

**GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
LEGISLATIVE DEPARTMENT**

**RAJYA SABHA
UNSTARRED QUESTION NO. 2355**

ANSWERED ON 20/03/2025

Voting rights of undertrial prisoners

2355. Dr. Ashok Kumar Mittal:

Will the Minister of **LAW AND JUSTICE** be pleased to state:

- (a) Government's rationale behind continuing the disenfranchisement of undertrial prisoners, despite their legal status as innocent until proven guilty;
- (b) whether Government has conducted any studies or sought expert opinions on the potential impact of granting voting rights to undertrial prisoners and if so, the details thereof, if not, the reasons for the same;
- (c) the steps taken to address international criticism and align India's policies with global democratic norms; and
- (d) whether Government is considering to amend the Representation of Peoples Act to give undertrials the voting rights, if so, the details thereof, if not, the reasons for the same?

ANSWER

**MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF
LAW AND JUSTICE; AND MINISTER OF STATE IN THE MINISTRY OF
PARLIAMENTARY AFFAIRS**

(SHRI ARJUN RAM MEGHWAL)

(a) to (c): The Supreme Court in *Anukul Chandra Pradhan vs. Union of India and Others* (AIR 1997 SC 2814) has upheld the validity of sub-section (5) of section 62 of the Representation of the People Act, 1951 which debars a person to vote at any election if he is confined in a prison whether under imprisonment or otherwise or in the lawful custody of the Police.

(d): No, in view of reply to (a) to (c) above.
