

AS INTRODUCED IN LOK SABHA

Bill No. 25 of 2020

THE CONSTITUTION (AMENDMENT) BILL, 2020

By

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BILL

further to amend the Constitution of India.

BE it enacted by Parliament in the Seventy-first Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2020.

Short title.

2. After article 14 of the Constitution, the following article shall be inserted, namely:—

Insertion of
new article
14A.

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"14 A. (1) Every citizen, who is above the age of eighteen years and not otherwise disqualified under this Constitution or any other law for the time being in force, shall

Right to Vote.

have the right to vote in any election to the House of the People or to the Legislative Assembly or to the institution of local-self Government.

(2) Every citizen who is registered as voter but not physically present within the geographical limits of the polling booth or constituency or the State concerned shall have the right to vote through the use of digital technology or such other method as may be facilitated by the State. 5

(3) For the purposes of clause (2), the State shall,—

(a) set up such number of *ad hoc* electronic polling booths, as may be necessary, to enable every voter, who is not present, at the time of election, within the geographical limit of the polling station or constituency or the State where he is registered as a voter for any valid reason like employment, medical treatment of self or any family member or studies in any recognised university or educational institutions, to exercise his right to vote at such electronic polling booths; 10

(b) set up *ad hoc* electronic polling booths attached with Embassy of India located abroad in friendly countries to enable every citizen, who is registered as voter in India and temporarily residing in any friendly country for any valid reason like employment, medical treatment of self or any family member or studies in any recognised university or educational institutions in that friendly country, to cast his vote from there during elections. 15

STATEMENT OF OBJECTS AND REASONS

In India the right to active suffrage continues to be only a legal right and not a Fundamental Right included in part III of the constitution.

There are fundamental differences between a fundamental right and legal right. A legal right is only an off shoot of a mundane legislation violatable with little or scant consequences. But a fundamental right is one which is inalienable and irreducible and any citizen who is a voter can resort to constitutional remedies such as invoking the writ jurisdiction of High Courts and the Apex Court when his right to vote is illegally denied by the State or any organ of the State or by the rich with active connivance of the agencies of the State or otherwise.

In all elections sizeable chunk of citizenry goes not included in the voters list and still, large number of voters remain incapacitated from exercising the right to vote due plethora of reasons beyond their control. This reduces the meaning of democracy and plutocracy masquerades as democracy. Out migration from this country for the sake of employment, pursuit of education and temporary domicile abroad due to various reasons and the stay of citizens of a particular State in other States for various reasons results in wasting of the valuable right to vote by millions of voters. This negates democracy. Once electronic *ad hoc* polling booths are established as per the need of the citizens who are voters the present non-exercise of the right to active suffrage can be done away with.

As Abraham Lincoln said democracy is possible when Government of the people, by the people and for the people becomes a living reality. But statistics eloquently reveals that large number of citizens are not included in the voters list and often majority of citizens included in the voters list are not in a position to cast their votes. The present State where moneyed class can mortify the legal right of the poor to vote can be changed only by elevating the right to vote into an irreducible and inalienable fundamental right.

The Bill, therefore, seeks to amend the Constitution with a view to:—

(a) guarantee every citizen who is above the age of eighteen years and has not been otherwise disqualified under this Constitution or any other law for the time being in force the right to vote to in any general election or bye election to the House of the People or to the Legislative Assembly or to the institution of local-self Government of a State;

(b) set up *ad hoc* electronic polling booth in such place either within the territory of India or attached to every embassy of India of a friendly nation of India to facilitate voting by citizens registered as voter in any general election or bye election to the House of the People or to the Legislative Assembly or to the institution of local-self Government if such citizen is physically present in any place other than the place where his polling booth is situated either in his home State or in any other than State or in a friendly nation of India, as the case may be, to ensure exercise of right to vote by the registered voter irrespective of the fact whether he is physically present in the geographical limits of the constituency or polling booth concerned or not through the use of digital technology or such other methods as may be facilitated by the State.

The Bill seeks to achieve the objective.

NEW DELHI;
November 11, 2019

ANTO ANTONY

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to provide for setting up of *ad hoc* electronic polling booth in such place either within the territory of India or attached to every embassy of India of a friendly nation of India to facilitate voting by citizens registered as voter in any election to the House of the People or to the Legislative Assembly or to the institution of local-self Government through the use of digital technology or such other methods as may be facilitated by the State if such citizens are physically present in any place other than the place where his polling booth is situated. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees Eighty Five Crore will be involved per annum from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

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(Shri Anto Antony, M.P.)