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RIGHT TO VOTE: A CONSTITUTIONAL PERSPECTIVE**ABSTRACT**

In the Right to vote in constitution is very important if there is no right to vote then nobody decide who will manage our country. There is also some cases and decision which court applie in the right to vote which we will discuss in this research paper. Supreme Court had a case is People's Union of Civil Liberties (P.U.C.L) V. Union of India. There are two aspects the SC gave the decision ,Whether the right to vote is a fundamental Rights under Part 3 of the Indian constitution. In India there are importance in right there are so many rights in India which the constitution made it for our India peoples like- Right to property, right to speech and expressions, right to equality, right to religion, right to vote etc.

There is a negative voting also which will be included very soon so if we have to pass some laws then there is a criteria first they have to pass by parliament or a statutory directive by the election commission.

In this we will discuss also the history of right to vote how it made what was the criteria to made what is the cases whether it's a fundamental right or not. In India, it is the right time supreme court said there is a very scope of right to vote and also the fundamental right is the basic civil and political democracy.

INTRODUCTION

In the Indian Constitution there is a preamble which is very important the preamble is made because we have to make a "democratic country" where the government work under the justice ,liberty, equality and fraternity which is important in our constitution. There is any right which is right to vote or something rights in which there are representatives is the parliament and the state

legislatures of a Universal Adult Franchise. The Right to Vote is a important rights in every countries. Constitution made this rights for the peoples because they should also have a right to choose their spokesperson who did all the welfares all do their works make a policy for peoples and gave them benefits to do all the hardworks that's why peoples choose the good and hardworking peoples.

In Article 324 , 324(1), 324(2) in this election commission and we also appoint the chief the election commissioners , be made by the president(the Election commission Act of 1991).

In the present cases the supreme court judgments are not that clear regarding the statue of right to vote. We also saw this if there is some problems in right to vote then it directly to impact in a political parties because it's not easy to enter in a politics.

If we talking about vote if someone wants to influence government to do their work then they can through voting. It's not that the voting only for large community or in large state voting is for all people who is from small communities also or living in village because in village peoples also wants a leader who developed their village . So the government of this state in the sates there are so many village and cities so many MP'S and Panchyats, Sarpanch are also important to as a leader . so government also allow to the peoples to choose their sarpanch or mp's through voting.

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, adopted by united nations general assembly in 1948 it's a intrinsic and open to a election in a fundamental rights. The universal declaration of human rights in article 21 states-

Everyone has a right to choose their own representative to their country.

Everyone has a right to public service of the country.

When the time of elections it's a very complicated atmosphere in whole country and if the time when the result is announce then it's like a not fair or not free situation. Sometime the situation is so worst there are wars and riots also happened.

HISTORY OF RIGHT TO VOTE

Right to vote is not a fundamental right but it's an important constitutional rights in India. British hold so many years to India and that time of period East India Company don't gave us a right to choose our representatives. All the powers and what is the rule which is implement in India was up to East India Company the Morley Minto's Reforms due to Indian council's act,1901 but there is some criteria in which peoples eligible to vote like – ownership, property, income and municipal taxes etc. In the enactment of Government of India act,1919 was introduced in the number of legislatures of assembly until 1919 women don't have a right to vote but after 1919 women's had a first time to give a vote. Simon Commission 1927 decrease the age of voting rights to 21years and some changes in right to vote to the women was also changed when the Simon commission came and after that 1935 direct elections were introduced in the country.

After Independence of India in constitution assembly 15% representatives is women . After 1947 all discrimination is remove like in caste , sex ,race or religion and it continuous till present.

If we analysis the history then there is a judgment Joseph's J's in this case constitutional assembly debates most of the people have consent around the argument. There is also a question arise that how independence to be secured if we wants to ratify some amendment then first the parliament supermajority permission is also necessary. Ambedkar drafted an amendment which finally drafted article 324 of the constitution.

VOTE MEANING

Vote means many of politicians stand to against someone or somebody and people choose the politicians or a leader for the society if in society have a problem then there is a leader who choose through the peoples who solve their problems. When politician wants vote then they have to attract the society and speak loud , raising the voice and speak about the present problems in society and how we solve this problems .

Voting have so many methods it's like a circle and in voting there is gathering, collective decision if society gave a vote some politicians then there is many discussions , debates is held.

VOTER'S ELIGIBILITY IN THE COUNTRY

If any person who wants to vote in India first he/she will have to registered there is some conditions which be apply-

- He should be citizen in India.
- It should be major up to 18years.
- A person should not be a unsound mind.
- It not should be against by law.

