



Presidential Election in Indian Parliamentary Democracy with Special Reference to Presidential Election 2012

• Kriti • Trishla • Jayanti Mishra
• Shabana P. Mallick

Received : November 2012

Accepted : March 2013

Corresponding Author : Shabana P. Mallick

Abstract : *The study of the Presidential election in the Indian Parliamentary Democracy is of immense significance as the President is the constitutional head of the state and the Constitution of India ordains indirect election for the President. The nomination, campaign and election of the 13th President of India witnessed a high political drama, though the President is supposed to be apolitical. Political issues, controversies, debates, result and reaction to the result surrounding the 14th Presidential election are highlighted in this research project.*

Here subtle attempt is made through empirical method to collect and analyse the data to investigate the problem under study, especially in the coalition era of multi party system in India characterised with confrontationalist - conflictual orientation coupled with cooperative - bargaining orientation. The election of the President now being dominated with party politics as each political party used the election of the President as a yardstick to measure their power and strength in the political scenario of India. The regional political parties play an influential role not only in the regional politics and the formation of government at Centre but also in the selection of Presidential candidate and its election. Since the beginning, Congress was confident about Pranab Mukherjee's victory and claimed that Pranab Mukherjee would secure about 70 percent majority against the oppositional candidate. While the citizens of India hoped for a dignified contest things threatened to take an acrimonious turn due to allegation and element of desperation.

Keywords: *confrontationalist, conflictual, bargaining.*

Kriti

B.A. III year, Political Science (Hons.), Session: 2010-2013,
Patna Women's College, Patna University, Patna,
Bihar, India

Trishla

B.A. III year, Political Science (Hons.), Session: 2010-2013,
Patna Women's College, Patna University, Patna,
Bihar, India

Jayanti Mishra

B.A. III year, Political Science (Hons.), Session: 2010-2013,
Patna Women's College, Patna University, Patna,
Bihar, India

Shabana P. Mallick

Assistant Professor, Department of Political Science,
Patna Women's College, Bailey Road,
Patna – 800 001, Bihar, India
E-mail : shabanapmallick@gmail.com

Introduction :

The unprecedented thrill and suspense generated around the elections to a post as titular and ceremonial as the President of India is over. Former Finance Minister Pranab Mukherjee sworn in as the nation's 13th President on 25th July, called for eradicating poverty from the country's dictionary and said 'trickle-down theories' will not address aspirations of the poor. **UPA nominee Pranab Mukherjee** has won the President's post at an overwhelming majority against his rival **former Lok Sabha Speaker PA Sangma**. Pranab has been elected as the 13th president of India and he is the first Bengali leader to take over the lead at Rashtrapati Bhavan.

As the formal head of state of Republic of India, the President of India is elected from a group of nominees by the elected members of the Parliament as well as of the State Legislatures. The mode of election of the Indian President is completely different from that under the American Constitution. It is a unique election in that the representatives of the people choose for President (Kapur and Misra 2006:130). In our study we will go through the constitutional provision of Presidential election— nomination, controversies, results, the reaction towards result as well as we will come over various findings and recommendation out of public views.

The country has a Parliamentary government and President does not have much power, however, both the offices of the President and Prime Minister seemingly enjoy the status of the head of the state and the head of the government respectively.

Hypotheses:

The basic assumptions on which this research work was based are as follows:

- Indirect election of President is ultimately the representation of the people.
- Government nominee have more chances of victory in Presidential election.
- Present Presidential Election of 2012 is directly influenced by party politics.

Objectives:

The main aim and objectives of the study are:

- To assess the relevance of Presidential election in Indian Parliamentary Democracy.
- To analyze the party politics involved in the Presidential election 2012.
- To recommend some tangible reforms in the procedure of Presidential election in India.

Methodology:

This work was an empirical study based on both primary and secondary methods. Under the primary method we prepared a set of 15 questions. It contained question related to the relevance of Presidential election in Indian democracy, opinion regarding election norms and their opinion regarding twists and turns of present Presidential election of 2012. For content analysis we went through books of various authors and also availed recent data from the internet, magazines and journals. The sample method was incidental cum purposive and sample size included 100 respondents from the common masses. Patna city was taken as the area of study.

