective of an individual's caste, religion, social or economic status. This right is universally granted to all Indians, with a few exceptions.

Who Can Vote?

- As per the Indian Constitution, all Indian citizens above the age of 18 years who have registered themselves as voters are eligible to vote. These individuals can vote in national, state, district as well as local government body elections.
- No individual can be detained or prevented from voting, unless they fulfill the criteria for disqualification.
- Every voter is allowed one vote only. A voter can vote at the constituency where he has registered himself only.
- Eligible voters have to register themselves in the constituency where they live, upon which they will be issued photo election identity cards (also known as EPIC cards). Individuals are not permitted to participate in the electoral process if they have not registered or do not possess a voter ID card.

Disqualification from Voting Process

The Indian Constitution has laid down the following rules regarding disqualification of voters from the election process:

- Individuals who are convicted of offences committed under Section 171E (which deals with bribery) and Section 171F (which deals with personation or undue influence at an election) of the Indian Penal Code are disqualified from participating in elections.
- Those convicted of offences under Section 125 (which deals with various electoral offences), Section 135 and Section 136 of the Representation of People's Act face disqualification from elections.
- If an individual votes in more than one constituency, his vote is disqualified.