

Article 326 of Indian Constitution, Provisions, Amendments

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Article 326 of the Indian Constitution deals with the right to vote in elections to the Lok Sabha and State Legislative Assemblies. It provides for universal adult suffrage, which means **every citizen of India who is 18 years or older has the right to vote, regardless of caste, religion, gender, or education.** This article ensures that elections are conducted fairly and all eligible citizens can participate in choosing their representatives, making India a true democracy. Article 326 of Indian Constitution has been discussed in detail in this article.

Article 326 of Indian Constitution Provisions

Article 326 of the Indian Constitution gives every adult Indian citizen the right to vote in elections for the Lok Sabha and State Legislative Assemblies. Any citizen who is 18 years or older can register as a voter, though certain people may be disqualified based on legal provisions.

- **Universal Adult Suffrage:** Every Indian citizen aged 18 or above has the right to vote, ensuring that everyone can participate in the democratic process.

- **Applicability:** Article 326 specifically applies to elections for the Lok Sabha and State Legislative Assemblies.
- **Voting Age:** The voting age was originally 21 but was lowered to 18 by the **61st Constitutional Amendment Act, 1988** to increase youth participation.
- **No Discrimination:** Voting rights cannot be denied on the basis of caste, religion, gender, race, or economic status, making elections inclusive and fair.
- **Legal Restrictions:** Some citizens may be barred from voting, including those of unsound mind, convicted of serious crimes, involved in corrupt or electoral malpractices, or non-residents of the constituency.
- **Special Cases:** Convicted prisoners cannot vote, while undertrial prisoners (not yet convicted) retain their voting rights. Some government employees posted abroad may also face temporary restrictions.
- **Regulation by Law:** Parliament and State Legislatures can make laws to regulate elections, define voter eligibility, and list disqualifications. The Representation of the People Acts, 1950 and 1951 are examples of such laws.
- **Direct Elections:** Article 326 ensures that representatives in the Lok Sabha and State Assemblies are elected directly by voters, giving citizens a real role in governance.
- **Constitutional Guarantee:** The right to vote is protected by the Constitution, so it cannot be taken away arbitrarily. Citizens also have the right to be included in electoral rolls to exercise this right.

Article 326 of Indian Constitution Amendments

- Since the **Indian Constitution** came into effect, Article 326 has mostly stayed the same, setting rules for voting in Lok Sabha and State Assembly elections. The most important change came with the **61st Constitutional Amendment in 1988, which lowered the voting age from 21 to 18 years.**
- **Why the change was made:** The government wanted to encourage youth participation in democracy. **Allowing 18-year-olds to vote gave young citizens a voice in decision-making** and helped increase overall voter engagement.
- Impact on Indian Democracy:
 - Millions of new young voters joined the electoral process.
 - Youth became more politically aware and active.
 - It strengthened the idea of universal adult suffrage, making representation more inclusive.
- **Legal Changes:** The **Representation of the People Act, 1950** was updated to reflect this new voting age. Originally, Article 326 allowed only citizens aged 21 and above to vote, but after the **61st Amendment, the age was lowered to 18, effective from March 1989.**
- This change not only expanded the electorate but also **helped make Indian democracy more representative**, encouraging the next generation to participate actively in governance.

Article 326 of Indian Constitution Exceptions and Exclusions

Article 326 gives every adult citizen the right to vote, but there are some exceptions where people cannot vote.

- **Legal Disqualifications:** Only certain individuals are allowed to vote. Non-citizens, such as foreigners or people without Indian citizenship, are not eligible. People declared of unsound mind by a court also cannot

vote. Those convicted of serious crimes like corruption, terrorism, or election fraud can lose their voting rights, though they may regain them after serving their sentence or appealing legally. Similarly, anyone punished for electoral malpractices under the Representation of the People Act, 1951 cannot vote.

- **Special Cases:** Convicted prisoners lose their right to vote, but undertrial prisoners those who have not yet been convicted can still vote. Some government employees posted abroad, especially in foreign or diplomatic services, may have temporary voting restrictions due to official rules.
- These exceptions ensure that voting remains fair and lawful while protecting the democratic process.

Significance of Article 326 of the Indian Constitution

- Article 326 is very important for India’s democracy because it gives every eligible citizen the right to vote in elections for the **Lok Sabha** (Parliament) and State Legislative Assemblies. By allowing all citizens aged 18 and above to vote, it ensures that everyone has an equal chance to choose their leaders, promoting fairness and equality in governance. This right supports the values of the Constitution, such as justice, liberty, equality, and fraternity, and strengthens the democratic system by making the government accountable to the people.
- **The key significance of Article 326 includes:**
 - **Universal Adult Suffrage:** Every adult citizen has the right to vote, no matter their caste, religion, gender, or economic status, ensuring political equality.
 - **Encourages Public Participation:** Citizens play an active role in choosing their government, which strengthens democracy at the grassroots and national level.
 - **Supports Popular Sovereignty:** It reflects the principle that the authority to govern comes from the people themselves.
 - **Stability and Transparency:** Regular and fair elections ensure that governments are stable and follow democratic procedures.
 - **Promotes Accountability:** Since leaders are elected directly by the people, they are responsible for their actions and decisions.
 - **Increases Political Awareness:** By giving citizens the power to vote, it encourages them to learn about policies, governance, and social issues.

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