
THE RIGHT TO VOTE AS A RIGHT TO EQUALITY: REINTERPRETING SUFFRAGE THROUGH A DISABILITY RIGHTS LENS

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ABSTRACT

The right to vote is traditionally understood as a political entitlement flowing from democratic citizenship. However, this formal conception often fails to address the structural exclusions faced by persons with disabilities, resulting in a gap between legal recognition and lived participation. This paper argues that the right to vote must be reinterpreted not merely as a political right but as a substantive right to equality when viewed through a disability rights lens. By shifting the focus from formal suffrage to meaningful electoral participation, the study highlights how inaccessible polling infrastructure, procedural rigidity, informational barriers and attitudinal biases systematically disenfranchise persons with disabilities. A doctrinal and socio-legal approach to examine the constitutional foundations of equality and suffrage in India, particularly under Articles 14, 15, 21 and 326 of the Constitution¹, alongside the Rights of Persons with Disabilities Act, 2016. It further situates the domestic framework within international human rights law, with specific reference to the United Nations Convention on the Rights of Persons with Disabilities, which emphasises participation, autonomy and reasonable accommodation in political life. Judicial interventions and the role of electoral institutions are analysed to assess the extent to which equality has been operationalised in practice. The persistence of formalistic approaches to voting undermines democratic legitimacy by excluding a significant segment of the electorate. It proposes an equality-based model of suffrage that prioritises accessibility, reasonable accommodation and institutional accountability as essential components of the right to vote. Ultimately, the paper underscores that inclusive electoral participation is not a matter of welfare or convenience but a constitutional imperative rooted in equality, dignity and democratic citizenship.

Keywords: Right to Vote, Equality, Disability Rights, Electoral Participation, Substantive Equality.

¹ Articles 14, 15, 21 and 326 of the Constitution <https://share.google/49x6IWmyO1BudtBJ3>

INTRODUCTION

The right to vote is widely regarded as the cornerstone of democratic governance, symbolising political equality and collective self-determination. Yet, for many persons with disabilities, this right remains largely theoretical rather than real. While universal adult suffrage is constitutionally guaranteed, the electoral process continues to be structured around able-bodied norms that overlook the diverse physical, sensory, intellectual and psychosocial realities of disabled citizens. Barriers such as inaccessible polling stations, inflexible voting procedures, lack of assistive technologies, inadequate voter education and persistent social stigma effectively exclude persons with disabilities from meaningful participation in the democratic process. This exclusion reveals a deeper conceptual flaw in how suffrage is understood as a formal entitlement rather than as an equality-based right requiring positive state action. A disability rights lens challenges this narrow view by emphasising substantive equality, reasonable accommodation and respect for human dignity. It demands that the State move beyond mere non-discrimination to actively dismantle structural and institutional barriers that impede electoral participation. In the Indian context, constitutional guarantees of equality and dignity, coupled with statutory protections under disability rights law and international human rights obligations, provide a compelling foundation for reinterpreting the right to vote as an essential component of equal citizenship. This paper situates voting rights within the broader framework of equality jurisprudence and disability justice, arguing that inclusive electoral participation is indispensable to democratic legitimacy. By reconceptualising suffrage through a disability rights lens, the study seeks to demonstrate that the right to vote is not merely a political privilege but a constitutional promise of equal participation in public life.

CONCEPTUALISING THE RIGHT TO VOTE AS A RIGHT TO EQUALITY

The right to vote has traditionally been classified as a political right associated with democratic participation rather than as a core equality entitlement. Such a classification has limited the scope of constitutional scrutiny applied to electoral exclusion, particularly in the context of persons with disabilities. Conceptualising the right to vote as a right to equality shifts the focus from mere formal inclusion to the quality and effectiveness of participation. This approach recognises that democracy cannot be meaningful if structural barriers prevent certain groups from exercising their franchise on an equal footing. Equality-based interpretation requires the State not only to recognise voting rights in law but also to ensure conditions that enable all

citizens to participate with dignity, autonomy and fairness.

2.1 Political Rights versus Equality Rights

Political rights, including the right to vote, are often perceived as procedural mechanisms of democracy rather than as substantive guarantees of equality. This narrow view treats suffrage as a neutral entitlement, overlooking how social and physical realities disproportionately affect marginalised groups. Equality rights, by contrast, demand scrutiny of whether laws and institutions operate fairly in practice. In *People's Union for Civil Liberties v. Union of India*², the Supreme Court emphasised that electoral choices are integral to individual dignity and democratic participation, indicating that voting is not merely procedural but deeply connected to constitutional values. Viewing voting through an equality lens exposes how uniform electoral procedures can produce unequal outcomes for persons with disabilities.

