

COMPULSORY VOTING IN INDIA

WHAT DOES COMPULSORY VOTING MEAN?



Compulsory Voting means an **"obligation to vote"** i.e. it shall be the duty of a qualified voter to cast his vote at elections failing which he will be liable to penalty or be declared as a **"defaulter voter"**.



The supporter of compulsory voting argues that citizens who live in a democratic state have a duty to vote for the proper functioning of democracy.



In India Compulsory voting has been introduced at elections to **local bodies** in Gujarat by Gujarat Local Authorities Laws (Amendment) Act, 2009. It provides 'obligation to vote' at the municipal and panchayat levels in the state.

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In 1990 the **Dinesh Goswami Committee** also rejected the idea of compulsory voting on the grounds of difficulties in its implementation.



First time in 1951 the idea of including compulsory voting was brought into, but was rejected then.



Another Private Member Bill for the same purpose was introduced in **2009** but was again rejected on the ground that active participation in a democratic set up must be **voluntary not coerced**.



In 2004, the **Compulsory Voting Bill, 2004** was introduced as a Private Member Bill proposing compulsory voting for every eligible voter to vote provided with certain exemptions like illness etc. The Bill did not receive the support of the House and was not passed.



RIGHT TO VOTE VS COMPULSORY VOTING IN INDIA



In India the right to vote is provided by **article 326 of the Constitution** and the **Representation of People's Act, 1951**, for every citizen of 18 years old, subject to certain disqualifications.



Since the right to vote is legal right as well as constitutional right. Compulsory voting may be in **violation of the fundamental rights** of liberty and expression that are guaranteed to citizens in a democratic state. And if the constitutional right to vote may be interpreted to include **"the right to not vote"**, the provision of compulsory voting in that case **violates the Constitution**. The Representation of People Act, 1951 too provides **"right to vote rather than a duty to vote"**.

In the opinion of Law Commission, "electoral right" of the voter includes the right to **"vote or refrain from voting at an election."**



India being a democratic country accommodates dissent and diversity of views that includes **the right to abstain from participating**, if people do not find anyone suitable to its representative.



Apprehensions of use of political power in a country like India e.g. Scams like cash-for-vote affects free and fair elections.



COMPULSORY VOTING IN OTHER COUNTRIES



Australia (in 1915) makes it mandatory for citizens to vote. **Belgium, Brazil, Luxembourg, North Korea, Peru, Singapore, Uruguay** and **Switzerland** (1974) also have a provision for compulsory voting. The penalty for violation includes an explanation for not voting and a fine.

SAFEGUARDS



Compulsory Voting should always be provided with some safeguards like the right to exercise the **NOTA option** (not to vote for any candidates who are contesting the elections), **Opportunity to be heard** in case of failure to vote, **exemptions for certain individuals** e.g. physically incapable due to illness or other similar reasons.

