



## Compulsory Inclusion of NOTA in Elections

**For Prelims:** [Public Interest Litigation \(PIL\)](#), [Representation of the People Act, 1951](#), [NOTA](#), [Election Commission of India](#), [Supreme Court of India](#)

**For Mains:** Consequences of 'Getting Elected Unopposed', Significance & Challenges Related to NOTA, Representation of the People Act, 1951, Effectiveness of NOTA

[Source: TH](#)

### Why in News?

A [Public Interest Litigation \(PIL\)](#) has been filed in the **Supreme Court (SC)** by **Vidhi Centre for Legal Policy**, seeking to make the [NOTA \(None of the Above\)](#) option **compulsory in all elections**, including those with a single candidate.

### What is NOTA in Indian Elections?

- **About:** The "None of the Above" (NOTA) option on [Electronic Voting Machines \(EVMs\)](#) allows voters to **reject all candidates** while **maintaining the secrecy of their choice**.
- **Significance:** Technically, **it does not affect the outcome of the election**, i.e., the candidate with the highest votes still wins, even if NOTA gets more votes than any candidate, but it **empowers citizens to express dissatisfaction** with contesting candidates **without abstaining from the electoral process**.
- **Background:** In its **170th Report in 1999**, the [Law Commission](#) explored the concept of **negative voting** alongside a **50%+1 voting system**, but practical challenges led to **no final recommendations** on the matter.
  - In **2004**, the **People's Union for Civil Liberties (PUCL)** petitioned the Supreme Court, citing that the [Conduct of Elections Rules, 1961](#) violated **voter secrecy** by **recording identities of non-voters**.
    - In September 2013, the Supreme Court directed the [Election Commission of India \(ECI\)](#) to introduce the **NOTA option** following its directive given in the **PUCL vs Union of India Case Case, 2013**, as a measure to **safeguard the secrecy of voters' choices**.
- **Usage of NOTA:** NOTA is available in **Lok Sabha, State Assembly, and Panchayat elections**, though **not uniformly** across all local bodies.
  - It was **first used** in the **2013 Assembly elections in Chhattisgarh, Mizoram, Rajasthan, Delhi, and Madhya Pradesh**.
  - In Lok Sabha elections, **NOTA vote share has remained low** but consistent, **1.1% in 2014, 1.04% in 2019**, and similar in **2024**.
    - In State elections, **Bihar** recorded the highest at **2.48% (2015)**, followed by **Gujarat at 1.8% (2017)**.

### Rule 49-O vs. NOTA

- **Rule 49-O of the Conduct of Elections Rules, 1961**, allowed **voters to formally abstain from voting** by **informing the presiding officer** at the polling booth.
  - This was **recorded as a "None of the Above"** type option but was **not anonymous**, as the **voter's choice to reject all candidates was noted publicly**, violating the secrecy of the ballot.
- **NOTA option** (since 2013) allows voters to **reject all candidates anonymously** by **pressing a designated button on Electronic Voting Machines (EVMs)** which preserves the secrecy of the ballot, empowering voters to **express dissent without fear or exposure**.

## What are the Judicial Pronouncements Related to NOTA?

- In *Lily Thomas v. Speaker, Lok Sabha, 1993*, the **Supreme Court (SC)** held that the **right to vote includes the right to express one's will either in support or in opposition**.
  - This also implies a **voter's right to remain neutral in an election**.
- In *People's Union for Civil Liberties v. Union of India, 2013*, SC directed the **Election Commission** to **include a NOTA button in EVMs**.
  - The Court emphasized that **voter secrecy must be maintained** whether the person **votes for a candidate or opts for NOTA**, thus empowering voters and deepening democratic participation.
- In *Shailesh Manubhai Parmar v. Election Commission of India, 2018*, SC ruled that the **NOTA option was unsuitable for Rajya Sabha (Upper House) elections**, as it could distort the electoral process, **promote corruption, and encourage political defections**.
  - Consequently, the Court **removed NOTA from indirect elections**.

