

Rationale for Prisoners' Voting Rights Study

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ABSTRACT

The right to vote of incarcerated people is the subject of this qualitative and quantitative study. This study examines the current legislative requirements and how they affect democratic participation using a descriptive and exploratory approach. The study examines disenfranchisement tendencies and the socioeconomic effects of these patterns utilizing secondary data derived from legal papers, legislative frameworks, and jail statistics.

Using comparative and thematic analysis, the data is analyzed for all types of inmates, including those awaiting trial, those already in detention, and those who have been convicted. Problems like the indiscriminate loss of voting rights due to a failure to distinguish between major and minor offenses are brought to light in the report. It also stresses that those who are considered innocent but are still awaiting trial cannot vote. Reflecting larger issues of inequality and democratic justice, the study also finds inconsistencies in the law and the disproportionate effect on vulnerable populations.

Keywords: Prisoners, Democracy, Rights, Discrimination, Justice

INTRODUCTION

Voting is a cornerstone of democracies because it allows all people a voice in government and reflects the democratic ideal of equality. People mostly use it to show their political will and have an impact on decision-making. Nevertheless, there is still debate about whether or not this privilege should be extended to inmates, which brings up pertinent concerns regarding the equilibrium between punishment and basic rights. Issues of fairness, inclusivity, and democracy's genuine essence are at the heart of the discussion over inmates' voting rights.

In many democracies, the exclusion of convicted felons from voting rights is rationalized by the argument that lawbreakers should not be granted certain rights as citizens. This view stems from the long-held belief that punishment encompasses both the abolition of individual freedom and the suspension of political engagement. On the other hand, contemporary human rights and legal theories cast doubt on this idea, contending that incarceration ought not to lead to total alienation from society. Rehabilitating and reintegrating into society should be the goal instead.

The idea that the right to vote is fundamental and should not be arbitrarily denied is gaining more and more support across the world. Recognizing the importance of civic involvement in keeping convicts connected to society, a number of nations have taken progressive methods by granting offenders the right to vote. The underlying assumption of these methods is that inmates may be better reformed by engagement in democratic processes, which in turn foster a feeling of duty and belonging. However, other countries' lingering prohibitions are a reflection of their diverse legal systems, political philosophies, and administrative priorities.

When it comes to voting rights, inmates in India are subject to laws that limit their ability to take part in elections. The justifications for these limits, which include resolving logistical issues and ensuring the integrity of the election, are questionable at best and pose serious constitutional and ethical concerns at worst. Confronting the exclusion of a large portion of its people from the political process is a problem for India, a democratic society established on the ideals of equality, justice, and liberty. The assumption of innocence seems to be at odds with the practice of denying convicts the right to vote, especially those awaiting trial who have not yet been found guilty.

The societal ramifications of denying inmates the right to vote are far-reaching. Many people incarcerated come from economically disadvantaged and socially oppressed backgrounds. Their political voice is diminished and existing inequities are reinforced when they are denied the right to vote. It makes it so that those who are already at a disadvantage can't have a say in matters that have an impact on their daily life. This makes one wonder whether the democratic system is really fair and inclusive.

The inconsistency within the legal system, which allows criminally charged people to run for office but denies them the right to vote, is another critical component of this problem. Because of these discrepancies, current rules and legislation need to be carefully reviewed. It is crucial to determine whether these limitations are really helpful or if they only reinforce archaic ideas of punishment.

REVIEW OF LITERATURE

Burrow, Rebekah et al., (2025) People who participate in clinical trials should be a good representation of the people who may get the treatments being studied down the road. Both public opinion and ethical and financing organizations have acknowledged the significance of inclusion. In order to adhere to research ethics standards and provide equitable evidence-based healthcare, appropriate inclusion is necessary. Unfortunately, data on the extent to which clinical trials in the United Kingdom include underrepresented populations is scant. Examining how the Oxford Primary Care Clinical Trials Unit (PC-CTU) has included under-served populations in its trials is the purpose of this audit. Ethically approved studies conducted between 2017 and 2023 were considered. In order to find data collection and intentional exclusions, we reviewed patient-facing material, procedures, and the INCLUDE guidelines for details on under-served populations and protected characteristics under the UK Equality Act of 2010.

