

SC TO EXAMINE LAW DEPRIVING UNDERTRIALS THE RIGHT TO VOTE

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The Supreme Court on Monday decided to examine a petition challenging a provision in the election law that imposes a blanket ban on undertrials, persons confined in civil prisons and convicts serving their sentence in jails from casting their votes.

A Bench led by Chief Justice of India (CJI) U.U. Lalit issued notice to the Union of India, the Union Home Ministry and the Election Commission on a petition filed by Aditya Prasanna Bhattacharya, a student of the National Law School of India University, Bengaluru, who said that while convicts out on bail could vote, undertrials, whose innocence or guilt has not been conclusively determined, and those confined in civil persons were deprived of their right to vote.

Mr. Bhattacharya, represented by advocate Zoheb Hossain, argued that Section 62(5) of the Representation of the People Act, 1951, mandates that “no person shall vote at any election if he is confined in a prison, whether under a sentence of imprisonment or transportation or otherwise, or is in the lawful custody of the police”. Mr. Hossain contended that the provision arbitrarily, through the use of “broad language”, disenfranchises a large segment of the population.

The petition said that “denying penitentiary inmates the right to vote is more likely to send messages that undermine respect for the law and democracy than messages that enhance those values... Denying the right to vote does not comply with the requirements for legitimate punishment”.

The right to vote is a constitutional right under Article 326.

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