## International Practices Similar to NOTA

- Several European nations like **Finland, Spain, Sweden, France, Belgium, and Greece** permit voters to cast a vote equivalent to NOTA.
- In the **US**, though there's **no formal NOTA button**, some states allow **write-in votes**, enabling voters to write "None of the Above" or any name to express dissatisfaction.
- Countries such as **Colombia, Ukraine, Brazil, and Bangladesh** also provide a NOTA-like voting option to their citizens.

## What are the Arguments Related to Compulsory Inclusion of NOTA in All Elections?

### Arguments in Favour of Compulsory NOTA Option

- **Expands Voter Choice:** NOTA empowers **voters to reject all contesting candidates**, allowing them to **express disapproval without abstaining from voting**, enhancing voter autonomy.
- **Upholds Voter Choice in Uncontested Polls:** NOTA ensures voters can express dissent even in **single-candidate elections, preserving democratic choice**.
- **Promotes Political Accountability:** The presence of NOTA encourages political parties to **nominate better, more competent, and ethical candidates** to avoid losing votes.
- **Signals Voter Dissatisfaction:** NOTA vote counts serve as an **important indicator for the EC and parties** about **public discontent**, prompting corrective measures.
  - It can pave the way for **future reforms**, like **mandatory re-election** if NOTA crosses a threshold and **minimum winning thresholds** based on voter turnout and votes polled.

### Arguments Against Compulsory Inclusion of NOTA

- **Rare Use, No Electoral Impact:** NOTA has **no effect on election outcomes**, as the candidate

with the **highest votes wins regardless of NOTA count.**

- **Since 1952, only 9 Lok Sabha candidates have been elected unopposed, just 6 since 1971, making rules for such rare scenarios largely redundant.**
- **Caste-Based Bias:** In reserved constituencies, high NOTA votes sometimes reflect **caste prejudice against certain candidates**, which can distort its intended purpose.
- **Promotes Voter Apathy & Disillusionment:** Mandatory NOTA may lead to **casual rejection of all candidates** without meaningful evaluation, **reducing critical voter engagement.**
  - Additionally, if NOTA secures significant votes but has no electoral consequence, it can **erode public trust in the democratic process** and **legitimacy of the elected government.**
- **Weakens Representative Democracy:** Since NOTA does not affect the mandate, it **may undermine the principle of representative democracy** by not ensuring clear voter endorsement.



# ELECTORAL REFORMS IN INDIA

ELECTORAL REFORMS ARE CHANGES MADE TO IMPROVE THE ELECTION PROCESS AND ENSURE FAIRNESS.

## Electoral Reforms Before 1996

- ➔ **Model Code of Conduct (1969):** Guidelines to regulate political parties and candidates prior to elections
- ➔ **61st Constitutional Amendment Act (1988):** Lowering of the voting age from 21 to 18 years
- ➔ **Electronic Voting Machines (EVMs) (1989):** Switched from individual colored ballot boxes to ballot papers, and later to EVMs
- ➔ **Booth Capturing (1989):** Provision for adjournment of poll or countermanding of elections in such cases
- ➔ **Elector's Photo Identity card (EPIC) (1993):** Electoral roll is the basis to issue EPIC to registered electors
- ➔ **ECI- A Multi-member Body (1993):** Election commissioners were appointed in addition to CEC

## Electoral Reforms of 1996

- ➔ **Time-limit for By-elections:** Elections must occur within 6 months of any vacancy in a legislative house
- ➔ **Listing of Names of Candidates:** Contesting candidates categorized into 3 groups for listing
  - ➔ Recognised & registered-unrecognised political parties
  - ➔ Other (independent)
- ➔ **Disqualification for Insulting the National Honour Act, 1971:** Leads to election disqualification for 6 years upon:
  - ➔ Insulting the National Flag, Constitution of India or preventing the singing of National Anthem