In the present Presidential election, amongst the various expected candidates, we had finally two contestants UPA- backed Finance minister Mr. Pranab Mukherjee and P.A Sangma, the self styled candidate initially proposed by regional party of the eastern state of Odisha and ultimately supported by the National opposition Party, was seemingly desperate to reach the Raisina Hills playing on his tribal card and on the first ever tribal President of a country. However, in the UPA, there was a rift between the TMC and Congress over the candidate to be proposed. West Bengal Chief Minister, Mamta Banerjee the Head of TMC kept the suspense till the last minute to spell out whether or not it would vote for Mr. Mukherjee.

With the polling on 19th July 2012 the result led Congress leader Pranab Mukherjee's big win in the Presidential election- which made him the 13th

occupant of the Rashtrapati Bhavan- marks the return of the active politician at Raisina Hills after three successive Presidents who have either past their prime in politics or did not have a political background at all. Mr. Mukherjee is the third President to go directly to Rashtrapati Bhavan from the Union Cabinet after Dr. Fakhruddin Ali Ahmed and Giani Zail Singh. Pranab Mukherjee secured 68.12% of vote cast while Sangma managed only 30.15 %.

The anti-corruption activist group Team Anna criticised Mukherjee by saying that the country now had a “corrupt President” because of various controversies highlighted at the time of election. Mr. Mukherjee since has enjoyed support even in opposition, but several controversies surround him made him easily vulnerable to the criminal charges like the Rice scam, charges of favouritism, involvement in getting money through Hawala from Jain Brothers which came to be known as Hawala scam, delaying CBI enquiry into the navy war leak case by claiming that the pendrive contained only commercial information, interfering in the functioning of SEBI, an active role in enforcing the repressive regime unleashed by Prime Minister Indira Gandhi during emergency and many more.

The heat and dust generated by this controversy was such that Sangma demanded that the UPA nominee candidature be quashed. In spite of such denials, the overwhelming impression in New Delhi's political circles, including among parties had supported Pranab candidature.

Result and Discussion:

Through this empirical study views of common people from all strata of social life were taken. On the issue of the form of democracy, 88% of the respondents supported parliamentary democracy as the better of form of democracy compared to the presidential democracy. India being the largest democracy has been following the parliamentarian set up since pre-independence as a result of British colonization and has proved to be a great success. The Framers of Indian Constitution discarded the Presidential System fearing that it would create constitutional deadlocks (Agarwal, 2007 : 451).

The head of State is expected to be above party politics, every vote for or against him is expected to be a conscience vote. This is meant to avoid trivialisation of the election process by the plain parochialism of party politics (Palkhiwala, 1992 :8). While analyzing the role of party politics in Presidential election, it was found that 53% of the respondents were of the view that party politics do play important role. Party politics play a major role in the nomination, campaign and election of the President. In the 14th Presidential election, the struggle for power between the different political parties was witnessed. The Regional Political Parties played a great influential role such as fielding a rival candidate against the government nominee, compelling the national political party to the acceptance of their candidate and even some regional parties voting against their alliance partners at the Centre.

On evaluating people's view regarding the Presidential candidate to be a political or a non-political figure it was found that 45% of the respondent supported the candidature to be a non-political person, so that he can work as a neutral person staying away from the party politics, as the way the office of the President suggests. The people of India always want the country's highest post to go to a non-political person so that constitutional obligations can be carried out without fear or favor. However, many others supported that the candidature of Indian Presidency should be a political figure that should be willing to interfere in politics. We have had already political appointees as president. Some of them have served with distinction and others have put the party above the people of India. The person occupying the office should be one who is highly respected, secular and a person with impeccable integrity and unquestionable moral fiber.

