



## TO NOTA OR NOT TO NOTA? - A THEORETICAL ANALYSIS ON THE 'ONE VOTE DEBATE' \*

### INTRODUCTION

*"The blank vote is as destructive a form of blindness as the first one (i.e. plague)"<sup>1</sup> – José Saramago*

(Mr. José Saramago was the recipient of the 1998 Nobel Prize in Literature)

### INDIA AND NOTA

The Indian political system has transformed into a mud-slinging competition, where each political party prefers to engage in belittling its competitors, rather than representing the citizens of the country. The average Indian has long been harassed by the prevalence of corruption. The populist sentiment against corruption has nonetheless failed to make headway with the Indian government.<sup>2</sup> Somewhere down the line, the political game has changed its course and lost the faith of the people it seeks to represent. Take any government policies or schemes, they have direct benefits to the party and not the people.

### THE JUDGMENT: *PUCL V. UNION OF INDIA*

The Option to vote for none of the candidates in a political setup was brought about in India by the Apex court in relation to a writ petition filed by the NGO, People's Union for Civil Liberties, hereon referred to as PUCL. Decided on September 27, 2013, the writ petition demanded that the secrecy of voters be maintained in the event of negative voting. The contention was that, in case an elector decides not to record his vote, a remark to this effect shall be made against the said entry in Form 17-A by the Presiding Officer and the signature or thumb impression of the elector shall be obtained against such remark.<sup>3</sup> This negated the requirement of secrecy.

The two main key components that emerged out of the Supreme Court judgment are:

- Right to vote also includes a right not to vote i.e right to reject.

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<sup>1</sup> José Saramago, *Seeing* 159 (Mariner Books, United States, 2007)

<sup>2</sup> Rajiv Tarigopula, "India's Good, Bad, and Ugly." Harvard Political Review RSS, available at <<http://harvardpolitics.com/covers/indias-good-bad-and-ugly/>> (visited on April 4, 2015)

<sup>3</sup> Rule 49-O, The Conduct of Elections Rules, 1961

- Right to secrecy is an integral part of a free and fair election.<sup>4</sup>

Thus, the 'right not to vote', recognized by the Representation of People Act, 1951<sup>5</sup> was henceforth strengthened by the Supreme Court and thus began the debate of whether this so called right is a progressive boon to the democratic system of the country or a regressive bane.

This essay will highlight and enumerate how this right is only reformative on the outside appearances however hollow on the inside. As Virgil, the Latin poet said "Trust not too much to appearances."

NOTA is also known as 'Scratch' vote, it supports the ability to withhold consent in an election. 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. But the question is whether this holding of the consent is of any use in the larger scheme of things? What happens when the votes for NOTA exceed the votes for any other candidate? Has since the coming of this provision, the government or the election commission, seen it through? Does it possess the capacity to move the 'disillusioned' voters, as they are called, to go and cast a vote? Let us attempt to answer each and every one these questions and eventually sway every believer in this provision to a skeptic, if not a non-believer.

### **THE MYTH BUSTED**

Let us start at the very beginning. NOTA has just emerged from within the chambers of the Supreme court in 2013 and the question is just how many of us 1,21,01,93,422 Indians<sup>6</sup> are aware of this new reform set to empower us? The judgment read that, "...we direct the Election Commission to implement the same either in a phased manner or at a time with the assistance of the Government of India. We also direct the Government of India to provide necessary help for implementation of the above direction. Besides, we also direct the Election Commission to undertake awareness programmes to educate the masses."<sup>7</sup>

As according to a letter issued by the Election Commission of India to the Electoral Officers of Madhya Pradesh, Chhattisgarh, Mizoram and NCT of Delhi<sup>8</sup>, the steps to spread awareness would be that all publicly printed material related to turnout must contain information about NOTA at the bottom, in at least two points smaller than the font representing the rest of the information. This shows just about the intense level of commitment our government possesses in making our political structure clean and decriminalized. How the biggest reform is entitled to a lowercase mention in any public material. How many of us have paid attention to the fine print? Any progressive policy sets off with awareness. If people are not made aware of their rights, is it not a deception? 36.2%<sup>9</sup> of India's population is illiterate, thus, this type of reform may add confusion without prior awareness which seems to be evidently lacking. If one could say, it almost seems the government is uninterested and reluctant in its efforts.

