



drishti

Centre for Removal of NOTA from Rajya Sabha Poll

 drishtias.com/printpdf/centre-for-removal-of-nOTA-from-rajya-sabha-poll

The Centre has supported a PIL petition reserved for judgement in the Supreme Court for scrapping the None of the Above (NOTA) option from the Rajya Sabha (RS) polls.

According to the Centre, NOTA in indirect elections, such as in the Rajya Sabha, would lead to horse-trading, corruption and use of extra constitutional methods to defeat a party candidate.

Background

- The Election Commission of India (ECI) issued a circular in 2014 allowing RS members to opt for NOTA in the RS polls.
- The Chief Justice of India has observed that NOTA is meant only for universal adult suffrage and direct elections and not for polls held by the system of proportional representation by means of the single transferable vote as done in the Rajya Sabha.

Concerns

- The Political parties expressing dissatisfaction about the move made by the ECI, said that it was not in sync with the idea of the Open ballot system used in polls for the RS and the Legislative councils.
- The Apex Court stated that the idea behind NOTA is to allow the voter to register a protest vote, which is not the case with RS where preferences have to be disclosed on party lines and the voter cannot say that he would give first preference to a candidate and then give NOTA.
- Moreover, MPs who vote against party directions don't get disqualified as no party can issue whip in the RS elections.

According to the petitioner, the Election Commission of India cannot negate the provisions enumerated in Article 80 (4) which says that RS members shall be elected in accordance with the system of proportional representation by means of a single transferable vote.

- However, the Election Commission has countered the arguments against NOTA by saying that a person, along with a right to vote, also has the right not to vote.

NOTA

- None of The Above (NOTA) is a ballot option in which the voter have the choice to record his disapproval of all the candidates in a voting system.
- The Supreme Court in PUCL v. Union of India judgement, 2013 directed the use of NOTA in the context of direct elections to the Lok Sabha and the respective State Assemblies.
- The judgment delineated that in a direct election the voters must be given an option to choose “None of the above” to express their dissatisfaction with all the candidates/ political parties on the ballot.

Way Forward

- The use of NOTA can only become a meaningful tool if it becomes ‘Right to Reject’ rather than being a just mechanism to express resentment.
- Proper consensus needs to developed before reaching conclusion.