

ಕರ್ನಾಟಕ ವಿಧಾನ ಸಭೆ, ಸಂಶೋಧನಾ ಹಾಗೂ ಉಲ್ಲೇಖನಾ ಶಾಖೆ

KARNATAKA LEGISLATIVE ASSEMBLY, RESEARCH AND REFERENCE BRANCH

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Court Matter

ಇಲಾಖೆ / ವಿಷಯ : DEPARTMENT / SUBJECT:

ಪತ್ರಿಕೆಯ ಹೆಸರು : NAME OF THE NEWS PAPER:

Times of India ದಿನಾಂಕ : DATE : 16/3/21

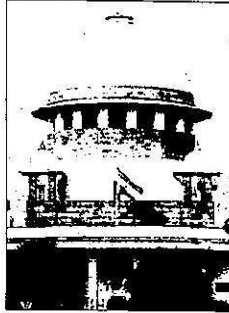
PIL: If NOTA gets most votes, all candidates should be rejected

Should Voters Get To Reject Candidates, SC Asks Centre, EC

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New Delhi: Eight years after giving voters the 'none of the above' (NOTA) option in elections, the Supreme Court on Monday asked the Centre and the Election Commission whether it would be legally permissible to reject all candidates in the fray if NOTA votes exceeded that of the candidate securing the highest number of votes.

A bench of Chief Justice S A Bobde and Justices A S Bopanna and V Ramasubramanian agreed to entertain a PIL filed by advocate Ashwini Kumar Upadhyay but said such a move could cause disruptions in formation of Parliament and assemblies after elections. Senior advocate Menaka Guruswamy, appearing for Upadhyay, said though NOTA was an option for voters, it didn't appear to have prodded political parties to select "good candidates" sans criminal antecedents as the number of NOTA votes had no impact on the outcome of elections. "The petitioner wants that if NOTA votes exceed that of the winning candidate, then the election should be cancelled and



Imagine a political party having influence over voters succeeding in convincing them to cast negative votes in many constituencies. This would result in many seats in Parliament and assemblies going vacant and make it difficult for constitution of Houses, the court said

fresh election be held," she said. The CJI said in our electoral system, this could be counter-productive. "Imagine a political party having influence over voters succeeding in convincing them to cast negative votes in many constituencies. This would result in many seats in Parliament and assemblies going vacant and make it difficult for constitution of Houses. Moreover, a constituency would go unrepresented for a long time," the bench said.

Guruswamy said rejection of all candidates would make political parties select those with clean track records and this would go a long way in preventing criminalisation of politics. The CJI asked, "Do you think political parties do not do this exercise?"

The petitioner replied, "If NOTA gets a majority of votes, then election to that constituency should be cancelled and a fresh election should be held within a particular time. The candidates rejected in nullified elec-

tions should not be allowed to participate in the fresh election. The right to reject contesting candidates and elect a new candidate, if NOTA gets maximum votes, is not only necessary to ensure free and fair election but is also essential for de-criminalisation and de-communalisation of polity."

NOTA as an option was introduced in EVMs on the basis of the SC judgment in PUCJ case on September 27, 2013. The SC had said, "For democracy to survive, it is essential that the best available men should be chosen as people's representatives. Thus, in a vibrant democracy, the voter must be given an opportunity to choose NOTA, which will compel political parties to nominate a sound candidate." On October 29, 2013, the EC had issued a circular saying in the event of NOTA getting votes which exceed the number of votes polled by any candidate, then the one with the highest number of positive votes would be declared winner.

Keep 2015 as base year to fix panchayat poll quota, says HC

Ravi Singh Sisodiya | TNN

Lucknow: A Lucknow bench of Allahabad high court on Monday directed the state government and the state election commission to finalize the reservation of seats by adopting 2015 as the base year in the forthcoming three-tier Panchayat elections in Uttar Pradesh. The court also extended the deadline to complete the whole election process by May 25, 2021. Passing the order, a division bench of Justice Ritu Raj Awasthi and Justice Manish Mathur also quashed the state government's notification of February 11, 2021 through which it had announced the recent elections, holding that the notification provided reservation exceeding 50%, which cannot be permitted in law.

The bench passed the order on a PIL filed by one Ajai Kumar challenging the February 11, 2021 notification and seeking 2015 as the base year for calculation of reservation on the seats. Earlier, During course of hearing on Monday, Advocate General Raghvendra Singh apprised the bench that the government had no objection in taking 2015 as the base year for calculating the reservation on seats.