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<sup>4</sup> Association for Democratic Reforms, available at <<http://adrindia.org/content/faqs>> (visited on April 4, 2015)

<sup>5</sup> A perusal of Section 79(d), Rules 41(2) & (3) and Rule 49-O of Representation of People Act, 1951

<sup>6</sup> National Census of India Report, 2011 available at <<http://www.languageinindia.com/feb2014/censusofindia2011data.pdf>> (visited on April 2, 2015)

<sup>7</sup> P. Sathasivam. CJI.

<sup>8</sup> Election Commission of India, <[http://eci.nic.in/eci\\_main1/SVEEP/NOTAoptiononEVM\\_20112013.pdf](http://eci.nic.in/eci_main1/SVEEP/NOTAoptiononEVM_20112013.pdf)> (visited on April 2, 2015)

<sup>9</sup> Supra note 7.

Taking note of the submissions of Election Commission, we are of the view that the implementation of the NOTA button will not require much effort except for allotting the last panel in the EVM for the same.

There is also the question of whether electoral participation increases with the option of negative vote on the ballot paper or EVMs. One of the reasons that the Court cited for introducing the NOTA option was increasing transparency in the election system as the flexibility to reject even without abstaining from voting will ensure that many of those planning to abstain would at least visit the poll booths. This, the Supreme Court suggests, would reduce the rampant proxy vote schemes that plague the Indian elections. But the Supreme Court errs in believing that the only reason holding back voters is their disenchantment with the system. In fact, in the opinion of the author, the ones who are interested enough in the political system of India to be disenchanted by the same are the ones who realise the importance of voting; even if it is merely voting in favour of a thief instead of the murderer.

Voter turnout is not an issue in the country, since over the long term it has been showing an upward trend.<sup>10</sup> This can be seen from the following table indicating the trend of total number of electors from the year 1984-2004<sup>11</sup>:

<b>YEAR</b>	<b>TOTAL NUMBER OF ELECTORS</b>
1984	379540608
1989	498906129
1991	498363801
1996	592572288
1998	605880192
1999	619536847
2004	671487930

Recent statistics show that this upward trend in voter participation has increased to 66.4%<sup>12</sup> of the total population in 2014. This is believed to be due to the 'Modi Wave'.

Many have contended that this new addition to EVMs will compel citizens to make the trip to their nearest polling booths, as voting is the duty of a conscientious citizen. It has been said that disillusioned voters who choose to sit at home will now participate in the political processes simply because they can express their dissatisfaction by pressing the NOTA option. However that does not seem to be an issue, as can be seen by the above enumerated statistics. In countries which do not have compulsory voting, the voters who disapprove of all the candidates on offer can sit back and need not come out at all.<sup>13</sup>

What is it that would be beneficial for them if they make this trip to make the choice of not voting for anyone? Surely complete rejection of candidates that have taken no significant steps to help the masses possesses enough allure? Is it actually the case?

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<sup>10</sup> Manjari Katju, "The 'None of the Above' Option", Vol. 48, Issue No.42, Economic and Political Weekly, (October 19, 2013)

<sup>11</sup> Election Commission of India, <[http://eci.nic.in/eci\\_main/miscellaneous\\_statistics/Graphs\\_Voteage\\_NoofContestants.pdf](http://eci.nic.in/eci_main/miscellaneous_statistics/Graphs_Voteage_NoofContestants.pdf)> (visited on April 2, 2015)

<sup>12</sup> Election Commission of India, *Turnout trends over the Years*, available at <[http://eci.nic.in/eci\\_main1/GE2014/line.htm](http://eci.nic.in/eci_main1/GE2014/line.htm)> (visited on November 12, 2015)

<sup>13</sup> Supra note 11.

