

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

UNSTARRED QUESTION NO:4503

ANSWERED ON:17.12.2009

VOTING RIGHT OF UNDERTRIAL PRISONERS

Bapurao Shri Khatgaonkar Patil Bhaskarrao;Gaikwad Shri Eknath Mahadeo;Yadav Shri Ranjan Prasad;Yaskhi Shri Madhu Goud

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether at present undertrial prisoners can contest elections but cannot vote;
- (b) if so, the reasons therefor;
- (c) whether the Government has any proposal to allow voting right to undertrial prisoners;
- (d) if so, the details thereof; and
- (e) the time by which a final decision is likely to be taken by the Government in this regard?

Answer

MINISTER OF LAW AND JUSTICE (DR. M. VEERAPPA MOILY)

(a) and (b): Sub-section (5) of section 62 of the Representation of the People Act, 1951 provides that no person shall vote at any election if he is confined in a prison, whether under a sentence of imprisonment or transportation or otherwise, or is in the lawful custody of the police. However, the said subsection will not apply to a person subjected to preventive detention under any law for the time being in force. But there is no similar provision for candidates contesting an election.

(c) and (d):At present there is no such proposal under consideration of the Government.

(e): Does not arise.