

PRISONERS' RIGHT TO VOTE

Shafia Rahman*

ABSTRACT

This article examines the issue of disenfranchisement of prisoners, highlighting the discrepancy between the legal provisions that safeguard prisoners' rights and the reality of their implementation. Despite international human rights laws granting prisoners the same fundamental rights as ordinary individuals, the protection of prisoners' rights remains largely theoretical rather than practical. The prevalence of prison cruelty, often concealed due to the nature of suppression and isolation, demonstrates a consistent and widespread phenomenon throughout history and across nations. Statistics from the United States government indicate that incarcerated women face physical assault at a rate 27 times higher than that of non-prisoner women, while men face it 18 times more frequently. Violence in prisons extends beyond physical assault. Even in Tihar jail, India's notorious prison, even the most feared criminals suffer from anxiety. This article specifically focuses on the disenfranchisement of prisoners in India, where it is legally supported by statutory provisions. Depriving prisoners of their right to choose their government in a democracy like India, where government decisions directly impact them, can be considered a form of violence according to the World Health Organization's definition. Such disenfranchisement may lead prisoners to believe that they have been abandoned by their nation and are no longer considered citizens, impacting their psychological well-being and undermining the goal of prison reformation. The prison system's foundation lies in reformation, and therefore, the denial of prisoners' voting rights contradicts the principles of human rights and impedes the goal of rehabilitation. There is a need for the state to protect prisoners' voting rights and ensure that they are not unnecessarily restricted, aligning with the belief that human rights are inherent to all individuals, regardless of their incarcerated status.

Keywords: Right To Vote, Prisoners' Rights, Cruelty, Violence, Rehabilitation, Disenfranchisement.

*BA LLB, FIRST YEAR, WEST BENGAL NATIONAL UNIVERSITY OF JURIDICAL SCIENCES, KOLKATA.

INTRODUCTION

“Crime is a pathological aberration, that the criminal can ordinarily be redeemed, that the state has to rehabilitate rather than avenge. Therefore, the focus of interest in penology is the individual and the goal is salvaging him for society¹.”

The rights entrusted to a normal individual under international human rights law also include the enjoyment of these rights by a prisoner, subject to certain reasonable restrictions². However, much like everything else, prisoners’ protection is more of a ‘law written by well-intentioned men’ than ‘followed in reality.’ Prison cruelty is not a rare and isolated phenomenon that easily comes to the notice of the media and public, even more so due to the nature of suppression and isolation³. The phenomenon is as constant as the prison itself; its presence stretches throughout history and almost every nation⁴. The government of the United States reported with statistics that imprisoned women face physical assault 27 times more than that of ‘normal women’, while men face it 18 times higher⁵. This ‘violence’ does not only entail or stop at physical assault; it was reported by the Human Rights to Watch that twenty-two prisoners in Morocco were crammed together in a prison having a capacity of eight and were burned alive⁶. A survey done by the US Department of Justice in the prisons of the United States and the United Kingdom revealed that one out of every ten inmates has suffered sexual abuse either in prison or in post-release treatment facilities⁷. In Tihar jail in India, it is said that even the most dreaded of criminals suffer bouts of anxiety in prison⁸. This project discusses one such violence suffered by prison inmates; the only difference is that this violence is legal in India as it is backed by statutory provisions. This project talks about the disenfranchisement of prisoners.

World Health Organisation defines violence as “the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community,

¹Mohammed Giasuddin v. State of Andhra Pradesh, [1977] A.I.R. [1926] S.C.

²See Basic principles for the Treatment of Prisoners, 1990, Principle 5.

³Frank Tannenbaum, ‘Prison Cruelty’, *The Atlantic*,

<<https://www.theatlantic.com/magazine/archive/1920/04/prison-cruelty/305502/>> accessed 22nd June 2023.

⁴*Id.*

⁵Wolff N, Blitz CL, Shi J. ‘Rates of sexual victimization in prison for inmates with and without mental disorders’, *Psychiatric Services*, [2007] 58(8):1087.

⁶Human Rights Abuses Against prisoners, Human Rights Watch Prison Project

<<https://www.hrw.org/legacy/advocacy/prisons/abuses.htm>> accessed 22nd June 2023.