According to S Y Quraishi, former Chief Election Commissioner, 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.<sup>14</sup> This means, the winner will be the candidate with the highest number of votes, even if this number is less than that polled by the “NOTA” option.<sup>15</sup> NOTA is not the same as “right-to-reject” system, whereby, if the majority of voters opt for “none of the above” option, no candidate will be declared the winner and a fresh election will be called. How can this be enlisted as a motivating factor, when even after a general, apparent displeasure against all candidates, leads to their election to office?

Now that the voters have the right to reject, will we use the same to reject all? Not necessarily. The right of NOTA is merely a theatrical tool that will enable the voters to express their dismay and not necessarily a factor that will allow them to improve or change the destiny of Indian politics. Logical follow-up to this scenario should be to call for a by-election with fresh candidates in the above given scenario. This will make contestants more answerable to the people they represent, more answerable in terms of broken promises to people they represent, more answerable to the people in cases where rampant corruption committed, if any. In the final analysis let the people decide whom to vote for.

Lastly, the most raised and defended benefit of the NOTA option has been the riddance of criminal involvement in politics by the use of this provision. Criminalisation is the result of social and economic factors, and the nomination of candidates with a criminal background may not change merely by giving voters the option of saying “no”.<sup>16</sup> According to S Y Quraishi expecting this from political parties is “far too optimistic, given their refusal to debar tainted candidates from contesting, despite a public hue and cry for two decades.”<sup>17</sup> Senior advocate and constitutional expert Rajeev Dhavan shares this view. According to him, “...the chief justice’s optimistic consequentialism is far removed from reality. The shameless do not get shamed.”<sup>18</sup> The view of constitutional analyst Subhash Kashyap is similar. He feels that this is “more of a suggestion” and would “not affect the selection of candidates by political parties”.<sup>19</sup>

Moreover, it can be seen that in several states, the number of candidates with criminal records is higher in 2013 than it was in the past election in 2008. In the state of Rajasthan, an analysis has shown that 15% of major party candidates in 2008 faced criminal cases; in 2013, the number remains 15%. However, the number of candidates with “serious” cases has gone up in 2013<sup>20</sup>. The trend is similar in other States such as Madhya Pradesh and Chhattisgarh. NOTA has had zero impact on the selection of candidates for these parties.

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<sup>14</sup> S Y Quraishi, “Pressure of a Button”, *The Indian Express*, 3 October 2013, <http://www.indianexpress.com/news/pressure-of-a-button/1177434/1>, (viewed on 4 April, 2015)

<sup>15</sup> Monthly Policy Review, PRS Legislative Research, <http://www.prsindia.org/administrator/uploads/general/1381727553~~September%202013%20-%20MPR.pdf> (viewed on 4 April, 2015)

<sup>16</sup> Supra note 11.

<sup>17</sup> Supra note 15.

<sup>18</sup> Rajeev Dhavan, “Fixing A Flawed Democracy: Hello to NOTA, Bye to Convicted Lawmakers, Court Offer Rescue Where Politicians Don’t”, *The Times of India* (Hyderabad edition, p 12), (viewed on 4 April 2015.)

<sup>19</sup> Subhash Kashyap (interview), “NOTA Defeats the Purpose of Holding Elections”, *Business Standard*, 5 October 2013, [http://www.business-standard.com/article/opinion/nota-defeats-the-purpose-of-holding-elections-subhash-kashyap-113092800791\\_1.html](http://www.business-standard.com/article/opinion/nota-defeats-the-purpose-of-holding-elections-subhash-kashyap-113092800791_1.html), (viewed on 5 April 2015)

<sup>20</sup> Association for Democratic Reforms(ADR), <http://www.adrindia.org/content/preliminary-candidate-report-lok-sabha-inc-bjp>, (viewed on April 4, 2015)

