

**Bill No. XXXIV of 2022**

THE COMPULSORY VOTING BILL, 2022

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*to provide for compulsory voting by the electorate in the country and for matters connected therewith or incidental thereto.*

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

1. (1) This Act may be called the Compulsory Voting Act, 2022.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India.

5 (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means—

(i) in the case of a State, the Government of that State;

10 (ii) in the case of an Union Territory having its own legislature, the Government of that Union Territory; and

(iii) in other cases, the Central Government.

(b) "prescribed" means prescribed by the rules made under this Act;

(c) "voter" in relation to a constituency means a person whose name is entered in the electoral roll of that constituency for the time being in force and who is not subject to any of the disqualification mentioned in section 16 of the Representation of the People Act, 1950.

5 43 of 1950.

Compulsory voting.

**3.** It shall be compulsory for every voter who is eligible to vote at an election to exercise his right to vote when called for by the Election Commission:

Provided that a voter may be exempted from exercising his right to vote—

(a) if he is physically incapacitated from an illness of a serious nature and produces a medical certificate from a registered medical practitioner certifying such incapacity; or

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(b) if the Election Commission or such other authority as may be empowered by the Election Commission, on receipt of a request either before or after the poll, from the voter, is satisfied that there are genuine and *bona fide* grounds for such exemption.

Protection and safety for voters at polling booths.

**4.** The Election Commission shall ensure protection and safety of all voters who come to polling booths to cast their votes.

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Sending of list of names of voters not casting their votes to the Government.

**5.** The Election Commission shall send a list of names of all eligible voters, who have not cast their votes, to Central Government or the State Government, as the case may be, in such manner as may be prescribed.

Adequate number and spacing of polling booths.

**6. (1)** There shall be set up adequate number of polling booths at convenient locations.

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(2) The polling booths shall be set up in such a way—

(a) that number of voters in each booth shall be equal to the extent possible;

(b) that the distance between one polling booth and another shall not exceed five hundred meters:

Provided that in hilly regions and desert areas polling booths may be set up according to density of population, in such manner as may be prescribed.

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Special arrangements for poll staff.

**7.** There shall be made suitable arrangements enabling the persons deployed in connection with the polling duty to cast their votes.

Special arrangements for senior citizens, etc.

**8.** There shall be made separate arrangement in every polling booth for senior citizens, physically challenged persons and pregnant women to enable them to cast their votes.

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Punishment.

**9.** Any person, who fails to cast his vote shall be liable to—

(a) a fine of rupees five hundred, or two day's imprisonment, or forfeiture of his ration card;

(b) be rendered ineligible for contesting any election for a period of ten years from the date of his conviction;

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(c) be ineligible for entitlement to any welfare scheme announced by the appropriate Government from time to time:

Provided that if such person is an employee of the Union Government or the State Government or the Union Territory Administration or any public sector undertaking owned

or controlled by Union Government or the State Government or the Union Territory Administration, such person shall also be punished with—

(a) forfeiture of ten days' salary; and

(b) delay in promotion for a period of two years.

5           **10.** Any voter who, despite his illness or physical incapacity has exercised his right to vote at an election or any voter who has exercised his right to vote at all elections held during a period of fifteen years preceding the commencement of this Act without any break, shall be— Incentive for voting.

(a) given preference in jobs in the services under the Central Government; and

10           (b) given preference in admission to the institutions of higher education.

**11. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act.**

Central Government to provide funds.

**12. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

15           (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should be of no effect, the rule shall thereafter have effect only in such modified form or  
20           be of no effect, as the case may be. However, any such modification or annulment of that rule shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

Our country is the largest democracy in the world having population of around 139 crores. The Constitution has adopted the system of universal adult suffrage to secure political justice.

A strong Parliamentary system is there. Since 1951, free and fair elections have been conducted at regular interval for both Houses of Parliament, State Legislatures and Local Bodies. Election in India sets norms for many other countries.

But it has been observed that only around sixty per cent voters use their right to vote. It has been observed during almost all elections in the country that the number of voters actually voting is very less than that of eligible voters. Hence, average polling remains very low. This tendency of election clearly indicates us that taking appropriate steps to encourage citizens for exercising their voting rights to elect their representatives is needed so that the results of elections may reflect the intents of all voters and not only of a part of them. In many cases, citizens knowingly do not cast votes or even they boycott elections. Hence, the purport of this Bill is to make voting compulsory for every voter subject to certain restrictions to increase the percentage of voting in the country. However, under this Act such voters, who are either physically incapacitated or have genuine grounds for not doing so, have been exempted.

Since voting is being made compulsory, punishment for those who are not voting has been proposed. Moreover, those voters have been proposed to be given incentives who despite their illness, have continuously exercised their right to vote at elections.

Some of the countries that introduced mandatory voting laws were Belgium in 1892. Argentina in 1914 and Australia in 1924. Countries that enforce compulsory voting are Argentina, Australia, Austria, Bulgaria, Brazil, Chile, Cyprus, Ecuador, Fiji, Greece, Lichtensteen, Mexico, Nauru, Peru, Singapore, Switzerland (One Canton only), Turkey and Uruguay. Compulsory voting is a system in which electors are bound to vote in elections or attend a polling place on voting day. Compulsory voting system confers a higher degree of political legitimacy.

Hence this Bill.

DEEPAK PRAKASH

## FINANCIAL MEMORANDUM

Clause 6 provides for setting up of adequate polling booths in every constituency. Clauses 7 and 8 provide for special arrangements for persons deployed for poll duty and for senior citizens, physically challenged persons and pregnant women to enable them to cast their votes. Clause 11 requires the Central Government to provide adequate funds for carrying out the purposes of the Act.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees eight thousand crore is likely to be involved. A non-recurring expenditure of about rupees five thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill which will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

RAJYA SABHA

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*(Shri Deepak Prakash, M.P.)*