2.2 Formal Equality and Its Limitations

Formal equality is premised on identical treatment of all individuals, regardless of differing circumstances. In the electoral context, this translates into standardised voting procedures that assume physical mobility, sensory ability and cognitive ease. Such an approach ignores the lived realities of persons with disabilities and results in indirect exclusion. The Supreme Court in *State of Kerala v. N.M. Thomas*³ recognised that identical treatment can perpetuate inequality when social disadvantages are ignored. Formal equality in voting thus fails to address structural barriers such as inaccessible polling stations or rigid procedures, rendering the promise of universal suffrage illusory.

2.3 Substantive Equality as a Constitutional Mandate

Substantive equality moves beyond uniformity to address real-world disadvantages by requiring differential treatment where necessary to achieve equal outcomes. It obligates the State to adopt positive measures, including reasonable accommodation, to ensure meaningful participation. In *Navtej Singh Johar v. Union of India*⁴, the Court reaffirmed that equality under Article 14⁵ is rooted in dignity, autonomy and inclusiveness. Applying this principle to voting

² *People's Union for Civil Liberties v. Union of India* (2013) 10 SCC 1

³ *State of Kerala v. N.M. Thomas* (1976) 2 SCC 310

⁴ *Navtej Singh Johar v. Union of India* (2018) 10 SCC 1

⁵ Article 14 of the Constitution <https://share.google/49x6IWmyO1BudtBJ3>

rights mandates accessible infrastructure, flexible procedures and institutional support for persons with disabilities. Substantive equality thus transforms suffrage into a constitutional mandate of inclusive citizenship rather than a symbolic entitlement.

DISABILITY RIGHTS FRAMEWORK AND ELECTORAL PARTICIPATION

Modern disability rights discourse rejects the traditional medical model that views disability solely as an individual impairment and instead adopts a social and legal construct that locates disability within structural and environmental barriers. From this perspective, exclusion from electoral participation is not caused by disability itself but by inaccessible infrastructure, rigid procedures and institutional neglect. Law therefore plays a critical role in reshaping social conditions to enable equal participation. The Supreme Court in *Vikash Kumar v. Union Public Service Commission*⁶ affirmed that disability must be understood in relation to social barriers and emphasised that exclusion arises from the failure of institutions to adapt to diverse needs. Applying this reasoning to electoral processes reveals that voting systems designed without inclusivity inherently marginalise persons with disabilities.

Reasonable accommodation is a foundational principle of disability rights law, requiring necessary and appropriate modifications to ensure equal enjoyment of rights without imposing disproportionate burdens. In the electoral context, this includes accessible polling stations, assistive technologies, alternative voting methods and trained election officials. Accessibility is not an act of charity but a legal obligation arising from equality and non-discrimination principles. In *Rajive Raturi v. Union of India*⁷, the Supreme Court recognised accessibility as an essential component of the right to life and dignity, underscoring the State's duty to remove physical and informational barriers. Without reasonable accommodation, the right to vote remains nominal for many persons with disabilities, reinforcing exclusion under the guise of uniform procedures.

Electoral participation is deeply connected to individual autonomy and human dignity, as it enables citizens to influence governance and assert their equal status in society. Denial of meaningful voting opportunities undermines self-determination and reinforces social invisibility. Disability rights jurisprudence emphasises that participation must be voluntary, informed and independent, rather than mediated through paternalistic control. In *Suchita*

⁶ *Vikash Kumar v. Union Public Service Commission* (2021) 5 SCC 370

⁷ *Rajive Raturi v. Union of India* (2018) 13 SCC 413

*Srivastava v. Chandigarh Administration*⁸, the Supreme Court affirmed that autonomy and dignity are central to constitutional personhood. Extending this principle to electoral participation requires systems that respect the decision-making capacity of persons with disabilities and facilitate independent voting. An inclusive electoral framework thus affirms not only political participation but also the inherent dignity and equal citizenship of persons with disabilities.