Final Product We reviewed 19 trials. They were undergoing a wide range of clinical trials, some of which were part of the Clinical Trial of an Investigational Medicinal Product (CTIMP) and others of which were not. Many of them did not get funding from corporations. Within this scope, we examined forty-one data gathering instruments, twenty-nine patient information sheets and leaflets. Age (19), sex or gender (11), language (8), competence to consent (14), pregnancy (11), numerous health issues (10) and severity of sickness (17) were common reasons for exclusion. These variables were most often obtained by trials. In many cases, participants were left out because the study only included a certain demographic, including women, older adults, or those receiving treatment for a very serious illness. While some degree of intentional exclusion may have been necessary, it may have diminished the trials' inclusiveness and limited the trial's results to those who may have benefited from the therapies evaluated. People without the legal ability to agree, those who do not speak English well, and those under the age of 18 are all excluded. More useful information about the status of underserved groups may have been gathered in all studies.

Sugie, Naomi et al., (2024) there has been movement to remove felon disenfranchisement laws, which might greatly increase the number of individuals with criminal records who are able to vote. Nevertheless, very few persons with criminal records actually cast ballots. We discover and describe how administrative barriers to voting—including a lack of knowledge about the voting process, confusion about legal eligibility, and perceived risks of being re-arrested for voting while ineligible—pose an access to justice issue among people impacted by the system. These barriers were identified through an analysis of interview, focus group, and text message conversations among a multi-state sample around the November 2022 election. Government distrust, and more especially the belief that voting hurdles are purposefully put in place to limit participation, makes these obstacles worse, while reputable community groups' outreach has the ability to lower them. The results highlight the need of addressing administrative barriers to increase access to the franchise with legislative measures that remove disenfranchisement legislation.

Thakur, Deepika & Gulati, Shobha (2024) everyone knows that the right to vote is the cornerstone of a healthy democracy. Citizens choose representatives to look out for their interests in a democratic government. Within the context of India, the writers of this paper analyze the present state of the law on the voting rights of prisoners across the world. A number of important political concerns, including suffrage, sparked a rebellion. Many nations' laws have limited or outright denied convicts and convicted criminals the ability to vote. This is true in many parts of the globe, including the United States, the United Kingdom, and India.

A few of these nations rank high among the world's most populous democracies. Many people feel excluded from society when they are denied the opportunity to vote, as voting is a strong sign of inclusion. An individual's dignity towards their country is built around the value of suffrage. Disenfranchisement in relation to rehabilitative punishment systems must be studied and understood indefinitely as the previously dominant "retributive theory" has not shown to be relevant in the present day. Due to the lack of a well-established theory controlling the restrictions of universal suffrage in relation to criminal charges, a thorough comprehension of the idea of disenfranchisement is necessary. Looking at the changing dynamics of disenfranchisement through the lens of international human rights law, the authors want to study.

Astha Thapliyal (2023) the right to vote is a symbol of individual worth and dignity that sends the message that every voice matters. In India, inmates do not have the opportunity to cast a ballot. The Representation of the People Act, 1951, Section 62(5), denies them the right to vote. The people who are now on trial before the competent courts, or those who are "under trial," will be the focus of this article. They are nominally under court custody, but in reality, they are just locked up with the convicted criminals. Despite several amendments to the aforementioned statute, Section 62(5)1 remains illogical, arbitrary, and contradictory since it grants a convicted felon the right to dispute an election but not the right to vote.

METHODOLOGY

Examining the topic of inmates' voting rights, the research takes a qualitative and analytical tack. With an emphasis on current legislative provisions and their consequences for democratic involvement, it takes a descriptive and exploratory approach. Secondary sources such as statutes, regulatory frameworks, and jail demographics formed the backbone of the study. Disenfranchisement patterns and their societal impacts are examined via the use of topic and content analysis.

Data Collection

Secondary data sources used in the research include government documents, statutes, and records kept by various institutions. It includes all members of the prison population, including those already incarcerated, those awaiting trial, and those in detention. Important features, such as voting rights denial, legal disparities, and social ramifications, are the primary emphasis of the data. To make sense of the numbers and evaluate the current setup, an analytical and comparative approach is utilized.

Why Prisoners

A universal revocation of voting rights occurs because there is no obvious distinction between those accused of significant crimes and those implicated in lesser offenses, as the report indicates. All types of inmates are not allowed to participate in the voting process, including those who are believed innocent and are still awaiting trial. Concerns about the democratic fairness arise from the fact that prisoners do not have a say in choosing representatives, even if they are subject to laws and rules. People who are accused of crimes may run for office but cannot vote, which creates an even more paradoxical scenario. In addition to reflecting systemic problems, such as jail overpopulation, this exclusion disproportionately impacts already-vulnerable segments of society.

