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NOTA: A STEP TOWARDS A FAR POLITICAL VISION

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ABSTRACT

This paper studies as to how far the NOTA option, in its present form impacts in strengthening the true spirit of democracy. True democracy envisions public participation in the electoral process and citizen's power to choose their candidates as their Representatives. In the present form, NOTA is a mere right to register a dissent rather than the right to reject. It acts as a mirror for the candidates to evaluate their shortcomings and also a good tool to change the mind-set of the people about democracy. Studies reveal that the voters turnout, post- NOTA has increased though not significantly¹. And the right to choose has no meaning as candidates are elected, keeping aside the number of NOTA votes. In fact the Representative is imposed upon the public. NOTA in its present form has no effect on the result of the election. NOTA option can be a potential game-changer in the electoral process provided more value is given to the NOTA votes. With some changes in the present form of NOTA and change in the attitude of the political parties in understanding the true value of NOTA, we can achieve the real goals of democracy.

KEYWORDS

NOTA, Real goals of democracy, Freedom of speech and Expression.

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INTRODUCTION

NOTA, i.e. 'None of the Above' option got its place on the EVMs of the Indian Electoral system, due to effort of an NGO, Peoples Union For Civil Liberties and the active role of the Apex Court in considering the Right to Vote not as a mere Statutory right but as a Fundamental Right of Speech and Expression² in its landmark judgement in 2013. The Supreme Court stressed on two key components for a free and fair election namely, Right not to Vote and the Right to Secrecy. Though there was a provision for casting negative vote, it did not protect the identity of the voter, thus violating his/her Right to secrecy³. NOTA

option gives the voters the right to express their disapproval with the candidates put forth by the political parties without having to reveal their identity. Moreover giving the voters the right to cast negative vote without compromising with their right to secrecy motivates more public participation in the electoral process and choose their candidates without fear.

Right to Reject or Right to Dissent?

Voting is a formal expression of will or opinion in an electoral process. It is not an ideal option for a responsible citizen to abstain from voting as a way of dissent. On the other hand Right to reject implies that a voter can vote in negative or remain neutral by not opting for any candidate. Such abstain or rejection by the voter may be due to varied reasons.

It's obvious for one to think that NOTA, has its ambit the Right to reject, which means that all candidates in a given constituency stand defeated if the number of NOTA votes exceeds the number of votes of the highest vote-getter (candidate). But the Supreme Court in its order has just given "the right to register a negative opinion", which means that the number of NOTA votes does have any impact on the result of the elections⁴. NOTA as such in the present form includes only the right to register ones dissent or disapproval as a form of protest with an assurance of secrecy and a means to avoid others from casting bogus vote in his place. Right to register ones disapproval is only a half-step towards a wider and broader Right to reject and bare an impact on the political parties in particular and the election process in general.

It can be said that negative voting will gradually lead to a systematic change the polls and candidates projected by the political parties.

Expectation and Reality

"Democracy is all about choice. This choice can be better expressed by giving the voters an opportunity to verbalize themselves unreservedly and by imposing least restrictions on their ability to make a choice. By providing NOTA button in the Electronic Voting Machine, it will accelerate the effective political participation in the present state of democratic system and the voters in fact will be empowered"⁵. This shows that NOTA option was

introduced with the intention and expectation that it will lead to an increase in the voters turnout i.e. increased public participation in the Electoral process and in a way force the political parties to field good candidates, altogether paving the way for a better political governance.

But the reality check of the impact of NOTA is not as expected or satisfactory. A survey using data from legislative assembly elections in five states suggests that NOTA may not have any significant impact on voter participation as there are no definitive evidence of positive impact of NOTA on voter participation⁶. Since its debut in 2013, NOTA pattern is unpredictable. In 2013 Assembly elections for four States (Chhattisgarh, Mizoram, Rajasthan, MP and former Union Territory of Delhi) NOTA constituted 1.85% of the total votes polled. In 2014 Assembly elections held in eight States, it dropped to 0.95% and was 1.1% in Lok Sabha election held in the same year. It increased to 2.02% in 2015 Assembly elections held in Delhi and Bihar. NOTA share in 2016 Assembly election held in Assam, West Bengal, Kerala, Puducherry and Tamil Nadu was 1.6%⁷.

Voter turnout is depends on various factors, NOTA being one of them and not the sole factor. As NOTA votes are counted, but bare no impact on the result of the election, citizens would refrain from voting rather than registering a disagreement which will have no effect on the election unless and until he/she is motivated by some type of consumption utility.

Are We Prepared for the Right to Reject and Right to Recall?

NOTA is no doubt a major step in introducing electoral reforms, bringing it closer to the end democracy seeks to achieve, however its true effect and purport can be realized only when it is allowed to be used in its compete and free sense i.e. not only the right to register a negative vote but also the right to reject⁸ which means a guarantee that there would be re-election in case certain percentage of voters go for NOTA, along with the Right to recall where the voters can recall the legislators who are not performing up to their expectation.

Majority of the Indian voters are uninformed and votes are given on the basis of caste, religion, party

and party policies. The individual ability of the candidate is not taken into account by the voter. In such a situation, Right to reject may not serve the democracy in practice.

Re-election, as a result of more number of negative votes (Right to Reject) have many issues such as, less voter turnout in the re-election, electing a fresh candidate who has acquired less votes than the highest voter-taker in the previous election, huge expenses on re-election and the political confusion and instability. We can analyze the confusion with a hypothetical situation of re-re-election.

Same is the case with the Right to recall. Many alternative to improve the quality of elected representatives instead through Right to reject can be seen from a comparative study of NOTA shows that except Colombia, no other country has the Right to reject provision.

CONCLUSION

NOTA ensures people's right to freedom of speech and expression. It is important that people have started using NOTA, though insignificant as an instrument of protest, dissent or disapproval instead of expressing their resent by boycotting the polls. Hopefully, it may force the political parties to select clean and honest candidates and also increase the polling percentage. Popular view is that the option of NOTA will be meaningful only if it becomes a 'Right to reject'.

No doubt, through Right to reject the voters should have more choice and more influence over the outcome of the election which is the very essence of democracy. But researches and surveys have shown that the very NOTA in the present form is misused as we can see a relatively larger number of NOTA in reserved constituencies which points to continued social prejudice against political reservations. Under such circumstances Right to reject may become a easy tool against the Constitutional ethos.

It becomes necessary for the voters to have more information of the candidate on the individual bases before having more choice and more influence on the outcome. NOTA including in itself the Right to reject can be a real change-maker by increasing turnouts provided, the public gets detailed information about the profiles of candidates and are educated to use the option carefully.

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CONFLICT OF INTEREST

We declare that we have no conflict of interest.

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