The need for de-criminalisation is unresolved albeit severe. In the case of *Public Interest Foundation and Ors. V. Union of India and Anr.*<sup>21</sup>, a public interest litigation (PIL) was filed in the Supreme Court in the year 2011 praying inter alia for guidelines or framework to be laid down by the Court to deal with the menace of criminalization of politics and debar those charged with serious offences from contesting elections. The Hon'ble Supreme Court in the above noted matter has, on 16<sup>th</sup> December, 2013, taken note of the Consultation Paper prepared and circulated by the Commission. Appreciating that the Commission may take some time for submitting a comprehensive report on all the aspects of electoral reforms, the Court in its order dated 16<sup>th</sup> December, 2013 in the aforementioned petition, has observed that "the issues with regard to de-criminalisation of politics and disqualification for filing false affidavits deserve priority and immediate consideration".<sup>22</sup>

The Centre and the EC have been directed to "positively" file its response to this PIL seeking a series of directions to ensure that those with criminal track records do not enter the political arena. A bench of Justices R M Lodha and Madan B Lokur was perturbed by the Centre's stony silence on such a crucial issue. The EC had filed its affidavit agreeing with petitioner NGO 'Public Interest Foundation', which requested the court to frame guidelines for decriminalization of politics, but the Centre was found begging for one more opportunity to file its response.

When any attempt by the judiciary, and several NGOs at banning criminals from contesting elections, have been faltered by the parliament, who is to say that NOTA would be given a free reign to do anything close to this? When such problems can already be solved, what is the need for bringing about another such provision? Like when a child is given a lollipop and he simply forgets the festering toothache which rots away his teeth, it seems the government wants to give the public a shiny new toy while the criminals devour the country inside out.

Keeping in mind the 2014 Lok Sabha elections, it is important to see how the NOTA provision has fared. According to the statistics released by the Government of India, 1.10 % of the electorate, 60,00,197 voters to be precise, pressed the NOTA button in this election. (ECI).<sup>23</sup> This figure though may seem to be considerable, but keeping in mind the population of the country it is merely a drop in the ocean. Thus, in the opinion of the authors this first run has been fairly unsuccessful. The state-wise performance of NOTA has been seen to be merely 3% or less in all the states, signifying that most of the people did not opt for this provision<sup>24</sup>.

## INTERNATIONAL PARADIGM

It is important to observe the effect of this policy in countries other than India. NOTA is followed in several countries, some of which have been listed and discussed below. These countries either display the loopholes in the policy or have conditions similar to those prevalent in India.

### Colombia

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<sup>21</sup> W.P. (Civil) No. 536 of 2011

<sup>22</sup> Law Commission Of India, Report No. 244, Electoral Disqualifications, February, 2014

<sup>23</sup> Bharti Jain, *Election results: NOTA garners 1.1% of country's total vote share*, T.O.I., May 17, available at <<http://timesofindia.indiatimes.com/news/Election-results-NOTA-garners-1-1-of-countrys-total-vote-share/articleshow/35222378.cms>> (viewed on November 14, 2014), See "Top 10 Highlights from Elections 2014", JaagoRe, available at <<http://www.jaagore.com/power-of-49/top-10-highlights-from-elections-2014>>, (viewed on November 14, 2014).

<sup>24</sup> Election Commission of India, *General Bye Election to Legislative Assemblies Trends & Result 2014*, available at <<http://ecireresults.nic.in/>> (visited on November 12, 2014)

The Constitutional Court of Colombia approved a political reform in 2011 by a judgment<sup>25</sup>, which declared the constitutionality of Law 1475 by making 'voto en blanco' (also known as the 'blank vote' or 'white vote') an instrument or tool of a political reform. This judgment clarified that a blank vote is "a political expression of abstention or dissent for political purposes," adding "The blank/white vote is a valuable expression of dissent through which the protection of the freedom of the elector is promoted. Following this recognition the Constitution ascribes a decisive impact on electoral processes to provide public corporations sole and elected positions".<sup>26</sup> The legal significance or the importance of the white vote in Colombia can be derived from article 258 of the Constitution of Colombia, as it is a crucial provision and is conceptualized as a factor that can force a repeat vote. According to this if the blank ballot receives an absolute majority (i.e. over 50 percent) in an election; the voting process will be repeated for a second time only, but with a brand new batch of candidates.<sup>27</sup>