⁷Raj Shekhar, ‘Rampant Sexual Abuse is a Real Nightmare in Tihar’, *Times of India* (11th June 2015)

<<https://timesofindia.indiatimes.com/city/delhi/rampant-sexual-abuse-is-a-real-nightmare-in-tihar/articleshow/47621742.cms>> accessed 25th June 2023.

⁸*Id.*

that either result in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation⁹.” Depriving a citizen of the right of choosing her own government in the world-largest democracy, where the decisions of this chosen government will have a direct impact on the prisoners counts as violence. This might result in prisoners thinking that they have been abandoned by their nation and are no longer its citizens. This thinking may have a psychological impact on their mental being which might lead them to believe that the justice delivery mechanism of the nation has also given up on them. The scenario becomes even more complicated in the case of undertrial prisoners. Subsequently, all of this defeats the motive of reformation which is the foundation of the prison system. The Handbook on Prisoner’s Rights and Obligations circulated by the Bureau of Police Research and Development, Ministry of Home Affairs begins its introduction of the paper by quoting a line from the UNICEF Child Rights Convention which reads “Human Rights belong to each and every one of us equally¹⁰.” The prison laws and policies ensure the rights of the prisoners even when the enjoyment of certain rights is restricted by being imprisoned¹¹. A prisoner’s right to vote is one such right that the State shall strive to ensure that it is not unnecessarily interfered with¹². This leads us to questions that form the basis of each sub-parts of this project. These questions are:

INTERNATIONAL LAWS ON PRISONERS’ ENFRANCHISEMENT

Article 21 of the Universal Declaration of Human Rights (UDHR) states ‘everyone has the right to take part in the government of his country, directly or through freely chosen representatives¹³.’ At this point, one could ask that since UDHR is not a treaty, are the nations bound to follow its articles and guidelines? Though it is not a treaty and so cannot be ratified, the UDHR is an accepted customary international law and thus assumes a binding status in the international forum¹⁴. Thus, India and other countries, which are parties to the UN, are bound to follow it. Furthermore, the International Covenant on Civil and Political Rights

⁹Global Consultation on Violence and Health. Violence: a public health priority. Geneva, World Health Organization, 1996 (WHO/EHA/SPI.POA.2).

¹⁰<<https://www.unicef.org/child-rights-convention/what-are-human-rights>> accessed on 25th June 2023.

¹¹Handbook on Prisoner’s Rights and Obligations, Bureau of Police Research and Development, Ministry of Home Affairs, 6.

¹²Handbook on Prisoner’s Rights and Obligations, Bureau of Police Research and Development, Ministry of Home Affairs, 11.

¹³UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III), <<http://www.un.org/en/universal-declaration-human-rights/>> accessed 2 April 2023.

¹⁴The right of prisoners to vote: a global overview, Penal Reform International (March 2016) <https://cdn.penalreform.org/wp-content/uploads/2016/08/The-right-of-prisoners-to-vote_March-2016.pdf> accessed 25th June 2023.

(ICCPR), which is legally binding on the 168 state parties that have ratified it, states that the right to vote must be exercised through participation in "genuine periodic elections which shall be by universal and equal suffrage" and that no distinction should be made based on "race, colour, sex, language, religion, political or other opinions, national or social origin, property, birth or another status¹⁵." The Universal Declaration of Human Rights, the International Covenant on Economic, Social, and Cultural Rights, and the International Covenant on Civil and Political Rights all state that "except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms set out in the foregoing instruments, and where the State concerned is a party, the International Covenant on Civil and Political Rights¹⁶."

We shall now look at the position of law on Prisoners' enfranchisement in foreign countries.

South Africa: The South African Constitution states that every adult citizen has the right to vote¹⁷. This has inevitably sparked the debate as to whether prisoners possess the right to vote in national elections. A group of prisoners contested an order from the Electoral Commission that barred all prisoners from participating before the most recent national parliamentary and provincial elections in 1999. The Constitutional Court invalidated this Commission move in the case of *August and Others v. Electoral Commission and Others*¹⁸. The Court relied on the fact that the Commission had not acted in accordance with a law of general limitation, and as a result, their action could not be constitutionally justified in terms of the limitation clause. As a result, the judgment did not conclusively address the question of whether prisoners could be denied the vote¹⁹. So, it was quite evident that the 2003 amendments to the Electoral Act²⁰, which effectively denied the right to vote to criminals serving terms of imprisonment without the possibility of a fine, would be challenged in court. So very naturally, the Constitutional Court invalidated these changes in *Minister of Home Affairs v. National*

¹⁵International Covenant on Civil and Political Rights, Art. 2.

