

Bill No. 52 of 2019

THE COMPULSORY VOTING BILL, 2019

By

SHRI JANARDAN SINGH 'SIGRIWAL', M.P.

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BILL

to provide for compulsory voting by the electorate in the country and for matters connected therewith.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Voting Act, 2019.

(2) It extends to the whole of India.

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

2. 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
10 produces a medical certificate from a registered medical practitioner certifying such
incapacity; or

(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.

Short title,
extent and
commencement.

Compulsory
voting.

Protection and safety for voters at polling booths.

3. The Election Commission shall ensure protection and safety of all citizens who come to polling booths to cast their votes.

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

4. 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.

Adequate number and spacing of polling booths.

5. (1) There shall be set up adequate number of polling booths at convenient locations, in every constituency of the House of the People or Legislative Assembly, as the case may be. 5

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

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

(ii) that the distance between one polling booth and another shall not exceed five hundred meters: 10

Provided that in hilly regions and desert areas polling booths may be set up according to geographical convenience and density of population.

Special arrangements for poll staff.

6. There shall be made suitable arrangements enabling the persons deployed in connection with the polling duty to cast their votes. 15

Special arrangements for senior citizens, etc.

7. 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.

Punishment.

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

(i) A fine of rupees five hundred, or

(ii) two day's imprisonment, or 20

(iii) forfeiture of his ration card;

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

(v) be ineligible for allotment of a plot or a house in a Government owned organisation; 25

(vi) be ineligible to get loan of any kind from any financial institution owned by the Government;

(vii) be ineligible for entitlement to any welfare scheme announced by the 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— 30

(a) forfeiture of ten days' salary; and

(b) delay in promotion for a period of two years. 35

Incentive for voting.

9. Any person who, despite his illness or physical incapacity has exercised his right to vote at an election or any person 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—

- (i) given preference in jobs in the services under the Central Government; and
- (ii) given preference in admission to the institutions of higher education.

5 **10.** (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.

10 (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 not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment 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 more than a billion. But it has been seen that only about fifty per cent of the eligible voters exercise their right to vote. During almost all the elections in the country, it has been observed that the number of actual voters is far below the number of eligible voters. Therefore, the average voting is very low. This type of electoral trend makes it clear to us that suitable steps are necessary to encourage the citizens to exercise their right to vote in order to elect their representative so that the results of the election show the will of all the electors and not just a segment of them.

In the last few elections, the problem of low voting percentage has become worse and the voting percentage has gone down even below fifty per cent. In many cases, citizens either deliberately avoid casting their votes or even boycott elections. Therefore, the Bill seeks to make voting compulsory for all the electors subject to certain restrictions so that the voting percentage in the country is increased. However, the citizens who are either physically incapacitated or have *bona fide* reasons have been given exemption under the Act.

Since voting is being made compulsory, punishment is also sought to be given to those who do not cast their votes. At the same time, incentives are also proposed for those who do exercise their right to vote without break or in spite of illness.

Hence this Bill.

NEW DELHI;
June 4, 2019.

JANARDAN SINGH 'SIGRIWAL'

FINANCIAL MEMORANDUM

Clause 5 provides for setting up of adequate polling booths in every constituency. Clauses 6 and 7 provide for special arrangements for persons deployed for poll duty and for special arrangements for senior citizens, physically challenged persons and pregnant women to enable them to cast their votes. 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 crore is likely to be involved.

A non-recurring expenditure of about rupees fourteen 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.

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(Shri Janardan Singh 'Sigrwal', M.P.)