

# An Analysis of Concept and Role of NOTA in the Legislative Elections in India



**Hari Krishan**

Assistant Professor,  
Deptt. of Education,  
Aryan College of Education,  
Kotputli, Jaipur, Rajasthan, India

## Abstract

None Of The Above (NOTA) is a ballot option designed to agree to the voter to indicate displeasure of all of the candidates in a voting system. NOTA (None of the above) was introduced as a ballot preference following the Supreme Court ruling in 2013 based on the argument that more choices to voters will boost voter participation. Thus by casting this protest vote people can give you an idea about their dissent and disapproval to these candidates and indeed lean on the political parties to nominate a sound candidate. Three years, one Lok Sabha (LS) election and four rounds of Assembly elections have approved since the introduction of NOTA choice in the Indian electoral system. This electoral choice will become a meaningful means of depressing voting only if it becomes a 'right to reject' rather than being a symbolic implement to express resentment as it is now. The number of NOTA votes polled was larger than the winning edge in 261 Assembly constituencies and in 24 constituencies in the Lok Sabha (LS) elections since 2013.

**Keywords:** NOTA, Right to Reject, Electoral Reforms, Democracy and Elections in India.

## Introduction

The Indian political system has malformed into a mud-slinging competition, where each Indian political party prefers to engage in belittling its competitors, rather than representing the general public of the country. The average Indian has long been harassed by the prevalence of corruption. Worldwide adult suffrage conferred on the citizens of India by the charter of Constitution which made it possible for the millions of entity voters to go to the polls and thus participate in the governance of India. Giving citizens the right to reject will certify the two-fold purpose of candidates with a fresh background as well as inducing citizens to cast their vote. For democracy to continue to exist, it is essential that the best accessible men should be chosen as people's representatives for proper governance of the India and the same can be achieved through men of high proper and ethical values, who win the elections on optimistic vote. In July 2013, the Supreme Court of India, in reply to a public interest litigation (PIL) filed by the People's Union for Civil Liberties (PUCL), ruled that voters should be given the alternative to reject all candidates who are competing for being elected in their particular constituencies. It was introduced in India following the 2013 Supreme Court instruction in the People's Union for Civil Liberties v. Union of India judgment. Giving citizens the right to reject will ensure the two-fold function of candidates with a fresh background as well as inducing citizens to cast their vote. Thus; the Supreme Court in a latest case directed to provide a 'None of the Above' (NOTA) choice i.e. right to reject on the Electronic Voting Machine (EVM) and ballot papers so that the electors who do not desire to vote for any of the candidates can implement their option in secrecy. Three years, one Lok Sabha (LS) election and four rounds of Assembly elections have passed since the preface of NOTA option in the electoral system of India.

## Aim of the Study

Elections in India are one of the mainly challenging processes in the country's democratic tradition for the sheer scale, size, diversity, and complexity. The study has revealed some interesting patterns in the role of NOTA in India. First, reserve constituencies have seen relatively larger numeral of NOTA votes. Second, constituencies affected by left wing extremism have also recorded superior NOTA performance. Indian voters appear to be using NOTA not just to show their disapproval of the

candidates in the fray but to express their protest against many things they perceive wrong in the Indian political system.

#### **Review of Literature**

Therefore, NOTA can be viewed as an occasion of negative voting since it is a vote of disapproval/reject. This disapproval can be an expression of public discontent with both the option of contesting candidates as well as the political parties' advocated policies. Katju (2013) examines electoral participation in India by investigating voter turnout figures in India which have the option of negative voting. Prior research documenting electoral system in India and analyzing its underlying patterns is limited. Diwakar (2008) studied the factors determining voter crowd in Indian general elections over the period 1951 to 2004. To the best of my knowledge, Chatterjee (2016) is the only study which studies the impact of NOTA on voter turnout rates in India political system. Specifically, the authors use expenditure utility models of voting found evidences that NOTA increased voting. Instead, most NOTA votes are direct by new voters who turn out to vote specifically for this choice.