¹⁶UN General Assembly, Basic Principles for the Treatment of Prisoners: resolution / adopted by the General Assembly, 28 March 1991, A/RES/45/111, <<http://www.ohchr.org/EN/ProfessionalInterest/Pages/BasicPrinciplesTreatmentOfPrisoners.aspx>> accessed 2 April 2023.

¹⁷Section 19(3) states that: Every adult citizen has the right – (a) to vote in elections for any legislative body established in terms of the Constitution, and to do so in secret...

¹⁸*August and Others v. Electoral Commission and Others*, 2 1999 (4) BCLR 363 (CC)

¹⁹Pierre de Vos, 'South African prisoner's right to vote, Addendum to De Vos P "Prisoner's right litigation in South Africa: a critical evaluation"' CSPRI Research paper No. 3 A, 2004

²⁰Act 73 of 2003, amended by the Electoral Laws Amendment Act 34 of 2003

Institute for Crime Prevention (NICRO)²¹. It is commendable how the court did not shirk from upholding its constitutional duties to defend the disenfranchised and marginalised prison population and draw the conclusion that the case is encouraging for any future lawsuits involving prisoners' rights.

United States of America: The practise of denying voting rights to people who have been accused of a felony offense, known as felony disenfranchisement, is a problem that is frequently encountered in the United States²². The right to vote is guaranteed by the Constitution, which also forbids exclusion on the grounds of ethnicity, gender, or age²³. The 14th Amendment does, however, give states the authority to limit a criminally guilty person's right to vote²⁴. One in every 50 adults who are qualified to vote was denied the right to vote in the United States as of 2022 due to a felony conviction, an estimated 4.6 million people²⁵.

The only states that do not limit voting and permit people to vote while incarcerated are Maine and Vermont²⁶. While a person is incarcerated, the right to vote is briefly suspended in 22 states; however, it is automatically restored after release²⁷. In the remaining 26 states, people must finish any parole or probation terms, or in some cases, wait a set amount of time, submit an application, or pay a set amount in penalties and fees, before their right to vote is restored²⁸. Only the states of Iowa, Kentucky, and Virginia forever revoke a voter's right to vote after a felony conviction, unless the governor has the authority to restore it²⁹. Restoration of voting rights can be a difficult and drawn-out procedure in states that permit it. State organisations frequently require people to submit extensive paperwork, and there may be a lack of resources or unintended waiting times, which can disproportionately affect people with limited resources and education³⁰. According to research, people of colour suffer disproportionately from disenfranchisement legislation, with Black Americans making up one

²¹Home Affairs v. National Institute for Crime Prevention, [2004] (5) BCLR 445 (CC).

²²Voting Rights, Prison Fellowship, <<https://www.prisonfellowship.org/resources/advocacy/collateral-consequences/voting-rights/>> accessed 25th June 2023.

²³U.S. Const. art. I, ' 2, cl. 1; art. I, ' 4; art. II, ' 1, cl. 2; amend. XVII.

²⁴U.S. Const. amend. XIV, ' 2. See generally Richardson v. Ramirez, 418 U.S. 24 (1974).

²⁵Christopher Uggen et al, 'Locked Out 2022: Estimate of People Denied Voting Rights Due to a Felony Conviction', *The Sentencing Project* (October 2022), <<https://www.sentencingproject.org/app/uploads/2022/10/Locked-Out-2022-Estimates-of-People-Denied-Voting.pdf>> accessed 25th June 2023.

²⁶*Id.*

²⁷*Id.*

²⁸*Id.*

²⁹NCSL, Felon Voting Rights, National Conference of State Legislatures (June 2021), <<http://www.ncsl.org/research/elections-and-campaigns/felon-voting-rights.aspx>> accessed 23rd June 2023.

³⁰*Id.*

in every 19 people of voting age³¹. Disenfranchisement in America has a long history that goes back to colonial laws, and following the Civil War, many states created disenfranchisement laws that targeted crimes that Black Americans committed frequently³².