Data available showed that government nominee as the Presidential candidate has more chances of winning the Presidential election. The Indian Constitution has put in its maximum effort to be unbiased and fair in choosing the President; thus making sure that he/she should not always be

from the ruling party. But a trend analysis shows that the ruling party nominee always wins irrespective of whether he/she is the most deserving candidate. Former President Pratibha Patil was nominated for Presidency by the ruling UPA; APJ Abdul Kalam, too, was chosen by then Prime Minister Atal Bihari Vajpayee. Thus the President elected becomes a mere puppet of the ruling government in most cases. Even our Constitution has not laid down any guidelines pertaining to Presidential election by the Electoral College. Political parties select their candidates for the post to fulfill their own political interests; thus reducing the authority of this chair, which is also expected to maintain checks and balances on both houses of Parliament while 29% of the people do not agree with the statement. Giving the example of the presidential election of 1969 V.V.Giri v. Sanjeeva Reddy, in which V.V.Giri won the post not being the government nominee, shows that it is not always necessary that a government nominee has better chances to win. The Presidential election of 1969 showed the wide-open character of the Indian Party System and ambiguities arising out... factions within the Congress Party utilize the existence of other parties to press their positions inside the party, the other parties like the Communists on the one hand and the Swatantra and the Jan Sangh on the other also tried to utilize rival factions in the Congress for pressing new alignments in the party system (Kothari, 2003 : 320-321). Mrs. Gandhi won the battle for the presidency with the election of her candidate V.V. Giri against the official Congress nominee, Sanjiva Reddy. However, in the process, she was expelled from the Congress and lost control over the party organisation (Brass, 2004:19).

During our research work, we try to know the reaction of people regarding the participation of corrupt MP's and MLA's in the presidential election of which 88% of the respondents emphasizes on the disqualification of the MP's and MLA's with corrupt/criminal background. People put their strong views towards their disqualification as these corrupt politicians in long run degenerates the

society into several misfortunes and evils and hence, should not be allowed to take the decision for the first citizen of our country.

National Election Watch (NEW) has analyzed the affidavits submitted to the Election Commission of India of 772 out of 776 MPs and 4063 out of 4120 MLAs (a total of 4835 out of 4896) in all the states of India which forms the Electoral College and who will be voting on the Presidential Elections to elect the new President of India. As many as 31% MPs/ MLAs who cast their votes in Presidential election had criminal cases pending against them in police record and 48% are crorepatists, according to study done by the National Election Watch (NEW) and Association of Democratic Reforms (ADR), bodies representing over 1200 civil society groups working on electoral reforms, improving democracy and governance in India for the last several years.

Putting our query over the method of calculation of votes of MP's and MLA's as a complicated method, half of the respondents claimed it as a complicated method. While 35% of the people suggest that this is no longer complicated compared to the direct election method which requires a vast polling behavior, calculation of votes from every constituency, large amount of wastage of money, proper security arrangements etc.

The President shall be a representative of the nation as well as a representative of the people in the different states (Basu, 2004 : 167). Hence regarding the uniformity of votes of MLA's belonging to different state 37% of the respondents favored uniformity of votes belonging to different states as India is a federal state and there must be an equal representation of each state at the center however, majority of the respondents did not favour this opinion advocating that each state has different population pattern and hence needed proportional representation with respect to their population pattern. The election of the President have to be completed even though there may be some vacancies in parliament or in some of the state assemblies, or even if the assembly of any

state has been dissolved and there is no assembly in existence in the state (Avasthi, 2001 : 245).

46% of the respondents were of the opinion that if A.P.J. Abdul Kalam would have contested instead of P.A. Sangma result would have been absolutely different as he was more competent and popular candidate for this post and he has shown his work in his last tenure which gives him good remarks. Whereas 41% of the respondents does not support this view as Pranab Mukherjee was the government nominee with large candidature support and had more chances of winning. However if there would have been election between them it would have been a close fight as Mr. Kalam was backed by many political parties like BJP, TMC, Samajwadi Party etc.

On the question of concern whether indirect election is ultimately the representation of people, it was argued in the Constituent Assembly that the President's post should be above petty party politics, and hence direct election of the President by the people will bring in partisan politics in full force to determine electoral outcome. However our Constituent Assembly upheld its support for the indirect election method due to many reasons. Firstly, the role of the first citizen of India is 'very technical' and minimal number of voters would be competent enough to evaluate the technical abilities of such a candidate. Secondly, electing a constitutional head by such an enlarged method of direct election can prove to be a costly affair. If the President was to be directly elected, Nehru told the Constituent Assembly "and yet (we) did not give him any real powers, it might become slightly anomalous". especially since "we wanted to emphasize the ministerial character of the Government that power really resided in the Ministry" (Constituent Assembly Debates : 713-714).