## Electoral Reforms After 1996

- ➔ **Vote Through Proxy (2003):** Service voters in Armed Forces & forces under Army Act can vote by proxy
- ➔ **Allocation of Time on Electronic Media (2003):** Equitable sharing of time on electronic media during elections to address the public
- ➔ **Introduction of Braille Signage Features in EVMs (2004):** To facilitate the visually impaired voters to cast their votes without an attendant

## Electoral Reforms Since 2010

- ➔ **Voting Rights to Indian Citizens Living Abroad (2010)**
- ➔ **Online Enrollment in Electoral Roll (2013)**
- ➔ **Introduction of NOTA option (2014)**
- ➔ **VVPAT Voter Verified Paper Audit Trail (2013):** Introduction of VVPAT with EVMs to conduct free and fair elections
- ➔ **Photos of Candidates on EVMs and Ballot Papers (2015):** To prevent confusion in constituencies with namesake candidates
- ➔ **Introduction of Electoral bonds (2017 Budget):** An alternative to cash donations for political parties
  - ➔ Declared as unconstitutional by SC (2024)
- ➔ **Launch of Electronic EPIC (2021)**
- ➔ **Home Voting for People with Disabilities & Those Above 85 years of Age (2024)**

### IMPORTANT COMMITTEES/ COMMISSION

Committees/ Commission	Year	Purpose
■ Tarkunde Committee	1974	■ By Jaya Prakash Narayan (JP) during the "Total Revolution" movement.
■ Dinesh Goswami Committee	1990	■ Electoral Reforms
■ Vohra Committee	1993	■ On the Nexus between Crime and Politics
■ Indrajit Gupta Committee	1998	■ State Funding of Elections
■ Second Administrative Reforms Commission of India	2007	■ Report on Ethics in Governance (Headed by Veerappa Moily)
■ Tankha Committee (Core Committee)	2010	■ To look into the whole gamut of the election laws & electoral reforms.

## Way Forward

- **Legislative Action:** Introduce a **minimum vote threshold for candidates**, ie. if NOTA secures

a significant share (e.g., over 10%), **mandate re-election.**

- Maharashtra and Haryana [State Election Commissions](#) have set precedents treating **NOTA as a 'fictional candidate'**, conducting **fresh polls and disqualifying candidates** who poll fewer votes than NOTA.

- **Candidate & Financial Accountability:** Candidates receiving fewer votes than NOTA should be **barred from re-contesting**, and political parties with **losing candidates must bear re-election costs.**
  - To prevent repeated polls, **NOTA could be disabled in such re-polls.**
- **Voter Education and Awareness:** Conduct **widespread campaigns to inform voters about NOTA's purpose**, ensuring its **responsible use** beyond mere protest votes.
- **Transparency & Integration with Electoral Reforms:** The EC should **publish detailed NOTA voting data regularly.**
  - NOTA reforms **should align with broader electoral reforms** like decriminalizing politics and promoting party transparency to enhance democratic accountability.

**Drishti Mains Question:**

Evaluate the impact and challenges of NOTA in Indian elections and suggest ways to improve its effectiveness.

## UPSC Civil Services Examination, Previous Year Questions (PYQs)

### **Prelims**

**Q. Consider the following statements: (2017)**

1. The Election Commission of India is a five-member body.
2. The Union Ministry of Home Affairs decides the election schedule for the conduct of both general elections and bye-elections.
3. Election Commission resolves the disputes relating to splits/mergers of recognised political parties.

**Which of the statements given above is/are correct?**

- (a) 1 and 2 only
- (b) 2 only
- (c) 2 and 3 only
- (d) 3 only

**Ans: (d)**

### **Mains**

**Q. Discuss the role of the Election Commission of India in the light of the evolution of the Model Code of Conduct. (2022)**

**Q. To enhance the quality of democracy in India the Election Commission of India has proposed electoral reforms in 2016. What are the suggested reforms and how far are they significant to make democracy successful? (2017)**

