

Conscience vote creates uncertainty!

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ON the 10 July, 2012, Presidential candidate Mr Pranab Mukherjee entertained the media at his residence. By all accounts, he was extremely cheerful and relaxed. He had good reason to be. Political parties had overwhelmingly extended official support to him and the numbers were heavily on his side. When asked about the possibility of a conscience vote, Mr Mukherjee pointed out that the voting for Presidential poll voting took place along party lines and their assured votes. He said that ever since 1992, when the coalition era in national politics had begun, all voters had obeyed their respective party line. Media persons heard him with deference because of his knowledge about the way governance and politics are conducted in this country.

Well, for a leader of his vast experience, Mr Mukherjee has displayed not only surprising ineptitude in writing his own signature but also in appreciating electoral law related to the Presidential election. What he told media flies in the face of what I had written at the start of this month. I had questioned Mrs Sonia Gandhi, Mr Sharad Pawar and Mr Prakash Karat for dictating to their party members how they should conduct themselves for the Presidential election. I pointed out that voters in the Presidential poll were not expected to represent their parties but their respective constituents. The President was not expected to represent any party but the people of India. That is why the dictation by Mrs Gandhi and the rest violated electoral law. I wrote: "All three decisions (by Mrs Gandhi, Mr Pawar and Mr Karat) were violative of electoral law and of the respective party constitutions. The Election Commission should examine these cases to decide whether such coercion to influence presidential polling is permissible."

Just one day after Mr Mukherjee contradicted my

view, the Election Commission (EC) rubbished his own view to uphold mine. The EC forbade political parties from issuing any direction or whip to members to vote or not as it would tantamount to an offence of undue influence. The EC said: "Political parties cannot issue any direction or whip to their members to vote in a particular manner or not to vote at the election leaving them with no choice, as that would tantamount to the offence of undue influence within the meaning of Section 171C of the IPC... In the Commission's opinion, the voting or not voting in the Presidential poll as per the member's own free will not come within the ambit of disqualification under the Tenth Schedule (Anti-Defection Law) to the Constitution of India."

Indeed, a conscience vote in the Presidential election is not an aberration but the norm. Indira Gandhi's call for a conscience vote in 1969 has been much misunderstood. She invited criticism not because she sought a conscience vote but because she betrayed the candidate whose name she had proposed for the office by campaigning and voting against him. Can there be a repeat of the 1969 Presidential contest? Senior journalist Mr Sam Rajappa had opined that there can be. When he first predicted the possibility, it appeared too remote for serious consideration. After the EC's latest statement, the possibility cannot be entirely ruled out. True, the national mainstream media has ignored the EC's statement by not covering it in print or TV channels. Perhaps the intention was to prevent MPs and MLAs from knowing about the EC's command. But news can also travel by word of mouth. The impact of a conscience vote on the Presidential poll has become a distinct possibility.

The writer is a veteran journalist and cartoonist