

Centre for removal of 'NOTA' from RS poll

The Supreme Court on Monday reserved for judgment a PIL petition, which won the full support of the Centre, seeking to scrap the 'NOTA' option in Rajya Sabha election.

A Bench led by Chief Justice of India Dipak Misra indicated that the court may indeed rule against the two circulars issued by the Election Commission of India on January 24, 2014 and November 12, the subsequent year, giving Rajya Sabha members the option to press the NOTA ('none of the above') button in the Upper House polls.

Chief Justice Misra orally observed that NOTA is meant only for universal adult suffrage and direct elections and not polls held by the system of proportional representation by means of the single transferable vote as done in the Rajya Sabha.

Govt.'s support

Attorney-General K.K. Venugopal, for the Centre, completely lent the government's support to the PIL plea filed by Sharmesh Manubhai Parmar, represented by senior advocate A.M. Singhvi and advocate Devadatt Kamat, that NOTA in indirect elections, such as in the Rajya Sabha, would lead to horse-trading, corruption and using of extra constitutional methods to defeat a party candidate.

The system of NOTA makes the system of proportional representation by means of single transferable vote nugatory and otiose, Mr. Singhvi argued.

He argued that the Election Commission cannot sanction the use of NOTA by way of mere circulars, which have the effect of overriding the provisions of Article 80(4) — proportional representation by means of the single transferable vote, the provisions of Representation of the People Act 1951 and the Conduct of Election Rules 1961.

Mr. Singhvi said the circulars had negated the entire purpose of open voting brought about in 2003 to further party discipline and adherence to party's choice of candidate in the election to the Rajya Sabha.

EC's counter

Advocate Amit Sharma, for the Election Commission, countered that a person, along with a right to vote, also has the right not to vote.

"Even if it is an open ballot system, it does not take away his right to not vote," Mr. Sharma submitted.

It makes the system of proportional representation by means of single transferable vote nugatory
A.M. Singhvi Senior advocate

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