



National Conference on Sustainable Developments in Engineering,  
Science, Humanities and Management (NCSDESHM – 2025)  
28<sup>th</sup> December, 2025, Raipur, Chhattisgarh, India.

**CERTIFICATE NO: NCSDESHM /2025/ C1225946**

## **A Study of Under-Trials and Convicts Voting Rights in India**

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### **ABSTRACT**

In India, the issue of voting rights for under-trials and convicts is both legally significant and socially sensitive. Under-trials, who are individuals accused of a crime but not yet convicted, continue to enjoy all fundamental rights, including the right to vote, as guaranteed under Article 326 of the Constitution of India. This is because the legal principle of “innocent until proven guilty” ensures that their civil and political rights remain intact during the trial process. In contrast, convicts those who have been found guilty by a court of law face restrictions on their voting rights. According to the Representation of the People Act, 1951, convicted persons serving a sentence of imprisonment of two years or more are disqualified from voting during the period of their sentence. This distinction reflects the balance between maintaining the integrity of the electoral process and upholding democratic participation. However, the disqualification of convicts has been a subject of debate, with arguments emphasizing rehabilitation and reintegration into society, including restoring voting rights as part of the democratic process.