

Seventeenth Loksabha

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Title: Further discussion on the motion for consideration of the Compulsory Voting Bill, 2019, moved by Shri Janardan Singh 'Sigriwal'.

HON. CHAIRPERSON: Now, we take up item no. 271, that is, Compulsory Voting Bill, 2019. Shri Janardan Singh 'Sigriwal' is fortunate enough that this discussion is still going on. Last time Shri P.P. Chaudhary was on his legs. He can continue his speech now.

SHRI P. P. CHAUDHARY (PALI): Mr. Chairman, Sir, I thank you very much for this opportunity. The debate on the Compulsory Voting Bill could not be concluded last time and it was two years back. Now, I have to continue my remaining speech on this Bill.

Sir, we all know that India is a democratic country and our democracy is mature. That is why, way back in 1950, we included fundamental rights in our Constitution.

17.41 hrs

(Shri Rajendra Agrawal *in the Chair*)

So, if we see the Constitution of India, Article 19 provides for freedom of speech and expression. The word 'expression' means it is a right to express or not to express. So, if we enforce compulsory voting, then it goes against the mandate of Article 19 of the Constitution of India which specifically provides that it is within the sweet will of the individual and the right to vote or not to vote is a fundamental right of the citizen. At the same time, if we also see Article 21 of the Constitution of India it says that no person shall be deprived of his life

and liberty except in accordance with law. When we see the word 'liberty', liberty includes the right to vote and not to vote. It includes both. So, it cannot be enforced in view of the mandate of fundamental rights which have been provided under Articles 19 and 21 of the Constitution. If such a law is enacted, then it will not withstand the tide of judicial scrutiny before the court of law.

Sir, if we see Article 326 of the Constitution of India, it is provided that any citizen can register himself as a voter. He has a right to register himself as a voter. But it is not a duty to register himself as a voter. No duty has been cast under Article 326 of the Constitution. It is an option available to the citizen of India. He can either register himself as a voter or he need not register himself as a voter. Therefore, in my view, this Bill, basically, cannot withstand the tide of judicial scrutiny and such a law cannot be enacted by Parliament.

माननीय सभापति: मुझे सूचित करना है कि इस विधेयक पर विचार करने के लिए आवंटित समय लगभग समाप्त हो चुका है। यदि सदन की अनुमति हो, तो विधेयक पर विचार का समय एक घंटे बढ़ाया जाए। सदन का समय नहीं, विधेयक पर विचार का समय एक घंटे और बढ़ा दिया जाए।

अनेक माननीय सदस्य : जी हां।

SHRI P. P. CHAUDHARY: So, at the most, if we want to increase the percentage of voting, then certain incentives may be provided by the Government by making a provision under MGNREGA, PDS, etc. But if a citizen did not cast his vote, on that count also he cannot be denied these facilities. So, such a law also cannot be enacted. We can only persuade the voters and such type of persuasion is possible by providing political education. Apart from this, we can do one more thing because in rural and urban areas, we are applying the same yardstick.

The Election Commission is required to see to it. In the urban areas where the distance from the polling booth is very less, the polling booth should be installed on the basis of the number of voters. Normally, in one polling booth, around 1,000 to 1,200 voters are there. So, the same yardstick cannot be applied with respect to the rural areas where the people are living in *dhanis* and where the distance from polling booth is sometimes 10 kilometres, 11 kilometres. They are poor people; and they do not have proper communication; they do not have transport system in the rural areas. Therefore, the Election Commission is required to see to it that at least in the rural areas, we must have more polling booths.

Here, I would like to make a suggestion. Suppose, in one Lok Sabha Constituency, the number of booths are 2,500; and instead of doing anything more, if they increase the number of booths to four times, then nothing more is required. Automatically, the percentage of voting would increase. Only on account of lack of communication and lack of transport, the voting percentage is very poor. This is the main reason, more people do not go for voting. So, sometimes, we see that the voting is 35 per cent, 40 per cent, 45 per cent, 50 per cent.

Now, these days voting percentage has increased. Due to political education, it has increased to 60 per cent or sometimes even to 70 per cent. So, even in the rural areas, where a particular concentration is more, then in that particular booth, we see more per cent of voting. But where people are living in *dhanis* and the distance from booth is more, the percentage of voting is very poor.

Secondly, if you want to see transparency in the electoral process, then more number of polling booths are required. Otherwise, the

candidate, on the basis of his money power, can provide more vehicles and fetch more votes. Therefore, in the rural areas at least, the number of polling booths should be increased. The distance from the polling booths should not be more than two kilometres so that every voter can exercise his right to franchise.

So, this modality can be adopted and this reform can be introduced by the Election Commission.

Sir, apart from this, this issue has also arisen a number of times before the Supreme Court. The same issue also came up before this august House with respect to the compulsory voting. This matter went before the Supreme Court and even before the Gujarat High Court. The matter was agitated there, and it was finally decided that 'right to vote' cannot be converted into 'duty to vote'. There is a difference. Once it is done, then it would contravene the mandate of articles 19 and 21 of the Constitution of India, and it would go against the fundamental right.

Sir, we are a democratic country; and in my view, such types of rights cannot be enforced. So, this Bill cannot be passed by this House. Apart from this, when this Bill came up before Parliament in 1950, this issue was debated; and even the Constitutional framer, Dr. B.R. Ambedkar opposed it and said that 'compulsory voting cannot be introduced in the Representation of Peoples' Act.' So, it was rejected by Parliament on the grounds that there are so many practical difficulties; and so, it cannot be implemented.

At the same time, thereafter, in 1990, the Goswami Committee was constituted and they also rejected the idea of compulsory voting. Again, in 2001, the NCRWC Committee was constituted on Electoral Reforms and they also rejected this move of compulsory voting. Finally,

in the Tarkunde Committee, this issue was again raised and a Committee was constituted and they also opined that 'no compulsory voting can be permissible and it cannot be implemented.' They also said that 'there are so many practical difficulties in implementation of compulsory voting. We can do it by way of persuasion as well as by political education.'

Similarly, in 2004, the then hon. Member of Lok Sabha, Shri B.S. Rawat moved the Bill and in 2009 also, the then hon. Member, Lok Sabha, Shri J.P. Aggarwal moved the Bill. It was discussed and debated in Parliament, and finally it was withdrawn. Even before the Supreme Court in 2009, again this issue was raised in Atul Sarode Case *versus* Union of India; and it was dismissed by the Supreme Court. In Gujarat recently, for the election of local bodies, municipal corporation, municipal boards and for panchayats, this Bill was assented by the Governor of Gujarat.

But finally, it was decided by the Gujarat High Court that such type of a law cannot be enforced because compulsory voting is not possible. It is only a right and it cannot be converted into duty. It goes against the mandate of the Fundamental Rights enshrined under Articles 19 and 21 of the Constitution of India. So far as the duties under Article 51(a) are concerned, even that duty is not there as far as the Directive Principle of the State Policy is concerned.

Sir, I have already made my submission extensively on the last occasion. Now, I request other hon. Members to speak because this opportunity should also be given to other Members. Thank you very much, Sir, for affording me an opportunity to speak.

