NOTA in Rajya Sabha Polls

Why in news?

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Supreme Court refuses to stay the exercise of NOTA option in the Gujarat Rajya Sabha elections.

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How Rajya Sabha members are elected?

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- Open ballots are used in the Rajya Sabha elections.
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- These elections follow a proportional representation system based on the single transferable vote.
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- Unlike the general elections to the Lok Sabha, which are conducted with secret ballots (or votes) and based on the first-past-the-post principle.
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What is NOTA?

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- None of the above is a ballot option in some jurisdictions or organizations, designed to allow the voter to indicate disapproval of all of the candidates in a voting system.
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- It is based on the principle that consent requires the ability to withhold consent in an election, just as they can by voting “No” on ballot questions.
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- The idea behind the use of NOTA is to allow the voter to register a “protest” vote if none of the candidates is acceptable to her for whatever reason.
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- While NOTA votes are tallied, the candidate with the highest number of votes polled is declared elected irrespective of the NOTA total.
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What are the issues with NOTA in Rajya Sabha polls?

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- NOTA is restricted to direct elections, while this is a case of indirect election on proportional representative by means of single transferable vote.
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- In the case of the Rajya Sabha elections, the vote allows for the preferential ordering of candidates.
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- If an MLA chooses NOTA, the vote is rendered ineffective.
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What are the supporting views on NOTA?

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- The principle of a protest vote remains the same even if these are indirect elections.
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- The presence of the NOTA option for the legislator allows the possibility of a protest vote against the party high command for choosing candidates who are not agreeable to her, without having to choose candidates from opposing parties.
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- The party high command can issue a whip for a Rajya Sabha candidate, but anti-defection law provisions do not apply, and a defiant MLA is not disqualified from membership of the House.
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- Therefore, instead of struggling against the democratisation of indirect elections, through reforms such as the NOTA option, parties would be better off relearning the art of floor management.
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Source: The Hindu

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