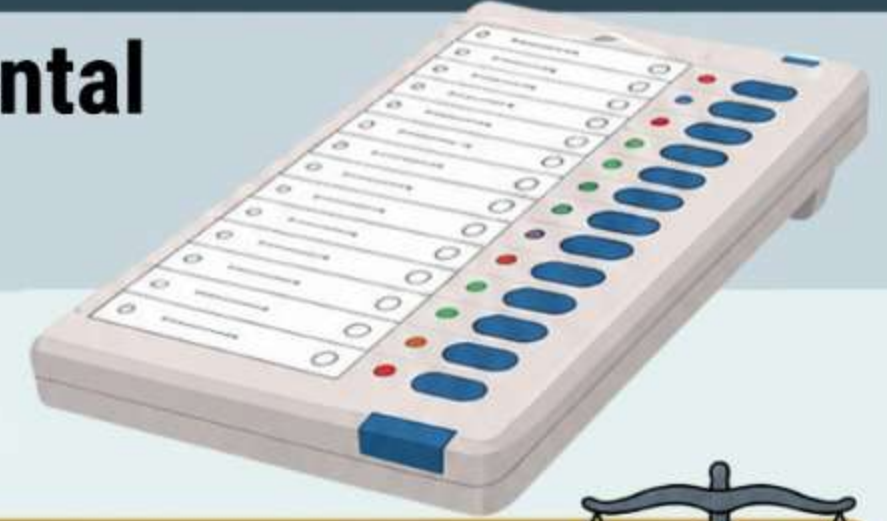


Right to Vote: Need for Fundamental Right Status



In The Opposition advocated upgrading the **Right to Vote** from a statutory right to a Fundamental Right, reigniting debates on constitutionalising electoral rights.



Right to Vote in India

1 Constitutional Basis

- Article 326 grants universal adult suffrage, allowing citizens 18 or older to register to vote unless disqualified by law, making voting a constitutional right, not a Fundamental Right.



2 Statutory Basis

- Section 19 of the Representation of the People Act (RPA), 1950, governs electoral registration, while Section 62 of the 1951 Act governs voting eligibility.



3 Paradox

- Voting is a statutory right, but 'Right to Know' candidate information, voting choice, NOTA (right to reject), and ballot secrecy were recognised as fundamental rights under Article 19(1)(a).



Supreme Court (SC) Judgements on Voting Rights



N.P. Ponnuswami (1952) and Jyoti Basu (1982):



- The SC held that electoral rights are statutory, not Fundamental or common-law rights.

Kuldip Nayar v. UoI (2006):



- Reaffirmed that the right to vote remains statutory.



Anoop Baranwal v. UoI (2023):



- A concurring opinion supported recognising voting as a Fundamental Right, indicating doctrinal evolution.