Nearly 70% of Americans concur that people convicted of felonies should be able to vote again after serving their sentence, and many states have recently taken executive or legislative action to handle voting rights restoration³³. Since January 2020, policy changes have been made in eight states, such as streamlining procedures for regaining voting rights, addressing the voting rights of those who are on parole and probation, or giving restoration through gubernatorial powers³⁴. The number of Americans without voting rights has decreased by almost 24% since 2016 as a result of these changes³⁵.

Australia and New Zealand: In Australia, the right to vote is a basic human right that has been upheld since 1924 through mandatory enrolment³⁶. However, government policy disproportionately affects prisoners and patients in locked hospitals, who are considerably underrepresented and denied their rights. Prisoners frequently encounter substantial obstacles to voting, such as limited access to the larger community and a lack of support from electoral bodies, despite the fact that current federal law permits prisoners on remand or incarcerated for less than three years to cast ballots in federal elections³⁷. The High Court determined in *Roach v. Electoral Commissioner*³⁸ that denying prisoners the ability to vote in federal elections explicitly violated their right to vote under the Australian Constitution³⁹. In New Zealand, a parliamentary committee has been created to review the existing laws as part of the ongoing reform of the prisoner's right to vote. To accurately represent popular opinion

³¹Christopher Uggen et al, 'Locked Out 2022: Estimate of People Denied Voting Rights Due to a Felony Conviction,' *The Sentencing Project* (October 2022), <<https://www.sentencingproject.org/app/uploads/2022/10/Locked-Out-2022-Estimates-of-People-Denied-Voting.pdf>> accessed 23rd June 2023.

³²*Id.*

³³Kristen Bialik, 'How Americans View Some of the Voting Policies Approved at the Ballot Box', *Pew Research Center* (2018) <<https://www.pewresearch.org/fact-tank/2018/11/15/how-americans-view-some-of-the-voting-policies-approved-at-the-ballot-box/>> accessed 25th June 2023.

³⁴Christopher Uggen et al, 'Locked Out 2022: Estimate of People Denied Voting Rights Due to a Felony Conviction,' *The Sentencing Project* (October 2022), <<https://www.sentencingproject.org/app/uploads/2022/10/Locked-Out-2022-Estimates-of-People-Denied-Voting.pdf>> accessed 25th June 2023.

³⁵*Id.*

³⁶'Prisoners' Right to Vote', *Justice Action*, Australia, <<https://justiceaction.org.au/prisoners-right-to-vote/>> accessed 26th June 2023.

³⁷*Id.*

³⁸*Roach v. Electoral Commissioner*, [2007] HCA 43, 233 CLR 162

³⁹'Prisoners' Right to Vote', *Justice Action*, Australia, <<https://justiceaction.org.au/prisoners-right-to-vote/>> accessed 26th June 2023.

and values, electoral commissions in both nations must make sure that prisoners are registered to vote⁴⁰.

A 2010 study by the Victorian Electoral Commission titled *Prisoners and Voting* reveals the poor voting history of prisoners⁴¹. Despite being eligible and required by law to register to vote, only 26% of inmates receiving sentences of three years or less did so⁴². The inability of electoral officials and corrective services to engage prisoners—who typically thought that voting had no personal benefits—in the political process was a significant barrier to enrollment. This mindset, however, drastically changed once the prisoners were made to feel as though their voice mattered just as much in shaping government policy as that of any other citizen⁴³.

PRISONERS' RIGHT TO VOTE IN INDIA

According to the World Prison Brief Database, there are 10.36 million prisoners across the world today. Additionally, the National Crime Records Bureau (NCRB), and Ministry of Home Affairs published the data that India alone has 418,536 inmates (including 2.8 lakh undertrial prisoners), imprisoned in jails having the capacity to hold 356,561 inmates only⁴⁴.

The act of voting in an election is not just a civic duty, but also a means of securing one's personal dignity and rights as a citizen. The voting process is a way of acknowledging the worth and value of each individual, regardless of their social status or background. It is a symbol of the inclusivity of democracy, especially in a country as diverse as India, where people come from different cultures, religions, castes, races, and economic backgrounds⁴⁵. Article 326 of the Indian Constitution states that all citizens of India who are at least eighteen years old and not disqualified on the grounds of non-residence, unsoundness of mind, crime, or corrupt or illegal practices, have the right to vote in elections to the House of the People and Legislative Assembly of every state. This provision ensures that every eligible citizen has equal access to the electoral process, regardless of their social, economic, or political status⁴⁶.

