

Journal of Multi-Disciplinary Legal Research

Right To Vote-Participation in Democracy

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Abstract

The research is analyzing about the various facts that lead to analyzing the Right to vote-participation within the vicinity of India and others also. Democracy is denoted as letting people exercise their rights and duties diligently and voting is the one such thing that leads to people choosing their representatives who can formulate policies that shall lead to greater development among human beings. The berserk is also entangling about the literature surrounding such things where 5-6 journal articles have been used to demonstrate the facts effectively and certain other articles which will entail about the depth process of voting that surrounds around India. The history of voting in India and others have also been stated, followed by the eligibility criteria for Indian people to take part in the voting process. It found that above 18 years people are eligible for voting. Besides, many countries rely on gender and caste-specific voting acts and also on compulsory voting where Indian people can vote in accordance with their wishes. Lastly, a voting case has been provided that entails about the prospect of NOTA.

Keywords: Right to vote, Laws, legislation, government, democracy, democracy

I. Introduction

It can be seen that one of the critical ways through which a citizen can influence the decision-making ability of a government is through the likes of voting and participating in the festival of democracy. This calls for showing preferences for a candidate for solving a proposed resolution against any social issues faced by the common people. This voting generally takes on a large scale, i.e., national or regional basis, which contributes to the greater formation of the government. However, the Right to participation in democracy can also be directed through small individual community elections too. The universal declaration of human rights founded by the United Nations in 1948 lays the down foundation stone for ensuring fundamental voting right in a participatory government¹. This is guided by a profound article 21 of that Act and directs the equal rights that every individual can avail. However, several governments lack the clarity of organizing free and fair elections, which might disrupt the whole process explicitly. The controversy of free and fair elections prevails where a separately elected body is allocated to conduct such voting effectively. Based on this, the research is going to analyze the concept of the Right to vote-participation in a democracy. It will analyze using the literature that surrounds such concept followed by counter-arguments too. It will also be accompanied by several laws and policies that surround around Indian territory will also ensure how the country is letting the people to take part in the exercising their rights diligently.

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II. Literature review

(a) Promoting door to door democracy

According to ² who states that political canvassing plays a vital role in any democracy, which assists the citizens with voter registrations, civic education and increasing their participation diligently. Therefore, due to its higher valuation, i.e., door-to-door democracy promotion, the promotion is being highly protected by the first amendments. However, ³ argues that canvassers continue to face several restrictions which might limit the rights that ultimately lead to frustrating the exercising people of these rights explicitly. Therefore, the politically run canvassing

¹ Ellis, Atiba R. "The Voting Rights Paradox: Ideology and Incompleteness of American Democratic Practice." *Georgia Law Review* (2021): 1553-1584

² Griffard, Molly. "Door-to-Door Democracy: Expanding Canvassing Rights to Promote Democratic Participation." *NYU Rev. L. & Soc. Change* 44 (2019): 171

³ Ellis, Atiba R. "The Voting Rights Paradox: Ideology and Incompleteness of American Democratic Practice." *Georgia Law Review* (2021): 1553-1584

does not take much bigger account into the marginalized community that well which people can easily exercise their rights imminently. These facts tell about the importance of political canvassing makes people to get acquainted with the election process where the participation criteria diligently increase. As a result, political canvassing allows people to get contacted more than the normalized procedure used through other media. It allows a greater personal touch which ensures voters to have a greater exercising matter into their hands. It should be noted that increasing the canvassing aspects can increase the democratic participation more elegantly.

(b) Morale right in voting

According to ⁴ who states that moral Right to vote has limited justification, and it is not clear whether the single vote would lead to the preservation of the critical interest of the voter. This is because a single vote has limited importance on the voting outcomes, and it is unlikely to serve the interest of the individual. Likewise, ⁵ projected that a sub-set of citizens exercising their voting right against a common interested candidate makes a significant difference and will help in achieving a collective interest. This statement exercises the collective interest is being served in a voting sense. On the contrary, ⁶ argue that for justification of inclusiveness of moral rights in voting, the government should present an equal status of voting where the critical interest of the individual is being held accountable. Thus, the moral interest of the voter is typically depending on both collective interest and the outcomes of the democratic institutions and also on the individual interest in getting equal recognition too.

