

NOTA option to stay in Rajya Sabha polls - Today's Paper

The 'None Of The Above' (NOTA) option will remain on the ballot paper in the upcoming Rajya Sabha elections.

The Supreme Court on Thursday refused to stay an Election Commission circular issued in January 2014 that introduced NOTA in the Rajya Sabha elections.

A Bench of Justices Dipak Misra, Amitava Roy and A.M. Khanwilkar rejected the Gujarat Congress's plea to freeze the NOTA option for elections to the three Rajya Sabha seats in the State on August 8.

Refusing to also quash a Gujarat Vidhan Sabha circular of August 1 to include NOTA in the ballot papers, the court paid scant regard to submissions made by senior advocate Kapil Sibal, appearing for Congress chief whip in Gujarat Assembly Shailesh Manubhai Parmar, that NOTA would be a "recipe for corruption", and it would be seen as if the court was turning its back on corruption.

Mr. Sibal raised the concern that MLAs could defy the party whip and invalidate their votes by opting for NOTA. To this, Justice Roy asked Mr. Sibal whether he was apprehensive of losing the RS polls in Gujarat.

Notice to EC

The court, however, issued notice to the Election Commission of India, saying the poll body should be heard in detail as any judicial decision on NOTA may have a ripple effect on elections conducted from January 24, 2014, to the present day.

The court asked why the Congress was challenging the circular now, while noting that "God knows how many elections were held since January 24, 2014."

The court specifically recorded Attorney-General K.K. Venugopal's submission that the Union of India does not in anyway interfere with the decisions of the Election Commission and, hence, had no role in this case.

Consequently, the court issued notice only to the Election Commission for a response on the Gujarat Congress' challenge of its January 24, 2014, notification. Though the Union was let off as a party in the case, Mr. Venugopal was roped in by the Bench to assist the court.

"Does the Election Commission not consult political parties before issuing such a circular," Justice Khanwilkar asked at one point, even as the court scheduled the case for hearing the Election Commission on September 13.

"The system of NOTA makes the system of proportional representation by means of single transferable vote nugatory and otiose and cannot be made applicable in Rajya Sabha elections. The use of NOTA cannot be sanctioned by way of the impugned circular," Mr. Parmar submitted.

END