On the issue of financial packages given to Bihar and U.P majority of the people could not express their views. However, 37% were of the opinion that the packages were given for vote gain. According to Odisha Chief Minister, Navin Patnaik, Pranab Mukherjee as Finance Minister had doled

out huge sums of money amounting to lakhs of crore to Bihar and U.P to buy the support of the Samajwadi party and Janta Dal United. He further said that "This is not private money but people's money" and it is not right to give huge amount of money by Central Government when Presidential election are going on.

On the opinion of Mamta Banerjee's change of decision at the last moment, almost half of the respondents i.e. 51% opposed her decision. Mamta Banerjee who had opposed the candidature of Pranab Mukherjee, announced her party support for him in Presidential election after keeping up the suspense for nearly a month. The last minute decision not only ensured a record victory for the UPA nominee, but also presented an opportunity to the ruling coalition to dispel the impression that it was in disarray. Mamta said she was not happy with her decision, but admitted she had "no option but to support Mukherjee.... it's a painful decision". The TMC wanted Kalam to contest but he didn't get the support of all parties", she said. Trinamool insider said Mamta realised that she did not stand to gain political mileage from opposing Mukherjee as she had no explanation for the decision.

Over the candidature and presidency of Pranab Mukherjee various controversies were highlighted. Team Anna claimed that it has proof of corruption against Pranab Mukherjee and it would be made public when they launch an indefinite fast coinciding with his swearing in as President. "The Prime Minister is corrupt now we have a corrupt President as well", Team Anna member Kejriwal said. He said they were ready for a "fight to the finish" and would not be satisfied with mere assurance. 35% of the people supported this view of Anna whereas 48% decry Anna for criticising Mukherjee as people are of the opinion that criticising Mukherjee now depicts criticising the office of the first citizen of India, which is the most honourable office of India.

65% of the respondents support the view that now the Presidential candidature has become the reward for the long political service in the party, the

best example is the Presidential election of 2012 as Pranab Mukherjee was serving the Congress party from 1969. He was described as Indira Gandhi's "man for all seasons". Apart from this, very few people did not support this view that is 15% of the respondents were against it. BJP national spokesperson Shahnawaz Hussain was also against it as he was of the view that Mukherjee was made the UPA Presidential candidate not as a reward, but to get rid of him as he was a burden in financial management. He further said, "His nomination for the post of President is not a reward for his performance, but for his non-performance".

More than half of the respondents that is 55% support this view positively that it is not correct to say that India has a Rubberstamp or Partisan President. Only 19% do not support this view. India's President is the Head of the State, but real political power is vested with the Prime Minister who is the Head of the Government. The President has thus been made a formal or constitutional head of the executive and the real executive powers are vested in the Ministers or the Cabinet. President can do nothing contrary to their advice, nor can do anything without their advice. So he is the dummy who works on the advice of others. So it can be said that Indian President is a rubberstamp. (Fadia, 2012: 153-154).

Conclusion :

India being a Republic has an elected head of the State unlike United Kingdom, where the head of the State is the hereditary one. Since India has opted for Parliamentary democracy, the real executive powers are exercised by the Prime Minister and Council of Ministers, and the President is only the Constitutional executive head. So the constitution provides for indirect method for the election of the President, as directly elected President would provide a challenge to the Prime Minister's leadership of government and pose a threat to the successful of the Parliamentary system. Yet the election of the President is no longer a simple affair and party politics plays a major role in the nomination, campaign and election of the President. In the 14th Presidential

election, the struggle for power between the different political parties was witnessed. The Regional Political Parties played a great influential role such as fielding the rival candidate to the government nominee, compelling the national political party to the acceptance of their candidate and even some regional parties voting against their alliance partners at the Centre.