(c) Political democracy and relational equality in society

⁷ projected that relational equality in democracy is the essence of relating others as morale equals. It helps in understanding the focus on the increasing equality and increasing the scope for challenging inequality than disruptive accounts. For

⁴ Ferwerda, Jeremy, Henning Finseraas, and Johannes Bergh. "Voting rights and immigrant incorporation: Evidence from Norway." *British Journal of Political Science* 50.2 (2020): 713-730

⁵ Beckman, Ludvig. "Is there a Moral Right to Vote?." *Ethical Theory and Moral Practice* 20.4 (2017): 885-897..

⁶ Riaz, Ali. "Voting in a Hybrid Regime." *Politics of South Asia* (2019)..

⁷ Herberg-Rothe, Andreas. "There is no political democracy without relational equality in society." *African Journal of Democracy and Election Research* 1.1 (2021): 9-29.

instance, the success of the American Revolution was because of the struggle for equality was restricted to the political realm and in line with the numerical equality in democracy. This made one man and one man to cast one vote. Besides, the French revolution was a massacre where the rights of people were not being guaranteed, which led to several civil wars. Likewise, other authors have also expressed the same feelings where in the most anti0colonial setting, the reverse situations are faced where people can also exercise certain rights in taking part within the democracy. However, ⁸ argues that with the current setting in the world, the level of I equalities has greatly aroused, which has made the Right to take part in democracy a binary number. Thus, it calls for the preservation of democracy needs to be made for the greater exercise of the people's rights, which are considered the most vital aspects of the democracy.

(d) Participatory action in a participative democracy

According to ⁹ the main role of the government is to use development tool that enables people to exercise their rights explicitly well. The participatory Action Research acts as such a tool that leads to a greater investigation of "civic participation". This relates to the fact that there is a greater need to solve certain community challenges which stop the people from exercising their rights to vote or take part in democracy. Besides, ¹⁰ supported that empowering the citizens would solve the community problem, which is needed for the government to ensure for letting the people exercise their rights explicitly well. However, ¹¹ argues that a proper civic structure is required to improve the social conditions where PAR can explicitly empower the decision-making structures and processes. Thus, PAR can be an effective tool in fostering avenues among the government and communities for the greater exercise of rights in a democratic setting.

(e) Democratic rights and liberal values

According to ¹² every society has the realm of defining the concept of human dignity, which ascertains the qualities and internet values of each person has its relationship with the society. This makes religious and political bases define the system by which the society is being governed. Therefore, Ellis, (2021) pointed that India being a democratic society, possesses the inherent Right for its citizens to enjoy the virtue of human existence, which is not granted by any kind of superior

⁸ Elgujja, Abba Amsami. "Paving the Way for Entrenching the Diaspora's Voting Rights under the Nigerian Laws: Legal Prospects, Challenges and Potential Solutions." *Turkish Journal of Diaspora Studies* 1.2 (2021): 77-95.

⁹ Auriacombe, C. J., and T. Sithomola. "The use of participatory action research in a participative democracy: In critique of mechanisms for citizen participation." *International Journal of Social Sciences and Humanity Studies* 12.1 (2020): 50-65

¹⁰ Herberg-Rothe, Andreas. "There is no political democracy without relational equality in society." *African Journal of Democracy and Election Research* 1.1 (2021): 9-29

¹¹ Riaz, Ali. "Voting in a Hybrid Regime." *Politics of South Asia* (2019).

¹² Alfadhel, Khalifa A. "Toward an Instrumental Right to Democracy." *American Journal of International Law* 112 (2018): 84-88

sovereignty. This regards with the collective rights where people's rights to self-determination are collective while taking part in the political works are individual one. It generates the idea that the individual Right is totally agreed upon on a normative level; however, many countries do not exercise such rights through the process of free and fair elections. Likewise, ¹³ stated that countries generally lack the free and fair election type, allowing the people to exercise rights diligently. As a result, the concept is still emerging where governments needed to take certain steps to make people participate in exercising their voting rights and presetting high liberal values.

