

Plea against NOTA not valid, says EC

The Election Commission has told the Supreme Court that a plea by a Gujarat Congress leader challenging the use of None of the Above (NOTA) option in the Rajya Sabha polls in the State is not maintainable.

Seeking dismissal of the plea filed by Congress chief whip in the Gujarat Assembly Shailesh Manubhai Parmar, the EC said that from January 2014, biennial elections to the Rajya Sabha have been held in many States and the NOTA option has been given since then.

“It is submitted at the outset that the present writ petition is not maintainable before this court as the contents of the said writ petition do not disclose the violation of any fundamental right of the petitioner or any other person for that matter,” the EC said in its affidavit.

The poll panel also said the petition was an “abuse of the process of law and a waste of precious judicial time of this court.”

The top court had on August 3 agreed to examine the constitutional validity of the NOTA provision in the Rajya Sabha polls saying the issue needed to be debated.

Mr. Parmar had filed the plea in the apex court against the use of NOTA option in the Rajya Sabha polls in the State in which the Congress had fielded senior leader Ahmed Patel as a candidate.

“From January 2014, biennial elections to Rajya Sabha have been held in 2014, 2015, 2016 and 2017 covering all states and 25 by-elections to Rajya Sabha have also been held. It is pertinent to point out herein that the NOTA option was a part of every Rajya Sabha elections held since 2014,” the EC affidavit said.

Constitutional provisions

It referred to the constitutional provisions and said that any election to the Rajya Sabha can only be called into question by way of an election petition only.

“The provisions of NOTA in the ballot papers for the elections to the council of states has been made by the EC to effectuate this right of electors guaranteed to them under the said section 79(A) of the Representation of the People Act, 1951,” the commission said.

END