#### **Requirement of NOTA**

The idea of a None of the above (NOTA) ballot alternative originated in 1976. The Isla Vista Municipal Advisory Council passed a decision to put forward this preference in the official electoral ballot, in County of Santa Barbara, California, in the USA. The NOTA alternative was introduced for the first time, in 1978, in a ballot by the State of Nevada. This new secret ballot option would have been declared as a new-fangled voting system for all elective offices of US State and Federal governments, if voters would have passed it.

The Election Commission of India supported the idea of the NOTA button being introduced in the EVM. The world's largest democratic system goes about exercising its fundamental right, a few will stand in line for hours, in the brutal Indian summer, to catalogue their protest and to cast a no-vote. During 2009, the Election Commission of India asked the Supreme Court that to propose the voter a 'NOTA' option but the Government was not in favour of such an idea. Indian general election 2014, Lok Sabha (LS) elections use the option of none of the above (NOTA) is introduced on the EVMs following Supreme Court directions to make sure secrecy of voters is using this option. According to the statistics released by the Government of India (GoI) 1.10 % of the electorate, 60, 00, 197 voters to be specific, pressed the NOTA button in this election. The Honourable Supreme Court of India through the on the spot case thus propounded the provision of a "NOTA" in EVMs for a condition where in the voter does not want to direct a positive vote for any of the candidates standing for elections.

#### **Role of the Election Commission of India (ECI)**

The Election Commission of India supported the thought of the NOTA button being introduced in the EVM. NOTA is also used to express their gripe against many things they observe wrong in the Indian political system. However, NOTA in India does not

provide for a 'right to reject'. Based on the insight that more voting choices will likely end result in higher voter turnout, the Supreme Court, accordingly directed the Election Commission of India (ECI) to contain the option "None of the Above" (also popularly known as NOTA) in the electronic voting machines (EVM) and ballot papers. The ECI issued an explanation that no re-elections will be called based on a collective reading of Rule 64(a) of the Election Rules and sections 53(2) and 65, RPA. This is because the stated cause for ECI's demanding the introduction of NOTA was apparently to make sure the secrecy to the voter casting a pessimistic vote and to prevent a bogus vote in their place; the right to reject did not figure in their unique demands. In the larger attention of promoting democracy, a condition for "None of the Above" or "NOTA" button should be made available in the electronic voting machine EVMs/ ballot papers.

It is also highlighted that Election Commission of India (ECI) has time and once more said that such a deed, apart from promoting free and fair elections in a Indian democracy, will grant an opportunity to the elector to express his reject against the contesting candidates and will have the advantage of reducing bogus voting. The Election Commission of India took up the initiative way back in the year 2001. On 10.12.2001, the ECI addressed a letter to the Secretary, Ministry of Law and Justice. This is manifest in the Court's judgment - in terms of its importance on secrecy described above and the lack of any argument on the right to reject, which was not prayed for by PUCL. Such an add up to votes expressing discontent with all the candidates may be recorded in a result sheet.

#### **Right to Reject**

However, NOTA in India does not provide for a 'right to reject'. The present political system of EVM comprises of two units, i.e. balloting and control units, which are interconnected by a cable. The vision of the Court that introducing NOTA in the electronic voting machine (EVMs) can strengthen democratic system obviously rings true. Most public abstained from voting due to the undesirable alternative of candidates. General public preferred not casting their vote rather than being forced to vote for one of listed candidates in an exacting constituency. The Election Commission of India was turned into actuality only vide the 2013 judgment of the Supreme Court. It hoped that preface of NOTA is induce a greater entitlement of voters turnout. The right not to vote has found its position in the fundamental liberty of expression and speech.

The purpose of elections is to elect and not to reject. With the beginning of EVMs, the said option of not voting for anybody without compromising the right of secrecy is not existing to the voter since the voting machines did not have 'None of the Above' (NOTA) button. The right to decline to vote from voting is legal recognition as a surface of freedom of expression and speech. The main pro of the incorporation of NOTA is upholding and appreciation of the right of the citizens to not cast a vote while maintaining secrecy during such asceticism. This

means that as NOTA is at the moment, introduced and practice, is a regressive political policy, superficial and shallow, yet it can be the transform so desperately needed if some intensity is added to the policy and it is made bulletproof.