III. History of voting rights India and others

Voting generally means little developments where if anyone does not find a suitable candidate, then they go for pressing NOTA. This makes India a land of voting rights and the Right to exercise voting participation in a democracy where they can vote after attaining the age of 18. However, certain countries have rules which lead to DUTY TO VOTE, and if anyone does not vote and this is considered illegal. However, in the 19th century, some countries exercised voting rights based on race, caste, gender and certain countries exercised rights where landowners were given the Right to vote due to property they used to pay¹⁴. Besides, some countries like the USA have voting rights were based on skin color, and countries like Persia voters were divided into the amount of ta they are paying and also until 1960, counties like Australia and Canada did not have voting rights which led to conducting liety6rcy test before getting eligible for voting. In countries like Lebanon and Oman, it's around 18 years. Therefore, Indian criminal voters do not have the Right to vote. Similarly, the USA, France and other first-world countries also exercised similar rights where criminal activity does not allow people to vote easily. Besides, many countries like the Maldives are still exercising rights based on religion, i.e., Muslim voters only. This is very much leading to a biased situation.

Besides, many Western countries had voting rights based on gender and women were only given such rights during the 19th century. This made New Zealand to be giving such rights where women and other voters exercised their rights equally. Further, after the independence in India, the voters of India also exercised equal rights where people could vote irrespective of their race, caste, gender. As a result, Belgium is one of the countries in the world which made compulsory voting rights has been drafted, and citizens not voting is termed as illegal activity, which faces several law issues. Besides, Spain, Switzerland, Netherlands, Italy and Venezuela also had similar acts, but it was abolished. Similarly, in Brazil, if a citizen does not vote, his/her

¹³ Debnath, Sisir, Mudit Kapoor, and Shamika Ravi. "The impact of Electronic Voting Machines on electoral frauds, democracy, and development." *Democracy, and Development (March 16, 2017)* (2017).

¹⁴ Debnath, Sisir, Mudit Kapoor, and Shamika Ravi. "The impact of Electronic Voting Machines on electoral frauds, democracy, and development." *Democracy, and Development (March 16, 2017)* (2017).

passport can be taken off¹⁵. Hence, 22 countries started to exercise such rights, but as of now, 11 are in force actually. In India, the constitution Act 1988, the age was reduced from 22 to 18 by amending the article 354 of the constitution generally concerns the Lokshaba and assemblies. Thus, it can be found that compulsory voting rights, whether to be implemented or not, is still a questionable thing.

IV.Reasons for voting

(a) Voting rights not boosting political participation

According to ¹⁶ voting is the sole Right that people enjoy, which can be claimed by an individual person only. This is backed by the opinion that an individual generally possesses in terms of their likes and dislikes about the candidate. Besides, this concept should not be mixed with the fact that the voting generally means exercising rights rather than taking part in the election process. This means that voters exercise their rights and choose a candidate rather than thinking about taking a candidature part. Thus, it should be noted they are exercising their power of perspective based upon which they cast votes. This is because people are voting to make changes in the democratic society, and this vote counts diligently. However, they can also exercise the power of NOTA, which gives the option to let the world know about the dislikes of the candidates that are competing in the elections¹⁷. Thus, when voting is done, it might change the future of India, which regards that votes carry immense importance where certain differences can be made. Thus, it is of no logic that one wastes their votes effectively. The NOTA also plays a crucial role where if any person is not happy about the candidate where they can exercise and let others know the candidate is not fit to contest the elections effectively. Therefore, this regards that people only take part in the voting process and should entangle them in contesting such process and present their ideology effectively which will ultimately lead to the better situation prevailing India and greater development can be seen.

(b) Need for public participation in democracy

It can be noted that voting is something that is directly related to voices being heard while making policy's and ensuring initiations of legislation. This is because India being highly diversified and large in size, the democracy remained in it despite

¹⁵ Narzary, Ripima. "Democracy at Risk: An Analysis of Electronic Voting Machines Security And Their Impact On Indian Democracy." *Psychology and Education Journal* 58.1 (2021): 2928-2935

¹⁶ Wolfe, Andrew, Arnold J. Sze, and Yared Beyene. "Smart Voting keys to e-Democracy." *Proceedings of the International Conference on Security and Management (SAM)*. The Steering Committee of The World Congress in Computer Science, Computer Engineering and Applied Computing (WorldComp), 2019.

