

MORE PSYCHOLOGICAL THAN AN EMPOWERING VOTER OPTION

Relevant for: Indian Polity | Topic: Elections, Election Commission and the Electoral Reforms in India Incl. Political Parties

The [recently-concluded Delhi Assembly elections](#) were the 45th Assembly polls since the inception of the [none of the above \(NOTA\) option](#) in 2013. Delhi has now provided data from five elections with the [NOTA option](#): three Assembly (2013, 2015, 2020), and two Lok Sabha (2014, 2019); no other state has yielded this yet. And Delhi, although mostly urban, is widely regarded as the microcosm of India.

However, [Delhi's preference to NOTA is less than the national average](#). From 0.63% in 2013, [Delhi polled 0.39% of those favouring NOTA in 2015](#), a statistically significant reduction indeed. It now increased to 0.46% in 2020; again statistically significant. While 96% of the constituencies had a reduced percentage of NOTA votes in 2015 than 2013, the NOTA percentage has increased in 71% constituencies this year. In the Lok Sabha elections, Delhi polled 0.47% and 0.52% of those favouring NOTA, in 2014 and 2019, respectively. Thus, roughly one in 200 voters of Delhi opted for NOTA in the last six to seven years, with relatively larger support for NOTA in reserved constituencies.

Interestingly, in the 2017 Gujarat Assembly elections, despite being 1.8%, NOTA got more votes than any political party other than the Indian National Congress and the Bharatiya Janata Party (except the Independents). Again, in the 2019 Maharashtra Assembly election, NOTA became a runner-up in two constituencies — Latur (Rural) and Palus-Kadegaon. Do these cases mark any significant shift in the voter mindset?

In 2013, India became the 14th country to institute negative voting through NOTA. However, it is not a “right to reject”. NOTA in India is a toothless option; former Chief Election Commissioner of India S.Y. Quraishi, had observed in an article: “Even if there are 99 NOTA votes out of a total of 100, and candidate X gets just one vote, X is the winner, having obtained the only valid vote. The rest will be treated as invalid or ‘no votes’.” NOTA enfeebles the electorate as it does not empower to “select” either. Certainly NOTA provides democratic means to express resentment anonymously rather than boycotting the polls outright. In her 2017 book, *The Dramatic Decade: Landmark Cases of Modern India*, Indu Bhan has given examples such as a group of women activists in Kerala out on the road urging people not to elect any candidate if no woman was present in the fray, and a youth group in Tamil Nadu that campaigned for NOTA as a protest vote against corruption.

There have been pleas to extend the scope of NOTA. In 2018, a former CEC, T.S. Krishnamurthy, has recommended holding elections again in those constituencies where the victory margin is less than the total numbers of NOTA. A PIL has been filed in Madras High Court seeking the full right to reject in place of NOTA.

In June 2018, the Maharashtra State Election Commission (SEC) issued an order that said: “If it is noticed while counting that NOTA has received the highest number of valid votes, the said election for that particular seat shall be countermanded and a fresh election shall be held for such a post.” In November 2018, the SEC of Haryana went a step further and issued an order where NOTA is treated like a “fictional candidate” in municipal polls from December 2018. If NOTA gets maximum vote, none of the “real” candidates will be declared elected, and the elections will be cancelled and held afresh. What is more, the candidates securing votes less

than NOTA would be barred from contesting in that re-election. Interestingly, in Makassar, Indonesia, the only candidate in the 2018 election for mayor received 35,000 less votes than NOTA, which forced a repeat election in 2020.

While introducing NOTA, the Supreme Court anticipated that “there will be a systemic change and the political parties will be forced to accept the will of the people and field candidates who are known for their integrity.” Thus, its percentage should either increase to enforce the political parties to field candidates with “integrity”, or NOTA percentage should consistently decrease if the electorates feel that the system has achieved the desired level of cleansing. In contrast, the share of NOTA votes in India remained around a meagre level of 1% on an average; 1.11% in the 2014 Lok Sabha, and 1.08% in 2019, if we consider constituency-wise averages. This perhaps represents a confused state of mind of the electorate. Has the perceived cynicism of Indian voters regarding the right to reject been exaggerated? What would happen if the ECI empowers NOTA with teeth, for example candidates securing lesser votes than NOTA (and possibly the political party concerned also) are barred from contesting in the next election from that constituency?

Is NOTA, as the last button of all EVMs in the country, a psychological issue as far as the electorates is concerned? Delbert A. Taebel, in a seminal article in the *American Journal of Political Science* in 1975, and Jonathan G.S. Koppell and Jennifer A. Steen, in their 2004 article in *The Journal of Politics*, have discussed the possible advantage of the first position in the ballot, at least in the U.S. context. Although there is no such concrete study to gauge the Indian voter’s mindset that I know, I wonder whether using NOTB (‘none of the below’) instead of NOTA — with such an option as the first on the electronic voting machine — might produce a significantly different outcome or not. An experiment, after changing the rule suitably, can be attempted, at least.

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