

Publication: The Hindu

Date: 13 January 2015

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Updated: January 13, 2015 15:49 IST

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Shubhankar Dam suggests that the Hong Kong electorate be given the None of the Above option when they vote for the Chief Executive's election in 2017.

An Indian jurist's proposal derived from a Supreme Court ruling could play a key role in building consensus on Hong Kong's political reforms which are grabbing headlines following the surge in recent street protests.

There are deep divisions in Hong Kong's political class, which have surfaced prominently during the course of student protests which had, for months, rocked the territory's Central Business District.

Hong Kong elections

But the Hong Kong-based South China Morning Post (SCMP) is reporting that the popular mood in Hong Kong maybe slowly changing. Shifting from the earlier maximalist demand for abolishing the Nominating Committee — supposedly a cabal of pro-Beijing functionaries — which is to pick candidates eligible to stand for Hong Kong's 2017 elections for the chief executive, there could now be more room for a functional compromise with the Opposition.

That is where a bridging proposal by Shubhankar Dam, an Assistant Professor at the Singapore Management University's School of Law, is coming into play.

'None of the Above' option

Taking the cue from a Supreme Court ruling in the case People's Union for Civil Liberties (PUCL) v Union of India (2013), Mr. Dam wrote in the Jurist magazine that without the abrogation of the "pre-selection" provision of eligible candidates by the nominating committee, the Hong Kong electorate must be given the None of the Above (NOTA), option, when they vote for the Chief Executive's post.

This would give the voters a choice of rejecting all the candidates in the fray.

In an e-mail to *The Hindu*, Mr. Dam explained that he had made one major modification to the Supreme Court's ruling. "In India, the Court clarified that even if NOTA gets the majority of votes in a constituency, it will have no effect. The candidate with the second highest vote would be declared the winner."

He added: "I argued that Hong Kong should implement a different rule. Perhaps the rule should be that if a majority of voters in Hong Kong opt for NOTA it should mean that NOTA has won: all

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other candidates must be declared as having lost the elections. And the consequence should be that new elections must be called for.”

Mr. Dam's proposal could be making a dent in Beijing's power elite, mainly because the idea has been picked up and further tweaked by Albert Chen Hung-yee, an influential legal expert trusted by Beijing.

Provisional chief executive

Mr. Chen concurs with Mr. Dam that if more than half of the voters opt for NOTA, none of the candidates should be declared winner. But instead of staging an immediate re-election, Mr. Chen has proposed that the nominating committee should pick a provisional chief executive, or even a full-term one.

Mr. Chen is one of the one of six Hongkongers on the Basic Law Committee in the Standing Committee of the National People's Congress which had, on August 31, announced details about the 2017 elections.

Analysts say that the NOTA suggestion rooted in Mr. Dam's proposal, if accepted by Beijing, could help obtain a two-thirds majority in Hong Kong's 70-member Legislative Council where the political reform package in its final form will be tabled.

The Council's 27 members are from the “pan-democrat” camp, largely empathetic to the student protests.