¹⁷ Bhuvanapriya, R., P. Sivapriya, and V. K. G. Kalaiselvi. "Smart voting." *2017 2nd International Conference on Computing and Communications Technologies (ICCCCT)*. IEEE, 2017

other countries gaining independence through colonial rights and military rules. Therefore, all people take part in the democracy setting process where people will be voting to exercise their rights where the representative will take part in making laws and policies effectively¹⁸. It allows in decreasing the level of criminal and drive economic and other development which shall increase the standard of living as well. This is a vicious circle where voting makes governments, and in return, governments provide effective standards for a better life ahead through policies and regulations. The major benefit is that it will allow people to get closer to the legislative norms, which in return is essential to be based on the public opinions¹⁹. The voting candidates are the representative of the public who makes such laws and policies. Lastly, public participation also ensures that the political ideology presented by the political parties manifest with the citizen's ideology, and if they do not meet such requirement, then through voting, they get the chance to oppose such ideology, which might be harmful to the society at large to operate effectively. This relates to direct participation and is better informed. A message can be sent through taking part in making democracy work better.

(c) People that can vote and process of voting

The constitution clearly lays down the people that can vote where certain qualification needs to be met:

- He/she must be a citizen of India
- He/she must be 18 or above aged person
- Must be sound minded

This calls for people to take part in certain types of votes which are held in the country. These elections are mainly directed as the National and state-level elections. Besides, elections of the local bodies and district level are also being conducted²⁰. Therefore, certain rules need to be followed where a person can cast only a single vote, and certain identification like voter ID or other identity cards needs to show. This also entails that the person can vote within the registered constituency.

The main process of voting consists of two methods. Firstly, visit a polling booth where a vote can be casted²¹. This clarifies the fake vote, which might arouse where others might vote on behalf of the person. Lastly, postal ballots can also be

¹⁸ Chavhan, Nitin, et al. "Real-Time Voting System Using Biometrics." *International Journal of Scientific Engineering and Technology* 6.12 (2017): 364-367

¹⁹ Chawla, Navin. "Every Vote Counts: The Story of India's Elections." *Journal of APF Command and Staff College* 4.1 (2021): 167-170

²⁰ Chandhoke, Neera. "A vote for the sake of Parliament." (2019).

²¹ Keith, Arthur Berriedale. *A Constitutional History of India 1600-1935: 1600-1935*. Routledge, 2018.

used, which is done via post. This facility is offered to people who cannot physically visit the polling booth due to certain unavoidable circumstances, particularly the armed forces, police forces, duty officers in elections and other people who might be physically challenged. Hence, all methods are applied so that people can exercise their democratic Right to vote and participate in democracy.

V. Case law on voting rights

One of the interesting cases that describe the Right to vote-participation in democracy is surrounded around the case of **Peoples Union for Civil Liberties VS. Union of India**. This was fought on the basis of giving rights to people to reject all the associated candidates contesting from the particular constitution²². This was delivered on 27th September 2013 through the bench, which is headed by Chief Justice P Sathasivam, Justice Ranjana Prakash Desai and Justice Ranjan Gogoi against the petition that was filed. The purpose was to let the voting machines could have a switch that would allow people to reject all the candidates and ballot paper with the same options, and this should also be revealed by the election commission during the counting time. This was done to eradicate the negative voting, which brings a systematic change and allows political parties to present a clean candidate.

VI. Conclusion

The prospect of the Right to vote and take part in the election process brings effective changes within the democratic systems. This research is explaining the importance of preserving such rights where the RIGHT should be converted to DUTY. This is because of the fundamental Right is to vote. The research highlights about the history and surrounding literature where other countries conduct many manifestations to present their ideology in front of the people that will be voting. Thus, it concluded that the government should ensure free and fair elections where voting is being seen as exercising duty since they can choose a better tomorrow by choosing their representative within the government.

²² Antil, Deepak. "SHOULD PRISONERS BE TREATED AS EQUAL CITIZENS: RIGHT TO VOTE A WAY FORWARD?." (2021).