⁴⁰*Id.*

⁴¹*Id.*

⁴²*Id.*

⁴³*Id.*

⁴⁴Baljeet Kaur, 'Prisoners' Right to Vote: Citizen without a Vote in a Democracy Has No Existence', *Economic and Political Weekly*, [2019] Vol. 54, Issue No. 30, 27 Jul .

⁴⁵Marc Mauer, 'Voting Behind Bars: An Argument for Voting by Prisoners', *Howard Law Journal* [2011] Vol. 54, No. 3, 549.

⁴⁶The Constitution of India, Article 326.

The right to vote is an essential aspect of citizenship, and it plays a crucial role in shaping the country's future. By participating in the electoral process, citizens have a say in deciding who will represent them and make decisions on their behalf. It is a powerful tool for holding elected officials accountable and ensuring that their interests align with those of the people they represent.

The Constitution of India provides for adult suffrage as the basis for the election to the Lok Sabha and state Legislative Assemblies, which means every citizen above 18 years of age has the right to vote without any discrimination⁴⁷. However, Section 62(5) of the Representation of People Act, 1951 prohibits prisoners from voting in an election⁴⁸. This clause forbids voting for anyone who is detained in a prison, whether they are serving a term of incarceration, transportation, or another type of confinement, or who is in the legal custody of the police⁴⁹. However, it does not extend to anyone who is detained without trial as a result of current law. In the case of *Anukul Chandra Pradhan v. Union of India*⁵⁰, the Supreme Court heard a challenge to the legality of this clause. Because it aims to accomplish the goal of decriminalising politics, the Supreme Court upheld Section 62(5)'s constitutional validity. The court also determined that it would be impractical to hold elections inside prisons due to the substantial infrastructure and support needed⁵¹. The court further ruled that the right to vote is constrained by legal requirements and may only be exercised in the ways specified by the legislation.

In the case of *Praveen Kumar Chaudhary &Ors. v. Election Commission of India &Ors.*⁵², the constitutional validity of Section 62(5) was once again contested before the Delhi High Court on the grounds that it contravenes Article 14 of the Constitution because there is no legal distinction between those who are in custody and those who are out on bail. The court also took into account the claim that the second proviso of the clause permits someone whose name is not on the electoral register to run in the election but not to vote if they are incarcerated. However, citing the ruling in *Anukul Chandra Pradhan v. Union of India*, the

⁴⁷Kavita Singh, "Civil Death of Prisoner: Disenfranchising the Prisoner in Reality Causes His Civil Death", *NUJS Law Review* [2008], Vol. 1, 249.

⁴⁸Akashdeep Singh, 'Denial of Right to Vote to the Prisoners in India: A Critical Analysis, *International Journal of Law Management and Humanities*', [2022], Volume 5, Issue 1, pp. 1216, 1221.

⁴⁹N. Prakash and M.Yashasvi, 'Disenfranchisement of prisoners', *Cochin University Law Review* [1998] 334.

⁵⁰*Anukul Chandra Pradhan v. Union of India*, [1997] AIR, SC 2814.

⁵¹Human Right Communique, Vol. 5, No. 8 Casihr Newsletter, 3 (2019) Available at:

<https://www.rgnul.ac.in/PDF/0e6cab38-4027-43e6-b2b5-be5c69b00b16.pdf> accessed 25th June 2023.

⁵²*Praveen Kumar Chaudhary &Ors. v. Election Commission of India &Ors.*, W.P.(C). No. 2336 of 2019. Decided on, 11 February 2020.

Delhi High Court affirmed the constitutional validity of Section 62(5). The court determined that the clause's purpose is to protect electoral integrity and stop the criminalization of politics. It came to the conclusion that any clause that advances this goal is beneficial to the Constitution and should be welcomed.

As a result, the law as it stands now is that the right to vote is subject to the limitations set by the law, and Section 62(5) of the Representation of People Act, 1951, which forbids prisoners from voting in elections, is constitutionally valid. The clause seeks to protect elections from fraud and stop the criminalization of politics. In the case of Praveen Kumar Chaudhary &Ors. v. Election Commission of India &Ors., the Delhi High Court affirmed the constitutional validity of Section 62(5).