BARRIERS FACED BY PERSONS WITH DISABILITIES IN THE ELECTORAL PROCESS

Despite constitutional and statutory guarantees, persons with disabilities continue to face multiple and interrelated barriers that restrict their effective participation in the electoral process. **Physical and infrastructural barriers** remain a primary obstacle, as many polling stations are located in buildings without ramps, elevators, accessible entrances or appropriate seating, making independent access difficult for persons with mobility impairments. Inadequate lighting, poorly designed voting compartments and the absence of tactile or auditory aids further marginalise voters with visual and hearing disabilities. The Supreme Court in *Disabled Rights Group v. Union of India*⁹ held that failure to ensure accessible public infrastructure undermines the right to equality and dignity of persons with disabilities. Alongside these visible barriers, **procedural and administrative obstacles** also play a significant role in electoral exclusion. Rigid voting procedures, lack of alternative voting mechanisms such as postal or home-based voting, and insufficient training of election officials often force persons with disabilities to depend on others, compromising secrecy and autonomy. Administrative apathy and inconsistent implementation of accessibility guidelines further widen the gap between legal guarantees and actual practice. In *Suresh Kumar Koushal v. Naz Foundation*¹⁰, the Court highlighted how institutional insensitivity can reinforce the marginalisation of vulnerable groups, a concern equally relevant in the electoral context. Additionally, **informational, technological and attitudinal barriers** persist as subtle yet powerful forms of exclusion. Electoral information is frequently disseminated in formats inaccessible to persons with sensory or intellectual disabilities, while digital voting initiatives often lack inclusive design. Social attitudes that question the competence of persons with disabilities to make informed political

⁸ Suchita Srivastava v. Chandigarh Administration (2009) 9 SCC 1

⁹ Disabled Rights Group v. Union of India (2017) 14 SCC 460

¹⁰ Suresh Kumar Koushal v. Naz Foundation (2014) 1 SCC 1

choices reinforce stigma and paternalism. In *Anil Kumar Neotia v. Union of India*¹¹, the Court recognised that dignity and equal participation are essential components of constitutional equality. Together, these barriers reveal that electoral exclusion is structural rather than incidental, demanding comprehensive equality-oriented reforms.

INDIAN LEGAL FRAMEWORK GOVERNING VOTING RIGHTS OF PERSONS WITH DISABILITIES

India's legal framework governing the voting rights of persons with disabilities reflects a gradual shift from a welfare-oriented approach to a rights-based model grounded in equality and dignity. While the Constitution guarantees universal adult suffrage, the effectiveness of this right for persons with disabilities depends on the interpretation of equality and the implementation of statutory and institutional safeguards. An integrated reading of constitutional provisions, disability-specific legislation and electoral governance mechanisms reveals both progressive commitments and persistent gaps in ensuring inclusive electoral participation.

5.1 Constitutional Provisions on Equality and Suffrage

The Constitution of India establishes the normative foundation for inclusive voting through Articles 14, 15 and 21¹², which collectively guarantee equality before law, non-discrimination and the right to life with dignity. Article 326¹³ mandates universal adult suffrage, affirming that every citizen has an equal stake in democratic governance. Although the right to vote is statutory in nature, its exercise is inseparable from constitutional values. In *K.S. Puttaswamy v. Union of India*¹⁴, the Supreme Court underscored dignity and autonomy as central to constitutional citizenship, principles that directly inform the inclusive interpretation of suffrage. Exclusion of persons with disabilities from meaningful voting thus raises serious constitutional concerns under the equality framework.

5.2 The Rights of Persons with Disabilities Act, 2016

The Rights of Persons with Disabilities Act, 2016 operationalises constitutional equality by imposing positive obligations on the State to ensure accessibility, reasonable accommodation

¹¹ *Anil Kumar Neotia v. Union of India* (1988) 2 SCC 587

¹² Articles 14, 15 and 21 of the Constitution <https://share.google/49x6IWmyO1BudtBJ3>

¹³ Article 326 of the Constitution <https://share.google/49x6IWmyO1BudtBJ3>

¹⁴ *K.S. Puttaswamy v. Union of India* (2017) 10 SCC 1

and non-discrimination. The Act recognises political participation as an essential aspect of social inclusion and mandates that public facilities and services be made accessible to persons with disabilities. Section 11¹⁵ specifically affirms the right of persons with disabilities to participate in political and public life, including voting. In *Deaf Employees Welfare Association v. Union of India*¹⁶, the Supreme Court emphasised that statutory disability rights must be implemented in a manner that ensures substantive equality rather than symbolic compliance, a principle equally applicable to electoral participation.

5.3 Role of the Election Commission of India

The Election Commission of India (ECI), as a constitutional authority under Article 324¹⁷, plays a pivotal role in translating legal guarantees into practice. It has issued guidelines for accessible polling stations, assisted voting and voter awareness for persons with disabilities. However, implementation remains uneven across regions. In *Subramanian Swamy v. Election Commission of India*¹⁸, the Supreme Court recognised the ECI's constitutional responsibility to uphold electoral fairness and integrity. This responsibility necessarily includes ensuring that electoral processes are inclusive, accessible and responsive to the needs of persons with disabilities, thereby reinforcing equality in democratic participation.