It has been noted that in 2011, a precedent was set in local elections in Bello, the second largest city in the Antioquia Department after Medellín. The blank ballot beat out the sole contender, German Londoño of the Conservative Party, with 56.7 percent of the votes. Just two months later, the public returned to the voting booths and successfully chose among six different competitors.<sup>28</sup>

Therefore, in many countries there is no option to blank vote and citizens who do not wish to vote for any candidate simply stop voting. Meanwhile, there are also countries wherein an empty envelope or a ballot paper with no candidate selected is referred as a blank vote. However, in Colombia this term is a misnomer as citizens are required to mark a 'None of the Above' option. In fact, the recent political reform allows them to vote for a "promoter" of the blank vote movement, who is registered like a typical candidate.<sup>29</sup>

### United States of America

Nevada is the only state in United States which has "none of these candidates", popularly known as "none of the above" as a voting option. This gives voters the option of "none of these candidates" in statewide races – President, U.S. Senate, state constitutional offices and the Nevada Supreme Court.<sup>30</sup> This option first appeared on the ballot in 1975 along with the named candidates<sup>31</sup>, after Assemblyman Don Mello sponsored the legislation to create this ballot option.<sup>32</sup> It has been noted that if "none of these candidates" option gets majority of votes, even then nothing happens. This was observed in 1976, when None of These Candidates

<sup>25</sup> C-490 of 2011 of the Constitutional Court of Colombia

<sup>26</sup> Registraduría Nacional del Estado Civil, 'Voto en Blanco', available at <<http://www.registraduria.gov.co/-Voto-en-blanco-.html>> (viewed on 5 April, 2015)

<sup>27</sup> William Moore, "Voto en blanco: Change or defiance?" *the city paper*, available at <<http://thecitypaperbogota.com/news/voto-en-blanco-change-or-defiance/>> (viewed on 1 April, 2015)

<sup>28</sup> Editorial, "En Bello, el voto en blanco derrotó al único candidato" *ELECCIONES 2011*, October 31, 2011, available at [http://www.eltiempo.com/elecciones-2011/gobernaciones-2011/home/ARTICULO-WEB-NEW\\_NOTA\\_INTERIOR-10671839.html](http://www.eltiempo.com/elecciones-2011/gobernaciones-2011/home/ARTICULO-WEB-NEW_NOTA_INTERIOR-10671839.html) (viewed on 1 April, 2015)

<sup>29</sup> Supra note 28.

<sup>30</sup> Sandira Chereb, "None Of The Above' Ballot Option In Nevada Upheld By Federal Appeals Court" *Huffington Post*, October 10, 2013, available at [http://www.huffingtonpost.com/2013/07/10/none-of-the-above-ballot\\_n\\_3576469.html](http://www.huffingtonpost.com/2013/07/10/none-of-the-above-ballot_n_3576469.html) (viewed on 1 April, 2015)

<sup>31</sup> Nate Silver "In Nevada, No One Is Someone to Watch" *The New York Times*, August 27<sup>th</sup>, 2010. Available at [http://fivethirtyeight.blogs.nytimes.com/2010/08/27/in-nevada-no-one-is-someone-to-watch/?\\_php=true&\\_type=blogs&\\_php=true&\\_type=blogs&\\_r=1](http://fivethirtyeight.blogs.nytimes.com/2010/08/27/in-nevada-no-one-is-someone-to-watch/?_php=true&_type=blogs&_php=true&_type=blogs&_r=1) (viewed on 6 April, 2015)

<sup>32</sup> Dennis Myers, "None Of These Candidates" *online nevada encyclopedia*, August 26<sup>th</sup>, 2009. Available at <http://www.onlinenevada.org/articles/none-these-candidates> (viewed on 6 April, 2015)

actually won the plurality of votes in the Republican primary for a United States House seat.<sup>33</sup> The new ballot line outpolled the two human contenders with "none of these candidates" receiving 16,097 votes to Walden Earhart's 9,831 votes, followed by 8,097 cast for Dart Anthony. The non-binding nature of the ballot option was immediately demonstrated; Earhart, rejected by the voters, nevertheless won the nomination.<sup>34</sup>

