



Politics of Building Majority through Defections Need Closer Examination

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PR9.NET February 22, 2007 - New Delhi - Whatever the politicians say must be taken with a pinch of salt as words acquire different meaning even if one were not to closely examine the motives, which seldom match the facts presented to public. There is little doubt that the current debate regarding use of Article 356 to impose President's rule in Uttar Pradesh would not have created the controversy if this particular provision of the Constitution had not been the one which has been abused and misused over the years to the extent that many in the country would be happy if it was scrapped for good.

The principle of a floor test is to decide if the Government in power enjoys majority or not is a sound one, but even this has been abused over the years. For instance majority is built up by bribing members, encouraging horse-trading and in some as it was in U. P. by misusing the office of the Speaker. It is this misuse which is the core issue in the current controversy as the highest court in the country has pronounced that the majority shown by Mr. Mulayam Singh at the time when he formed the Government was doubtful as it was done by describing the simple act of defection as split in the Bahujan Samaj Party.

The argument by SP is not to defend their act which has been subject of pronouncement by Supreme Court by to argue that even if the members in question were disqualified they continue to enjoy a majority support because in the meantime they have managed to persuade more members to leave the parties on whose tickets they were elected and join hands with SP. As such one can state that SP is continuing with its sinister plan of encouraging defections and should not be held responsible or pronounced guilty for their original sin.

Surprisingly such a dubious stand is drawing support from a vast majority because they have some serious objections to use of Article 356, which will be applied if Central rule was to be imposed in U. P. As such one can easily conclude that the objection is not to the logic used for dismissing the U. P. Government but to the provision under which it will be done because of its misuse over the years. This objection is valid to the extent that misuse of Article 356 over the years is an accepted fact and no one can defend the same.

But bigger is should we allow the present Government in U. P. to continue because a large majority looks suspiciously at everything connected with Article 356 of the Indian Constitution. Some of the alternatives suggested are to say the least are ridiculous to the extent that they will allow Mr. Singh and his cronies to get away with gross misuse of power to stay in power because legal machinery can not act quickly enough to offer relief and another reference to them will only give enough time to guilty to make any future pronouncement on the subject meaningless as the cause of complaint itself will disappear with election of new Assembly.

Under the circumstances one wonders how we can get out of the current mess, which has been created by general misuse of provisions of the Constitution by parties in power at the Centre. The regional parties in general are opposed to it because they had been victims of it in the past. The two major political parties, i.e. Congress and BJP are in its favour as such it will be one case where the Government will not act even though the opposition also in favour of it. So in a nutshell we will have the will of minority imposed on majority because of other considerations.

This is one case which may persuade a bigger debate on the issue of how the strength of political parties be tested in State Assemblies or Parliament in case there is doubt. Sarkaria Commission suggested the floor test in their wisdom, but the utility of such a test has come under question in present case. As such even if the Mulayam Singh manages to survive or is dismissed, the issue needs further examination and our political parties as well as judicial bodies should not feel shy in doing so.

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About Dipayan Mazumdar & Associates

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