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Q86

Right to vote and to be elected in India is a (a) Fundamental Right (b) Natural Right (c) Constitutional Right (d) Legal Right
Official key: C.

UPSC Civil Services Prelims 2017 · General Studies · 2 marks · Polity and Governance

Indian Constitution, polity, rights, governance - Prelims GS Paper I.

Explanation

(a)

Voting in elections is not listed among the Fundamental Rights in Part III. Freedom of speech and equality are FRs; adult suffrage is placed elsewhere. This option is not the key.

(b)

Natural rights are a philosophical category (life, liberty) not the Indian constitutional classification of the vote. This option is therefore wrong.

(c) Official key

The right to vote is a constitutional right flowing from **Article 326 (adult suffrage)** and related electoral provisions, as the Supreme Court has treated it (distinct from FRs). The right to be elected is similarly a constitutional/statutory electoral right, not a Part III freedom. That is why (c) is the official key.

(d)

Calling it only a legal right undersells its constitutional anchoring in **Article 326**, even though the **Representation of the People Act** supplies the machinery. Official key prefers constitutional right. This option is not the key.

Summary

Official key is (c) Constitutional Right. **Article 326** provides universal adult suffrage. Part III does not enumerate a fundamental right to vote. Natural-rights language is not how the Constitution catalogues this power. Statutes run elections, but the suffrage principle is constitutional. Only (c) matches the standard UPSC answer.

Related possible facts

These can be asked in a future Prelims paper.

Article 326

Elections to Lok Sabha and Assemblies on adult suffrage

Article 19

Freedom of speech; not itself the vote

PUCL (2003) / later cases

Court discussion of voting as constitutional; NOTA as expression

Representation of the People Act (RPA) 1950 / 1951

Rolls, qualifications, corrupt practices

61st Amendment

Voting age reduced from 21 to 18

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