

1. COMPULSORY VOTING – POLITY

Recently the Chief Justice of India made the observation that India may need to explore a mechanism for compulsory voting to enhance voter participation and strengthen democratic engagement

1.Introduction

1. The right to vote is a cornerstone of democratic governance, enabling citizens to participate in the political process and shape public policy.
2. In India, while universal adult suffrage ensures broad electoral participation, voting remains a statutory right rather than a fundamental right.
3. The debate on compulsory voting raises important questions about balancing democratic participation with individual freedom.

2.Right to Vote in India

Constitutional Basis

1. Article 326 of the Constitution provides for elections to the Lok Sabha and State Legislative Assemblies based on adult suffrage.
2. Every citizen aged 18 years or above is eligible to be registered as a voter, subject to disqualifications such as non-residence or unsoundness of mind.
3. This provision reflects the principle of political equality and inclusiveness in a democratic system.

Nature of the Right

1. The right to vote is a statutory right derived from laws such as the Representation of the People Act, 1950 and 1951.
2. The Supreme Court has clarified that it is not a fundamental right but a legal right subject to statutory limitations.
3. However, aspects such as the right to know candidates' information and the right to NOTA have been linked to Article 19(1)(a).

3.Concept of Compulsory Voting

Definition and Features

1. Compulsory voting requires eligible citizens to participate in elections, with penalties for non-compliance.
2. It is intended to ensure universal participation and strengthen democratic legitimacy.
3. Penalties may include fines, denial of services, or other administrative consequences.

Global Practices

1. Countries such as Australia enforce compulsory voting with fines for non-participation, achieving turnout levels above 90 percent.
2. Belgium has one of the oldest systems, with consistently high voter turnout.
3. Brazil mandates voting for citizens between 18 and 70 years of age, reflecting a hybrid model.

Indian Experience

1. Gujarat attempted to introduce compulsory voting in local body elections through the 2009 amendment.
2. The Gujarat High Court stayed its implementation due to legal and practical concerns.
3. This highlights the complexity of implementing compulsory voting in India.

4.Arguments in Favour of Compulsory Voting

Improvement in Voter Turnout

1. Compulsory voting can significantly increase voter participation, as indicated by international experience.
2. The Law Commission noted a potential increase of around 7 percent in turnout.

Strengthening Democratic Legitimacy

1. Higher participation ensures that elected governments represent a larger section of society.

2. It reduces the risk of governments being elected by a minority of voters.

Promotion of Civic Responsibility

1. Voting is encouraged as a civic duty, fostering greater engagement in democratic processes.
2. It strengthens the culture of active citizenship.

Reduction in Influence of Money Power

1. With higher turnout, the need for targeted voter mobilisation reduces.
2. This can limit the influence of money and inducements in elections.

5.Arguments Against Compulsory Voting

Violation of Individual Freedom

1. Compulsory voting may infringe upon the freedom of expression under Article 19(1)(a), which includes the right not to vote.
2. Democracy is based on voluntary participation, not coercion.

Practical and Administrative Challenges

1. India has a massive electorate exceeding 96 crore voters, making enforcement extremely difficult.
2. Issues such as migration, lack of documentation, and logistical constraints complicate implementation.

Risk of Arbitrary Voting Behaviour

1. Forced participation may lead to uninformed or random voting.
2. This can distort electoral outcomes and reduce the quality of democratic decision-making.

Disproportionate Penalties

1. Imposing fines or denying services may be inequitable, especially in a socio-economically diverse country like India.
2. Such penalties may disproportionately affect vulnerable populations.

6.Views of Experts and Committees

Constituent Assembly Perspective

1. B. R. Ambedkar rejected the idea of compulsory voting, emphasizing voluntary participation in democracy.

Dinesh Goswami Committee

1. The committee opposed compulsory voting due to implementation difficulties and potential infringement of freedoms.

Law Commission of India (255th Report)

1. It observed that compulsory voting could be effective only with strict enforcement mechanisms.
2. However, it concluded that such a system is not suitable for India given its scale and diversity.

7.Way Forward

Strengthening Voter Awareness

1. Expanding initiatives such as SVEEP can improve voter education and awareness.
2. Civic education should emphasise the importance of informed participation.

Improving Accessibility to Voting

1. Increasing polling stations, providing transport facilities, and ensuring convenient voting conditions can enhance turnout.
2. Special measures should be taken for elderly and disabled voters.

Facilitating Migrant Voting

1. Developing remote voting mechanisms for internal migrants can address a major gap in electoral participation.
2. This will make the electoral system more inclusive.

Leveraging Technology

1. Use of secure digital tools and voter facilitation platforms can improve participation and transparency.

2. Technological innovations can reduce logistical barriers.

Targeted Urban Engagement

1. Urban areas often show lower voter turnout and require focused awareness campaigns.
2. Engagement strategies should be tailored to address urban apathy.

1. Conclusion

While compulsory voting may increase turnout, it raises serious constitutional, ethical, and practical concerns in the Indian context. A democratic system must prioritise informed and voluntary participation rather than coercion. Strengthening awareness, accessibility, and trust in the electoral system is a more sustainable approach to enhancing voter participation in India.

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