

**Bill No. 83 of 2014**

**THE COMPULSORY VOTING BILL, 2014**

By

SHRI FEROZE VARUN GANDHI, 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 Sixty-fifth Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Compulsory Voting Act, 2014.

(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.** (1) On and from the date of commencement of this Act, it shall be compulsory for every citizen, who is eligible to vote at an election, to exercise his right to vote at an election when called for by the Election Commission:

Short title,  
extent and  
commence-  
ment.

Voting to be  
compulsory  
for all  
citizens.

Provided that a citizen may be exempted from exercising his right to vote—

(a) if he is physically incapacitated due to old age or an illness of a serious nature and produces a medical certificate from a registered medical practitioner certifying such incapacity; or

(b) if he is physically challenged and is unable to go to a polling booth on his own; or

(c) if she is a pregnant woman and not in a position to withstand the physical strain; or

(d) if he, in the opinion of the Election Commission, suffers from a disability or infirmity of a nature, which makes him incapable of going to the polling booth on his own.

(2) Notwithstanding anything in sub-section (1), the Election Commission may allow a suitable attendant to aid or facilitate a citizen, exempted from exercising his right to vote, to exercise his right, if he makes a request to the Election Commission to this effect.

Adequate number of polling booths.

**3. (1) It shall be the duty of the Election Commission to set up adequate number of polling booths at convenient locations, in every Assembly and Parliamentary constituency.**

(2) The polling booths shall be set up in such a way that the distance between two polling booths does not exceed one kilometre:

Provided that in hilly, forest or desert regions, the Election Commission may set up mobile polling booths according to geographical convenience and density of population.

Facilities to be provided to persons who cast their vote.

**4.** Subject to such rules as may be prescribed, any citizen who is eligible to vote at an election and exercises his right to vote shall be provided with the following facilities:—

(a) **foodgrains and other consumable items at subsidized rates through the public distribution system;**

(b) **social security benefits including old age pension, disability pension and health care facilities;**

(c) reservation in posts and services under the Central Government; and

(d) priority in allotment of houses in any housing scheme launched by the Central Government.

Punishment.

**5. (1)** The Election Commission shall cause to be prepared a list of names of all eligible citizens, who have not cast their votes, and submit it to the Central Government or the State Government, as the case may be.

(2) Any citizen, who fails to cast his vote shall—

(i) be liable to a fine of rupees five hundred for first failure and rupees ten thousand for each subsequent failure; and

(ii) be rendered ineligible to contest any election for a period of ten years from the date he failed to cast his vote.

Power to make rules.

**6. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(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

India is the largest democracy in the world. It has a strong parliamentary system. Since 1951, free and fair elections to the Houses of Parliament, State Legislatures and local bodies have been held at regular intervals. Indian elections are a benchmark for many other countries.

At present a candidate is declared as elected even if he secures one vote more than the votes polled to his nearest candidate. Though he has won the seat, yet he may not have the support of even half of the electors. In the true sense, he is not representing the constituency from which he has been elected.

The percentage of votes polled at every election is decreasing which shows that people are not willing to participate in the election process. Sometimes in some of the constituencies, as low as thirty per cent. of the total votes are polled.

Therefore, it is proposed to make voting compulsory so that the people can participate in a large number. It is also proposed to provide certain incentives to those voters who exercise their right to vote in elections to the House of the People or State Legislatures.

Hence this Bill.

NEW DELHI;  
*July 7, 2014.*

FEROZE VARUN GANDHI

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of adequate number of polling booths in every constituency during election. Clause 4 provides for certain facilities to those voters who cast their votes at an election. 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 four hundred crore is likely to be involved.

A non-recurring expenditure of about rupees three hundred crore is also likely to be involved.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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*(Shri Feroze Varun Gandhi, M.P.)*