Our findings shows that majority of the middle aged people consider Parliamentary Democracy as the best form of Democracy. The candidature of the Indian Presidency stressed on political President who should be willing to interfere in politics. The decision of congress nominee for Pranab Mukherjee was taken with the consideration of the general election of 2014, by appointing its Best man to the office of presidency to protect the party. Through the study we have examined that the people are harshly against the participation of corrupt MPs and MLAs in the Presidential election. Such MPs and MLAs should be disqualified from being the member of Electoral College. The calculation of votes of MPs and MLAs in Presidential election has been considered as a complex method by majority of the general public. A.P.J Abdul Kalam, former President of India, had contributed his best during his tenure, so general public were of the view that if he would have contested the election the result would have been different. Indirect method of Presidential Election is not considered as the representation of people. Hence through the field work one of our hypotheses was disapproved as we held that the indirect method of Presidential election is ultimately the representation of people. The changed decision of Mamta Banerjee regarding the support of Pranab Mukherjee at the last moment shows instability among the party politics and it is considered wrong by the general public as it shows instability among the party. The selection of Pranab Mukherjee as the Presidential candidate of UPA shows that the selection of Presidential candidate has now become a reward for political leader as he was providing his service for the long time for this party. The Presidential campaign of 2012 election and the politics involved therein

suggests that the Presidential office is no longer ornamental and the President is no longer a ceremonial head of the state. The office of the President has now been transformed and it has become more assertive.

There should be a code of conduct for free and fair Presidential election same as maintained for the election of Lok Sabha and legislative Assembly. There is a need for party whip to be maintained. Discipline should be maintained in the party in the Presidential election. MPs and MLAs with criminal and corrupt background should not be qualified for participating in the Presidential election. The candidate for Presidency should be an apolitical figure, as the office of Presidency should be based on neutrality rather than be committed to any party. The selection of candidate for the Presidency should be done by the government in such a way that it takes the major opposition party into confidence.

References:

- Aggarwal R.C. (2007), Constitutional Development and National Movement of India, S. Chand and Company Ltd., New Delhi, p.451.
- Avasthi, A.P. (2001), Indian Political System, Lakshmi Narain Agarwal, Educational Publishers, Agra, p. 245.
- Basu, D.D. (2004), Introduction to The Constitution of India, Wadhwa and Company Law Publishers, Nagpur, p. 167.
- Brass, Paul R. (2004), The Politics of India since Independence, Cambridge University Press, p. 19.
- Das, Hari, (2001), Political System of India, Anmol Publication Private Limited, new Delhi.
- Fadia, B.L, (2012), The Constitution of India, Sahitya Bhawan Publication, Agra, pp. 153-154.
- Ghai, K.K, (2002), Indian Government and Politics, Kalyani Publishers, New Delhi.
- Johri, J.C, Volume 2, (2011), India Government and Politics (basic framework state structure and political dynamics), Shoban Lal and Co-educational Publishers, Jalandhar.
- Kapur A.C. and Misra K.K. (2006), Select Constitution, S. Chand and Company Ltd., New Delhi, p.130.
- Kothari, Rajni (2003), Politics in India, Orient Longman Private Limited, New Delhi, pp.320-321.
- Tyagi, Ruchi, (2005), Indian Government and Politics, Mayur Paperbacks, Noida
- Newspaper :**
- Palkhiwala, Nani A. (1992), Electing the President, an article published in New Delhi edition of the Times of India on 1st July, p.8.
- Report :**
- Constituent Assembly Debates, Vol. IV, pp. 713-714
- Websites:**
- <http://news.biharprabha.com/2012/06/the-dark-side-of-upcoming-president-pranab-mukherjee/>-(Retrieved-16-06-2012).
- <http://www.firstpost.com/politics/why-pranab-mukherjee-will-be-a-controversial-president-391759.html>-(Retrieved-26-06-2012).
- <http://economictimes.indiatimes.com/fullcoverage/presidential-elections-2012>.
- <http://economictimes.indiatimes.com/news/politics/nation/president-election-2012-cross-voting-in-favour-of-pranab-in-karnataka/articleshow/15093673.cms> (Retrieved-22-07-2012).
- <http://www.civilserviceindia.com/subject/Essay/sangama-or-pranab.html>.
- http://en.wikipedia.org/wiki/Indian_presidential_election,_2012.
- <http://www.business-standard.com/india/news/polling-underway-for-presidential-election/179283/on>.
- <http://www.ibtimes.co.in/articles/365593/20120722/president-results-india-pranab-mukherjee-sangma-upa.htm>.