Regardless of the fact that how ineffective this has been, "none of these candidates" as an option have actually won 3 times since its inception in 1975. The Republican primaries for Congress in 1976, Congress and Secretary of state in 1978 are those 3 instances when this option has received most votes. Charles Earhart has lost to "None of these Candidates" in two of those elections<sup>35</sup> yet he was chosen as the Republican candidate for the general elections. This showed the loophole of NOTA in preventing an unpopular candidate from getting elected.

## Spain

'Organic Law 5/1985, of 19 June, the General Electoral System' consists of provisions for the elections by Direct Universal Suffrage in Spain. Its article 96, part 5<sup>36</sup> mentions that a "vote is to be considered blank, but valid, in elections for the Senate, if the envelope has no ballot and also if the ballots have no indication for any of the candidates."<sup>37</sup> The blank/white vote is considered to be a valid vote and is therefore computable for scrutiny; it is also useful in computing statistics for participation. A party needs minimum 3% of the total votes for representation in the general elections, whereas in the local elections, this 'bar' raises up to 5%. These blank votes also affect the small parties that do manage to reach that 3% or 5% mark, in terms of the number of votes needed for each seat,<sup>38</sup> especially with respect to the D'Hondt method which governs the electoral method of accounting in Spain.

Furthermore, it has been noted that Canada<sup>39</sup>, much like Spain, do not specifically have this blank vote provision on their ballot papers, but they do allow their citizens the right to decline to vote or to leave the ballot papers blank in dissent. Therefore, in this manner of its application, NOTA is evidently inefficient, like in the United States, though it is considered a valid vote for scrutiny of the authorities in Spain.

## Pakistan

The Election Commission of Pakistan (ECP) rejected the idea of NOTA as a voting option on its ballot papers in 2013. Before this decision by ECP, the survey conducted by British Council titled Next Generation Goes to The Ballot Box<sup>40</sup>, showed that only one in five young adults

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<sup>33</sup> Supra note 32.

<sup>34</sup> Supra note 33.

<sup>35</sup> Ed Pearce, "Nevada's 'None of these Candidates': A Unique Choice", *KOLO TV*, October 15<sup>th</sup> 2010, available at <http://www.kolotv.com/home/headlines/104995169.html> (viewed on 6 April, 2015)

<sup>36</sup> Organic Law 5/1985, of 19 June, the General Electoral System of Spain, available at [http://noticias.juridicas.com/base\\_datos/Admin/lo5-1985.t1.html# c6s14](http://noticias.juridicas.com/base_datos/Admin/lo5-1985.t1.html# c6s14) (viewed on 6 April, 2015)

<sup>37</sup> Ibid.

<sup>38</sup> Paco Bello, "Diferencia entre voto en blanco, nulo, y abstención" *Iniciativa Debate*, April 10<sup>th</sup>, 2013. Available at <http://iniciativadebate.org/2013/04/10/diferencia-entre-voto-en-blanco-nulo-y-abstencion/> (viewed on 6 April, 2015)

<sup>39</sup> TANSTAAFL CANADA!, "How To Vote For None of the Above", available at <http://www.calebmcmillan.com/2011/03/how-to-vote-for-none-of-above.html> (viewed on 6 April, 2015)

<sup>40</sup> British Council Survey, "Next generation goes to the ballot box", available at [http://www.britishcouncil.pk/sites/britishcouncil.pk/files/next\\_generation\\_goes\\_to\\_the\\_ballot\\_box.pdf](http://www.britishcouncil.pk/sites/britishcouncil.pk/files/next_generation_goes_to_the_ballot_box.pdf) (viewed on 7 April, 2015)

expect their economic situation to improve over the next year.<sup>41</sup> An overwhelming 96 percent of those surveyed said the country was heading in the wrong direction and almost a third said they would prefer military rule to democracy. Just 29 percent chose democracy as the best system for Pakistan, with 40 percent favoring sharia, saying it was the best for giving rights and freedom and promoting tolerance.<sup>42</sup>