CRITICAL ANALYSIS

Particularly in a democracy, authoritarianism, and arbitrariness shouldn't be allowed in prisons⁵³. However, criminal disenfranchisement, the practise of restricting the right to vote for those who are in custody, is a recognised and widespread practise founded on the antiquated idea of civil death⁵⁴. The Supreme Court of India's rulings, which ruled that inmates are also people and retain their fundamental constitutional rights, including the right to life and the right to own, possess, and dispose of property, are at odds with this idea⁵⁵.

In the Anukul Pradhan case⁵⁶, the SC examined whether Section 62(5) of the R.P. Act 1951, which completely forbids prisoners in India from exercising their right to vote, violates Article 14 of the Constitution. The categorization must satisfy two requirements in order to be considered reasonable, according to the court: it must be based on an intangible differentia, and that differentia must have a rational connection to the subject of the classification⁵⁷. This standard is not met by Section 62(5), which denies the right to vote to those who are imprisoned, including those who are awaiting trial and those who are in the legal custody of the police. In comparison, people who have been found guilty and given a prison term but have been released on bail are allowed to vote.

⁵³Pablo Marshall, 'Voting from prison: against the democratic case for disenfranchisement', *Ethics & Global Politics* [2018], Vol. 11, 6, 7.

⁵⁴Anyanwu Ikenna ESQ, 'Prisoners Fundamental Right to Vote: The UK Example', *Journal of Law and Global Policy* [2018], Vol. 3, No. 1, 39.

⁵⁵*Andhra Pradesh v. Challa Ramkrishnan Reddy*, [2000] 5 AIR, SC 2083.

⁵⁶*Anukul Pradhan*, *Supra*, p. 6.

⁵⁷Narender Kumar, 'Constitutional Law of India', *Allahabad Law Agency*, 108 (, Allahabad , 7th edition, 2008).

The R.P. Act of 1951's Section 8(3), which stipulates that a person convicted of a crime punishable by a sentence of less than two years in jail is eligible to run for office, conflicts with Section 62(5) in another way. Prisoners can run for office and participate in elections, which leads to a perplexing scenario where they are unable to cast ballots. This suggests that even before their offences have been established, prisoners are regarded as less valuable citizens⁵⁸.

In India, the concept of restorative and reformatory justice guides the criminal justice system. Through treatment or programming, reformatory initiatives seek to prevent offenders from committing crimes again. According to rehabilitation theory, by changing the offender, discipline can deter future offences. However, after receiving rehabilitative treatment in a correctional facility, offenders are returned to the circumstances that gave rise to their illegal behaviour in the first place. As a result, it's crucial to make sure they maintain their changed personalities when they're reintegrated into society. Unfortunately, the legislative purpose behind Section 62(5) of the R.P. Act 1951, which places a broad ban on prisoners' ability to vote, conflicts with these theories of criminal justice, and the Indian courts have failed to recognise this⁵⁹. In conclusion, denying inmates the right to vote violates their constitutional rights and runs counter to the ideals of restorative and reformatory justice.

CONCLUSION

This project talks about how disenfranchisement of prisoners, in fact, leads them away from society rather than helping them mix back into society, the very purpose of reformatory justice for which the prisons were built. What's even more surprising is the fact that such a practice has continued throughout the globe in the 21st century. The laws may very well vary in different countries or even in different states of one country, as in the case of the US, these laws have continued to be against the constitutional rights of the citizens and the customary international laws. Its prevalence can also be attributed to the various court judgments, Supreme Court included, which have bolstered the legislative stand that prisoners' are not equipped to make informed choices. This rationale becomes even more problematic in cases of undertrial prisoners. Hence, the law must make necessary changes that help facilitate

⁵⁸Representation of People Act, Section 8(3).

⁵⁹Dip Jyoti Bez, "Reformatory and Rehabilitative Treatments of Offenders: A General Overview", *MSSV Journal of Humanities and Social Sciences* [2018], Vol. 2, No. 1, 73.

prisoners' participation in nation-building activities, and only put up reasonable restrictions on fundamental rights, and barring an individual from voting is clearly not one of them.