ANALYSIS

Section 62(5) of the Representation of the People Act establishes the notion of felony disenfranchisement, which derives from the doctrine of civic death. This theory states that a person loses all civil and political rights upon conviction. Imprisonment as a means to avoid democratic engagement is a hallmark of this notion, which represents a punishing view of justice. However, in contemporary constitutional democracies that prioritize human dignity and rehabilitation, this notion is seen as becoming more and more antiquated.

Conviction implies a reduction of liberty, which is why there have traditionally been limits on prisoner voting in numerous common-law nations. But this strategy has been rethought in light of recent progressive judicial decisions. Voting is fundamental to democracies, and courts throughout the globe have ruled that it cannot be unilaterally withheld. Disenfranchisement, as these rulings show, damages democratic inclusion and the rule of law.

The idea of civic death may not be applicable in its strictest form in India, according to court interpretations of inmates' rights. Except for the rights that are inalienably diminished by imprisonment, judicial decisions acknowledge that prisoners maintain their basic rights when incarcerated. Regardless, the legislation prohibits voting for both convicted and under-trial convicts. Given that those awaiting trial are deemed innocent until proved guilty, this gives rise to grave questions of justice and proportionality.

When you think about who is in the jail population, the problem becomes much more pressing. Because the criminal justice system is notoriously slow, a large number of people in prison are awaiting trial. Removing their ability to vote would amount to punishing those who have not yet been proved guilty, which goes against the basic idea of innocent until proven guilty.

Furthermore, it is open to criticism that the legal stance is that the right to vote is just a statutory right. Although it is not specifically named as a basic right, it is strongly associated with the ability to freely express oneself and take part in democratic processes. When seen through the lens of the larger constitutional framework, the difference between the right to vote and the freedom to vote seems to be somewhat minimal.

Furthermore, issues of equity are raised by the disparate treatment of incarcerated inmates compared to those on bail or in preventative custody. There is no evidence to support the claim that removing voting rights helps decriminalize politics. Actually, there are discrepancies in the legislative framework since some convicted persons may run for office under certain situations according to current regulations.

An extension of the civic death concept is the idea that automatic limitation of voting rights is justified by imprisonment. Denial of participation in the political process seems unfair, even if some rights, like freedom of movement, might fairly be curtailed. There are other ways to promote voting that do not disrupt jail management.

Last but not least, the right to freedom of choice—which includes the right to vote—may be considered in light of the right to life and personal liberty. Prisoners should not be allowed to vote because it undermines the credibility of democracy since laws passed by elected officials are meant to be applied equally to all people. Because they impact

such a large and defenseless population, the issue of whether these limitations are appropriate within constitutional bounds persists.

Table 1: Status of Prisoners and Voting Eligibility

Category of Individuals	Legal Status	Voting Rights Status
Convicted Prisoners	Found guilty by court	Not allowed
Under-trial Prisoners	Awaiting trial	Not allowed
Preventive Detention	Detained without trial	Allowed
Persons on Bail	Released pending trial/appeal	Allowed

Table 2: Key Issues in Prisoner Disenfranchisement

Issue	Description
Civic Death Doctrine	Assumes loss of civil and political rights after conviction
Presumption of Innocence	Under-trials denied voting despite not being convicted
Legal Inconsistency	Some convicts can contest elections but cannot vote
Democratic Exclusion	Large prison population excluded from electoral participation
Constitutional Concerns	Questions raised regarding equality, liberty, and freedom of expression

CONCLUSION

Prisoners' voting rights is a microcosm of the larger conflict between punitive goals and democratic inclusion ideals. The research highlights the grave problems about justice, equality, and fairness that arise when inmates, particularly those awaiting trial, are denied the right to vote. Denial of the right to vote excludes a large portion of society from participating in democracy, which is a fundamental component of citizenship. The concept of universal adult suffrage and the representational character of democracy are undermined by such exclusion. Inconsistencies arise from the current legislative provisions, which are found to be unproportional, according to the study. The logic behind disenfranchisement is further cast into doubt by the lack of distinction between types of inmates and the paradox of enabling persons to run for office yet not vote. In addition to lowering the political voice of already-marginalized groups, the disproportionate effect exacerbates socioeconomic inequality. By including inmates and honoring their rights, we can fortify democratic principles and encourage accountability and engagement. More representation and fairness in democracy may be achieved by guaranteeing the right to vote, which is consistent with larger aims of equality, justice, and human dignity.

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