



## Uncontested Electoral Victory

**For Prelims:** [Representation of the People Act, 1951](#), [NOTA](#), Rule 49-O, [Election Commission of India](#), General Financial Rules, [Supreme Court of India](#), [National and State Parties](#)

**For Mains:** Consequences of 'Getting Elected Unopposed', Representation of the People Act, 1951, Effectiveness of NOTA

[Source: TH](#)

### Why in News?

Recently, the Bharatiya Janata Party (BJP) candidate from the Surat Lok Sabha constituency in Gujarat has been [declared elected unopposed](#).

- This follows the rejection of the nomination papers of the other candidates and the withdrawal of nominations by other candidates.

### What are the Requirements for Valid Nomination?

- **Section 33** of the [Representation of the People Act \(RPA\), 1951](#) contains the requirements for a valid nomination.
  - An elector **above 25 years of age** can contest the Lok Sabha election from any constituency in India.
  - The proposer(s) of the candidate should be an elector(s) from the respective constituency where the nomination is being filed.
  - In the case of a [recognised party \(national or State\)](#), the candidate needs to have **one proposer**.
  - Candidates set up by **unrecognised parties** and independents need to be subscribed by **ten proposers**.
  - A candidate **can file up to four nomination papers** with different sets of proposers.
    - This is to enable the acceptance of the nomination of a candidate even if one set of nomination papers is in order.
- **Section 36** of the RP Act sets out the law concerning the scrutiny of nomination papers by the **Returning Officer (RO)**.
  - It provides that the RO shall not reject any nomination for a defect that is not substantial. However, it specifies that **the signature of the candidate or proposer found not genuine** is grounds for rejection.
- **Section 53 (3)** of the RPA, 1951 deals with the **procedure in uncontested elections**.
  - According to this provision, if the number of such candidates is less than the number of seats to be filled, the RO shall forthwith declare all such candidates to be elected.
- The RO's actions are governed by Section 33 of the Act, which pertains to the presentation of nomination papers and requirements for a valid nomination.

### What Led to Nomination Rejection in Surat Lok Sabha constituency?

- The candidate of the Congress party for the Surat constituency filed three sets of nomination papers.
- A BJP worker objected to the candidate of the Congress party, alleging that the **signatures of his proposers were not genuine.**
- The RO received affidavits from the proposers claiming that they had not signed the nomination papers.
  - As the proposers could not be produced before the RO within the stipulated **time, all three sets of nomination papers were rejected.**
- The nomination of the Congress party's substitute candidate, was also rejected for the same reason.
- This paved the way for the BJP candidate, to be **declared the winner unopposed.**

#### Note:

- There have been at least 35 candidates who have been elected unopposed to the Lok Sabha. The majority of them were in the first two decades after independence with the last being in 2012.

### What Does Legal Recourse Entail?

- **Article 329(b) of the Constitution** read with the RPA, 1951 provides that **no election shall be called into question except by an election petition before the concerned High Court.**
  - One of the grounds on which such an election petition can be filed **is an improper rejection of nomination papers.** Hence, the legal recourse available is to file an election petition in the Gujarat High Court.
  - The RP Act provides that **High Courts** shall endeavour to conclude such trials **within six months**, which has mostly not been followed in the past.
  - Speedy disposal of election petitions would be a step in the right direction.

### Uncontested Elections

- The ECI's handbook for returning officers states that **if only one candidate is contesting in a constituency**, they should be declared elected immediately after the deadline for withdrawal of candidature, and **a poll is not necessary in that case.** This is called Uncontested Elections.

### What are the Concerns Regarding Declaring Results in Uncontested Elections?

- **Democratic Implications:**
  - Uncontested victories raise questions about the legality of declaring candidates elected **without a competitive electoral process**, potentially undermining the democratic principle of representation.
  - The **system** favours contesting candidates, as the RPA allows for a complete boycott to result in **zero votes for all candidates.**
  - This contradicts the idea of democracy and raises questions about potential **reforms such as introducing a minimum percentage of votes for winning candidates** or transferring uncontested seats to nominated individuals.
- **Voter Engagement and Choice:**
  - Uncontested elections limit voter engagement and choice, depriving constituents of the opportunity to express their preferences through the electoral process.
  - In an uncontested election, **there is a victor but no "vanquished" party.** Those who are ruled out under the Rules or voluntarily withdraw are effectively denied the opportunity to contest.
  - This process does not allow **electors to exercise the [None of the Above \(NOTA\) option](#)**, which was introduced to "enlighten" political parties and candidates about voters'

perceptions.