INTERNATIONAL HUMAN RIGHTS PERSPECTIVE ON DISABILITY AND SUFFRAGE

International human rights law plays a crucial role in shaping an inclusive understanding of electoral participation for persons with disabilities by framing voting as a matter of equality, dignity and autonomy. The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) explicitly recognises political participation as a fundamental human right, with Article 29¹⁹ obligating States Parties to guarantee that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, including through accessible voting procedures and the protection of free expression of the will of the voter. Comparative practices across jurisdictions reflect this commitment, with several

¹⁵ Section 11 under The Rights of Persons with Disabilities Act, 2016

¹⁶ *Deaf Employees Welfare Association v. Union of India* (2013) 14 SCC 446

¹⁷ Article 324 of the Constitution <https://share.google/49x6IWmyO1BudtBJ3>

¹⁸ *Subramanian Swamy v. Election Commission of India* (2013) 10 SCC 500

¹⁹ Article 29 under The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) <https://share.google/p3yWl3pr7r0vVQkzq>

countries adopting measures such as postal voting, mobile polling stations, tactile ballots and assistive technologies to facilitate independent and secret voting by persons with disabilities. These practices demonstrate a shift from passive accommodation to proactive inclusion. India's international obligations under the UNCRPD require domestic laws and electoral practices to align with these global standards. In *Jolly George Varghese v. Bank of Cochin*²⁰, the Supreme Court affirmed that international human rights norms should inform the interpretation of domestic law where no inconsistency exists. Aligning electoral processes with international disability rights standards is therefore essential to fulfilling India's constitutional commitment to equality and inclusive democracy.

REINTERPRETING SUFFRAGE THROUGH A DISABILITY RIGHTS LENS

Reinterpreting suffrage through a disability rights lens requires moving beyond a minimalist understanding of voting as mere physical access to the ballot and embracing an equality-based model of electoral participation. **An equality-based approach** recognises that identical electoral procedures do not produce equal outcomes and therefore mandates proactive State measures such as reasonable accommodation, accessible voting technologies and flexible procedures to ensure that persons with disabilities can exercise their franchise independently and with dignity. This approach transforms voting from a passive entitlement into a positive equality obligation grounded in constitutional values. **Moving from token access to meaningful inclusion** involves ensuring not only entry into polling stations but also the ability to make informed, autonomous and secret choices without undue reliance on others.

Inclusion, in this sense, requires the removal of structural and attitudinal barriers that reduce participation to symbolic compliance. In *NALSA v. Union of India*²¹, the Supreme Court affirmed that genuine equality demands recognition, accommodation and respect for individual autonomy, a principle equally applicable to voters with disabilities. **Democratic legitimacy and inclusive citizenship** are strengthened when all citizens are able to participate in governance on equal terms. Exclusion of persons with disabilities weakens the representativeness of democratic institutions and undermines the constitutional promise of equal citizenship. By embedding disability rights within the concept of suffrage, electoral participation becomes a measure of democratic maturity, ensuring that democracy reflects the

²⁰ *Jolly George Varghese v. Bank of Cochin* (1980) 2 SCC 360

²¹ *NALSA v. Union of India* (2014) 5 SCC 438

voices of all citizens rather than the convenience of dominant norms.

CONCLUSION

The right to vote lies at the heart of democratic citizenship, yet its promise remains unfulfilled for many persons with disabilities due to structural, procedural and attitudinal barriers embedded within electoral systems. This paper has demonstrated that understanding suffrage merely as a formal political right is insufficient to address the lived realities of exclusion faced by disabled voters. By reinterpreting the right to vote through a disability rights lens, the study has argued for its recognition as a substantive equality right grounded in dignity, autonomy and inclusive participation. Constitutional principles, disability-specific legislation and international human rights standards collectively impose a positive obligation on the State to ensure accessible, flexible and responsive electoral processes. Meaningful inclusion in voting is not a matter of administrative convenience or charitable accommodation but a constitutional necessity that legitimises democratic governance. An equality-based model of electoral participation strengthens democratic legitimacy by ensuring that all citizens, regardless of disability, are able to participate in public life on equal terms. Ultimately, an inclusive electoral framework affirms the constitutional promise of equal citizenship and reinforces democracy as a shared project that derives its authority from the voices of all its people.

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