ACCORDING TO VOTING RULES-

- If someone wants to vote then it's not that one person vote many times it should be one person.
- A voter Id card, Aadhaar card or Epic card is important if some person wants to give a vote.
- It's not that a person who's from England he/she can't gave a vote in India. It's compulsory who live in their residence he/she can gave a vote.

ELECTION COMMISSION

In article 324 allocate with the election commission in the constitution and it's an sovereign body there is no interfere to any executive. President decides and also he/she says the vote should be given by fairly and freely. Commission decided by the president of the country.

STRUCTURE

According to article 324 of the constitution consist of –

- In this who is the chairman of the commission is a chief Election commissioner.

- More Election Commissioners.
- If president required then he/she can appoint regional election commissioners.

REMOVAL

The Chief Election Commissioner can also remove Election Commissioner and Regional Commissioner.

S.S. Dhannoa v. union of India (1991)

Supreme court said in this case that electioneer commissioner is not related or same to chief election commissioner and the powers or authority also not same. In this case SC rejected the petitioner “not a case of premature termination case” related and also said defense given by the chief election commissioner not to another commissioner.

VOTING RIGHTS

There are so many voting rights is available in the constitutional rights: -

RIGHT TO KNOW

It means whoever wants to vote or who is registered for votes they have a right to know when and where voting will be happening in future or is happening. where the elections is held they have a right to choose their leader wisely and if peoples know where the voting is happen it is easy for us. This right is under in article 19 of the constitution.

NOTA

Nota is “None of the above” it means there are some people also who don’t give to vote anyone because they think nobody have the capacity to run the society or solve the problem of our society nobody is capable for the elections. But they participate in elections, but they don’t gave vote.

The Peoples Union for Civil Liberties v. Union of India (2013)

It’s a landmark judgment in which NOTA rights were held supreme court said we gave a authority to the peoples who don’t want to give vote to anyone It’s like a “Right to Negative Voting” scenario was held in 2013. Court also asked for the election commissioner can they gave the permission to do this so they said yes we gave the permission because it’s a democratic country all peoples have a right to do which is lawful or legal in India we can’t stop them if they think nobody is capable to be leader.

THERE ARE SO MANY VOTING RIGHTS TO MANY OTHER PEOPLE WHICH INDIA GAVE –

Migrants Workers and Right to Vote -

- When in India Covid-19 is happened and lockdown started almost for 2 years so many of the migrants who work in other city and suddenly lockdown is happen then most of the

don't have that money to stay in the city so they want to go in their house. Then this Article 19 of the constitution right to vote all people desire own government who are migrants because that situation government didn't take any action and neither the facilities.

Prisoners Right to Vote in India-

- In the recent judgment for prisoners in which the question arises can prisoners have a right to vote or not. So the Delhi high court in the section of 65(5) of Representation's peoples act, 1951 they clearly disqualified prisoners to voting in this election.

Voting Rights to NRI or Foreigners-

- Till 2010, NRI or foreigners and who are not in a resident in the country was not allowed to vote but then some amendments, gave register to himself in the election commission then they can vote now after 2010 if he/she resident in the country up to 6 months.

CONCLUSIONS

India has a one of the largest democracy in the whole world and also the constitution is also very precisely written, in this right to vote part 3rd of the fundamental rights of the constitution. Main work of the right to vote is to equality and freedom to choose our leaders and there is also a right if someone think that they don't want to give vote to anyone because they don't have a capacity to become a leader there is a word is "NOTA" – None of The Above it is a "right to negative voting". Our India is a sovereign country, government have so many responsibility to do that's why they held a elections which people decide a leader and the leader are so responsible as they think but it's depend on the people who is elected and the leaders represents the government and this vote and elector type of things has a different ways to handle is a election commissioner and the chief election commissioner .

We talk about so many types of votes like prisoner, NRI or foreigners, migrants etc. Many of the cases held in which petitioner ask a question to judge or court why prisoners and all not gave the vote they also have a right they are also a citizen of India article 14 of the constitution said Right to Equality and if we talked about NRI they also had a connections with country but they are not resident for many years so court we allowed but if 6months they live in India and if we talked about migrant workers they are all from Dalit communities who work in the different cities but when lockdown was happened they have to migrate but the Indian government didn't help so they decide to appeal in a court to make a new government. So this is the conclusion what researcher talk about in this.