- The NOTA option, however, has been criticised as a "**toothless tiger**" as it does not impact the election process in any meaningful way, despite it **receiving over 1.29 crore votes** in the last five years.
  - There are **instances where political parties received fewer votes than NOTA.**
- The EC's position is that the **candidate with the most votes in any constituency will still be declared the winner**, regardless of the number of NOTA votes.
- However, in Maharashtra, for local bodies' polls, **NOTA is treated as a fictional candidate**, and if **NOTA receives the highest votes, the Commission will conduct a re-poll.**
- The [Supreme Court](#) recently asked the **Election Commission** to respond to a **plea for fresh elections** in constituencies where NOTA received the majority of votes.
- Under **Rule 49-O** of the Conduct of Elections Rules, 1961, electors can **choose to refuse to vote**, and the presiding officer must remark the records.
  - Such an option gives the voter the **right to express his disapproval of the kind of candidates being put up by the parties.**
  - There is a difference between an elector exercising Rule 49-O and one using the NOTA option.
    - In the case of the former, the likelihood of such an elector compromising his or her secrecy is high, as there is a procedure to be followed manually at a polling booth. However, in the case of the latter, there is no such issue.

### Parallel in Financial Rules and Electoral Process:

- The **General Financial Rules (GFRs)** that deal with the **public finances of India**, emphasise the need for a fair and transparent procedure in public procurement.
  - While the GFRs allow for a '**Single Tender Enquiry**' in certain cases like standardisation or emergencies, they also **state that lack of competition should not be determined solely by the number of bidders.**
  - Even a single bid can be **considered valid if the procurement was sufficiently advertised** and the criteria were not overly restrictive.
- This is similar to the process followed under the RPA, 1951 where electors are meant to choose from available alternatives. However, if there is only a '**single bidder**' (i.e. **candidate**) to represent the constituency, the **voter is effectively excluded from the choice process.**
  - This creates a dichotomy, where a **candidate with no votes can end up representing an entire constituency in Parliament.**

### Way Forward

- **Amending the First-Past-the-Post (FPTP) System:**
  - The [FPTP system](#) is also known as the **simple majority system**. In this voting method, the **candidate with the highest number of votes** in a constituency is declared the winner.
    - While FPTP is relatively simple, it **does not always allow for a truly representative mandate**, as the candidate could win despite securing less than half the votes in a contest.
  - Consider introducing a **minimum percentage of votes required for the winning candidate** to address the issue of candidates being elected without a significant mandate.
- **Handling Lack of Candidates:**
  - Explore the possibility of transferring the seat to the nominated category, where the **President of India can nominate a person** as per prescribed qualifications if no candidate offers themselves for elections.
- **Strengthening the NOTA Option:**
  - Investigate ways to make the NOTA option more impactful, potentially by considering it as a valid vote and incorporating it into the electoral process in a meaningful way, ensuring

that **voter dissatisfaction is reflected in election results.**

▪ **Speedy Disposal of Election Petitions:**

- Ensure expedited resolution of election petitions filed in cases of nomination rejections or electoral disputes.
- High Courts should endeavour to conclude such trials within the stipulated time frame of six months, promoting timely justice delivery and accountability.

**Drishti Mains Question:**

**Q.** Assess the democratic implications of uncontested electoral victories, particularly in the context of representation and voter engagement.

**Q.** Propose reforms to address challenges identified in the Indian electoral system, such as nomination rejections, lack of competition, and voter disenchantment.

## **UPSC Civil Services Examination, Previous Year Questions (PYQs)**

### **Prelims**

**Q. Consider the following statements: (2017)**

1. The Election Commission of India is a five-member body.
2. The Union Ministry of Home Affairs decides the election schedule for the conduct of both general elections and bye-elections.
3. Election Commission resolves the disputes relating to splits/mergers of recognised political parties.

**Which of the statements given above is/are correct?**

**(a)** 1 and 2 only

**(b)** 2 only

**(c)** 2 and 3 only

**(d)** 3 only

**Ans: (d)**

### **Mains**

**Q.** Discuss the role of the Election Commission of India in the light of the evolution of the Model Code of Conduct. **(2022)**

**Q.** To enhance the quality of democracy in India the Election Commission of India has proposed electoral reforms in 2016. What are the suggested reforms and how far are they significant to make democracy successful? **(2017)**