

Swatantra Party

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Statement of Mr. M.R. Masani, Leader of the Swatantra Party in Parliament.

The Presidential election, contested as it is for the first time, is proving to be highly educative. This part of our Constitution had fallen into disuse like several others. It is a good thing that our new democracy should learn to use the various limbs of the body politic.

Unfortunately, certain misconceptions have crept into the discussions connected with this election. There are two bogeys that have been raised and a red herring drawn across the trail to cloud the issues that need to be dealt with so that the real issues in this election can be seen clearly.

The first of the bogeys which has been raised is that, if Dr. Zakir Hussain is defeated in the Presidential election, this in some mysterious way will involve the fall of the Congress Government in New Delhi. To any student of the Constitution this is a non sequitur.

Our Constitution provides for a system of checks and balances between the Executive, the Legislature and the Judiciary. It is for the purpose of preserving such a balance that the Constitution provides that the President of the Republic shall not be elected by Parliament but by the entire people through an electoral college representing them. On the other hand, the Cabinet of the day is made responsible to the Lok Sabha. The result of the Presidential Election cannot in any way therefore affect the survival of the present government so long as it continues to enjoy the confidence and support of the majority of the members of the Lok Sabha. If this were not so, the absurd situation would arise that the present Government would resign while still enjoying a Parliamentary majority, thus creating a vacuum that cannot be filled by anyone else.

In any event, Dr. Zakir Hussain is not the candidate of the Union Government nor of the Congress Parliamentary Party, which was not even consulted in the matter. He is the nominee of the Congress Party caucus. It would therefore be logical and proper for a Congress Member of Parliament or of a State Assembly to think that the Congress Parliamentary Board has made a poor choice, to give his first preference vote to Mr. K. Subba Rao and yet continue to support the Congress Government in New Delhi or in his own State as the case may be. Any possible weakening of the present Prime Minister's position within her own party as a result of the defeat of her candidate would be a matter of purely domestic concern.

The second bogey is that the Swatantra Party wants the President of the Republic to over-rule the Cabinet and Parliament and become a dictator. This of course is fantastic nonsense. We are firm believers in Parliamentary Democracy. That does not, however, mean that the President of the Republic should be a mere rubber stamp. The current political situation is marked by two new features. The first is that in more than half the States of the Union there are governments of political colours different from that of the Union. The second is that the Congress Party at the Centre has only a slight edge over the Opposition in the Lok Sabha. In these conditions, we believe that only an independent, non-party man can do justice to the functions of the President. We feel that there is need for a slight change here from the record of the last seventeen years. I shall give an example or two to illustrate my point.

There was a Cabinet crisis in Rajasthan soon after the General Elections and a Presidential Proclamation was issued suspending constitutional government. We felt it was a step that the President should not have taken on the advice of the Union Government. In our view, the President would have been entitled, in terms of his constitutional rights and functions, to ask the Governor of Rajasthan to call the Leader of the Opposition to form a government. It was only if the Opposition Leader had declined to accept the invitation or had failed to form a government with the support of a majority in the State Assembly that the Presidential Proclamation would have been in order.

Another case is that of the so called "Emergency" declared in 1962 after the Chinese aggression that has lasted till this very day. There has been no excuse for this Emergency to continue for several years now. The personal liberties and rights of thousands of citizens down to the villagers have been trampled by the Defence of India Act and the Defence of India Rules. We felt that the President should have called on the Union Government to abrogate the Presidential Proclamation of Emergency and restored full civil liberties a long time back. If the Union Government had refused to accept his advice, he should have offered to tender his resignation as President.

These are examples to show what we have in mind when we talk of an independent man as the President who is not merely a rubber stamp. This is a far cry from the suggestion of suspending Parliamentary Democracy and the establishment of a dictatorship as has been perversely attributed to us, for example, in the editorial of an English language daily this morning.

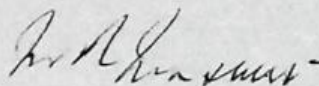
A red herring drawn across the trail is what is loosely described as "secularism", but which can more correctly be described as our "non-denominational democracy". The discussion on this subject has been based on two false assumptions. The first is that somehow Dr. Zakir Hussain was entitled to be promoted to the Presidentship. The second that he is being opposed by the Opposition Parties because he is a Muslim. Both these assumptions are utterly baseless. The retiring Vice-President has no prescriptive right to be elected President. This is made perfectly clear by the Constitution which prescribes that, if the President should die during his term of office, the Vice President does not succeed him as in the United States, but a successor has to be newly elected within six months.

The second assumption that Dr. Zakir Hussain is being opposed because he is a Muslim is utterly groundless in so far as we of the Swatantra Party are concerned. Our Statement of Principles and the Election Manifesto of our Party make it clear beyond doubt that our Party is irrevocably wedded to non-denominational democracy, that it respects all religions equally and that it is a special friend of the Minorities, whether they be Muslim, Christian, Sikh, tribal or hill peoples. If nonetheless our Party does not find it possible to support Dr. Zakir Hussain, it is not because he is a Muslim, but in spite of the fact that he is a Muslim.

It is the self-appointed champions of "secularism" who have imported communal considerations into the Presidential election. Do they mean that, even if a Muslim candidate is less fitted than his rival for a certain position, he must be elected nonetheless? In what way, may one ask them, is the Opposition slate of Mr. Subba Rao and Prof. Habib less "secular" in its character than the Congress Party's slate of Dr. Zakir Hussain and Mr. Giri? Does this peculiar concept of "secularism" not imply that members of the Muslim and other minorities are backward people who cannot be judged on their own merits and who must therefore be patronised and protected in this offensive manner? Non-denominational democracy as embodied in our Constitution guarantees equality of status and opportunity, and the issue in this election is therefore surely the eligibility of the candidates concerned and not their religion or community.

Judged by this criterion, it is the Swatantra Party's view that Mr. K. Subba Rao, by reason of his record, background and personal qualities, is in current conditions better suited to be the President of the Republic and the Supreme Commander of the Armed Forces than Dr. Zakir Hussain. The Congress nominee, apart from his age, failing health and conformist temperament, has been and continues to be associated with the Congress Party. Though we hold Dr. Zakir Hussain in personal esteem and regard, we feel that these considerations come in the way of our supporting his candidature on merits. On the other hand, what the country needs at the present moment is an independent, non-Party man who would decline to be a mere rubber stamp for this or any other government that may be in office. In the view of all political parties in India except one, Mr. Subba Rao is that kind of man.

It is a great pity that irrelevant considerations of party politics, religion and community have been imported by certain people into this electoral contest where the suitability of the candidates for this particular assignment should be the only issue. I am hopeful that all members of the electoral college regardless of party affiliation will have in mind these considerations of national importance when they cast their votes on May 6.


(M. R. MASANI)