#### **NOTA (None of the Above) Effect in Indian Elections**

NOTA (None of the Above) in India have been hailed by various to be a spectacular stage towards capturing the true spirit of democratic system. The judgment of the Supreme Court of India in PUCI vs. UOI, is no doubt a turning point judgment that changes the face of Indian electoral system. NOTA in the Assembly elections held in 2013. According to data put up by the Election Commission of India (ECI), very few voters chose to press NOTA on the electronic voting machines (EVM) in Chhattisgarh, Delhi, Madhya Pradesh and Rajasthan. In Delhi's Adarsh Nagar, there were 322 button-presses for NOTA in the 35,144 votes counted. In Chhattisgarh's Dharasiwa 356 voters opted for NOTA amongst 10,666 counted votes. The story is similar in Madhya Pradesh's Bhopur with 364 for NOTA in 31,042 counted votes. In Rajasthan's Jodhpur there were 516 votes for NOTA among 35,165 counted votes. Use of NOTA in the Lok Sabha (LS) elections of 2014 revealed that the constituency with the slightest number of votes in favour of NOTA was Lakshadweep, where just 123 people exercised the alternative. Over 60 lakh none of the above (NOTA) votes were spread in the 16th Lok Sabha (LS) elections in 2014, the first time that this option was given. The NOTA button on the electronic voting machines (EVM), which equals to 1.1 per cent of the total votes polled during these elections across 543 seats in India.

#### **Conclusion**

The objective of elections is to elect and not to reject. It has been laid out clearly for all to see, that the choice of None of the Above (NOTA) no doubt possesses a glistening new exterior, but has been very ineffective in answering the woes of the masses. The right not to vote has found its situate in the fundamental freedom of speech and expression under Article 19(1) (a) of the Constitution of India by the introduction of None of the Above (NOTA). Though None of the Above (NOTA) was introduced with the purpose of increasing voter contribution, we find evidences using data from legislative assembly elections in five states suggesting that the None of the Above (NOTA) may not have any major impact on voter participation.

The improvement of the None of the Above (NOTA) is upholding and recognition of the right of the citizens to not transmit a vote while maintaining privacy during such abstinence. Nevertheless, it is significant to note that these voters have used the democratic means of None of the Above (NOTA) to put across their resentment rather than boycotting the polls outright. The very candidates the voters look for to see behind bars end up governing in India, NOTA or no NOTA. NOTA is not the same as "right-to-reject" structure, whereby, if the majority of voters decide on for NOTA option, no candidate will be declared the winner and a spanking new election will be called. NOTA in upgraded form will provide evidence not just an essential but easily implementable restructuring since it is a step towards correcting a systemic defect in the electoral system, and is a ethical, reasonable and a legal compulsion for an effective democratic system. The perceived suspicion of Indian voters against the political system thus seems exaggerated.

#### **References**

- Assembly elections 2013: NOTA makes no impact, Deceber 08, 2013.*
- Ayushi Kalyan. "Nota Option- Political Gamechanger or Mere Trumpery", *The World Journal on Juristic Polity*, 2(3), 2016, 1-6.
- Chatterjee, S., Ujhelyi, G., & Szabo, A. (2016): "None of the Above" Votes in India and the Consumption Utility of Voting. *University of Houston*.
- Diwakar, R. (2008). Voter turnout in the Indian states: An empirical analysis. *Journal of elections, public opinion and parties*, 18(1), 75-100.
- Katju, M. (2013). The 'None of the Above Option'. *Economic & Political Weekly*, 48(42), 11.
- Madras High Court directive to Election Commission on NOTA votes, 2016.
- PUCI vs. UOI, Writ petition (civil) no. 161 of 2004 (SC) (Unreported), "SC's landmark judgement: Voters get right to reject". *Deccan Chronicle*. Retrieved 10th April 2014.
- Suresh Davare. "NOTA and Loksabha Elections 2014", *SSRN Papers*, 2015, 4.
- [http://eci.nic.in/eci\\_main1/current/PN\\_28102013.pdf](http://eci.nic.in/eci_main1/current/PN_28102013.pdf).
- <http://lawmin.nic.in/coi/coiason29july08.pdf>.
- <http://timesofindia.indiatimes.com/home/lok-sabha-elections-2014/news/Election-results-NOTAgarners-1-1-of-countrys-total-vote-share/articleshow/35222378.cms>.