Furthermore, Pakistan is not the only country where NOTA once instituted, has been abolished. Former Soviet Union also had this provision in 1991 and after its break-up; Russia had kept on giving this voting option to its voters till 2006 after which it was removed from the ballot slips.<sup>43</sup> Ukraine also had an option of “Vote against all” which was abolished before their 2012 elections.<sup>44</sup> Therefore, the democracy needs to be nurtured with fresh water not just be lip service and implement it in its truest spirit.<sup>45</sup>

### **Bangladesh**

Closer home, the inclusion of the possibility in 2008<sup>46</sup>, for the voters, to tick a “none of the above” option, expressing dissatisfaction at all of the candidates put forward by the political parties. The draft laws stated that in case the “none of the above” option gained an absolute majority in any given constituency, the elections in this particular constituency would have to be repeated for the seat to be filled, with the political parties proposing new candidates. However, this scenario did not materialise in any constituency, with a nation-wide score of just 0.55%. This shows the complete ineffectiveness of the allure of NOTA. Even though the turnout reached 87.06% (the highest in the history of the country) there was no change in the outcome of the polling.<sup>47</sup>

Therefore, the models of use of NOTA internationally show that simply having the option of NOTA on the ballot is not sufficient. What is the use of having that choice to elect no one, yet have them as the political leader due to the fact that the concept of fast-past-the-post option remains unaffected?

### **CONCLUSION**

The objective of elections is to elect and not to reject.

It has been laid out clearly for all to see, that the option of “None Of The Above” no doubt possesses a shiny new exterior, but has been very unsuccessful in answering the woes of the masses. The very candidates the voters seek to see behind bars end up governing their country, NOTA or no NOTA. Bangladesh, the country sharing a boundary with India, very recently saw the measure of NOTA fall flat on its face as it was unable to defend the people very similar. The same drawback was experienced in Pakistan (another neighbor state), subsequently

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<sup>41</sup> Yasmeen Ali, “No Vote Option?” *Pakistan Observer*, available at <http://pakobserver.net/201304/07/detailnews.asp?id=202966> (viewed on 7 April, 2015)

<sup>42</sup> *Ibid.*

<sup>43</sup> Lilia Shevtsova, *Russia: Lost in Transition: The Yeltsin and Putin Legacies* (Carnegie Endowment for International Peace, 2007)

<sup>44</sup> Thomas Kok, “Ukraine” *European Forum for Democracy and Solidarity*, available at <http://www.europeanforum.net/country/ukraine> (viewed on 7 April, 2015)

<sup>45</sup> *Supra* note 42.

<sup>46</sup> Manjari Katju, *supra* note 11.

<sup>47</sup> European Parliament, Report: *LEGISLATIVE ELECTIONS IN BANGLADESH ELECTION OBSERVATION DELEGATION* (27-31 December). Available at [http://www.europarl.europa.eu/intcoop/election\\_observation/missions/2004-2009/20081229\\_bangladesh.pdf](http://www.europarl.europa.eu/intcoop/election_observation/missions/2004-2009/20081229_bangladesh.pdf) (viewed on 4 April, 2015)



leading to NOTA withdrawal from its ballot papers in the 2013 general elections. The list of failures is numerous yet it is not a failure in its entirety. It is a breath of fresh air, turned to smog by the pollution which has infiltrated its system.

The authors would like to add on a personal note that this can bring a semblance of change in the political system of India, if, instead of fictitious power, actual power to dismiss candidates is handed over to the voters. To reject completely, a candidate they dislike and distrust, from leading the country, as is enlisted and practiced in the model of Colombia.

This means that as NOTA is today, introduced and practice, is a regressive policy, superficial and shallow, yet it can be the change so desperately needed if some depth is added to the policy and it is made bulletproof.

