INTRODUCTION
PROBLEM:

The question begins with—who will ensure that the country is being governed by the constitution and the laws. To fulfill this object, the President of India has been recognised as ensurer for constitutional machinery. This is a common phenomena found in majority of the Constitutions of the countries and in achieving this object, the President has been vested with certain important measures, Article 356 being one of them, corresponding to provisions in other Constitutions like U.S. and Australian, especially Article 4, section 6 and section 119 respectively.

The Article has ever been shrouded in controversies, not because of its insertion but with the mode and manner in which the provision has been repeatedly used, misused and abused. Article 356 is the only Article in the Constitution which the union has unfailingly chosen as its sword to strike at state governments run by the opposition or regional parties. Frequent use of this Article without justifiable cause has seriously threatened the very existence of democratic governments in the federating units of the Indian Republic. In other words, the centripetal forces at work have virtually nullified the Federal feature of Indian Constitution.¹

The Constitution makers vested themselves with constitutional power not as a run-way upon which a political game can be played. Except the constitutional provisions, they also expressed their hope with succeeding generation not to invoke Article 356 frequently but to treat it “as dead letters.”² This rises up the moral values and the standard of character of the man through whom, the power is going to be exercised. To this purpose, the personality of
Governor comes into light, who is understood as an agent of the Central Government. Though the Supreme Court in Hargovind Pant Vs. Dr. Raghukul Tilak, did not accept the relationship between Centre and the Governor as the relationship between employer and an employee - "The Governor's office is not subordinate or subservient to the Government of India".

But the practical position of this constitutional office is different from what were the hopes and expectations of founding father of Indian Constitution. To implicate the Governor, study is required, from where they are invited, their career and personal characters etc.? In this context, the relevancy of words of Dr. Rajendra Prasad, President of the Constituent Assembly, is still relevant, who had forseen this weakness in our Constitution. ".... It is not possible to devise any yard-stick for measuring the moral qualities of a man and so long as that is not possible, our Constitution will remain defective". Again the controversy is reflected in the thought of former chief minister Ram Krishna Hagde of Karnataka and Sarkaria Commission Report. The point is also vital since, the role of Governor has to be detected with the point of view of his relationship with the Centre.

Though, we have had some very distinguished Governors of unimpeachable moral integrity like, Sarojini Naidu, Padmaja Naidu, H.C. Mukherji and G.S. Pathak, to mention only a few. Another example is of Raghukul Tilak Governor of Rajasthan who was dismissed on August 8, 1981 when he refused to be bullied by centre's blandishment and threats.4

On the other side, in 1977 when, Janata Government came into power with allies and in 1980, even without the request and report of the
Governors concerned, it dismissed more than eighteen state governments at a stretch. These controversial aspects of the historical events requires a thorough study to be done.

As earlier mentioned, the President is a constitutional head of the system who has been used as a rubber stamp. For instance, in 1975 the then Prime Minister Smt. Indira Gandhi had ignored Giri's advice to bring Gujrat Government under President's rule and directed the Governor to dissolve the assembly without President's knowledge. But, whats about today? Is there hope with us? when the Union Cabinet had recommended the dismissal of Rabari Devi government in Bihar, the Rashtriya Janata Dal ministry had not only decisively proved its majority, but defeated a Central Bill on the formation of Vananchal also i.e. a double vote. Was it constitutionally valid to dismiss a government that enjoys the confidence of legislature? Interestingly many of coalition partners like AIADMK and Akali Dal are opposed on principle to the Article 356. But contrastingly, AIADMK as a coalition partner at the Centre saw the Bihar scene (as above) as precedent to be used in Tamil Nadu. Did the then President K.R. Narayanan by sending back the recommendation to the Union Cabinet rely upon to test the case of State of Bihar on the touch-stone of constitutional correctness and political fairness? If it happens time and again precedent can be establishingly repeated. Is there any scope for consideration of recommendations of Union Cabinet? Or is the government to get relief on ruling of S.R. Bommai's case or are the dismissals of Governments only solutions of the future etc.? 
A famous case of Karnataka Assembly dissolution is on the point where as many as 22 opposition leaders from ten political parties had urged President Venkataraman on April 21, 1989 "to strictly adhere to the constitutional Provisions in regard to the Karnataka ministry and ensure that a trial of strength takes place in the state assembly on April 27, 1989". In a memorandum submitted to the President, the opposition leaders had described the report of the Karnataka Governor to the centre as" highly irregular and arbitrary". Venkataraman conveniently turned a deaf ear to the appeal made by opposition leaders and instead chose to act as the rubber stamp of the Rajeev Government by issuing a proclamation under Article 356. By doing so, the President inflicted yet another injury to the already fragile fabric of democracy in India.

Was it not the duty of the President, as head of the state to adhere to his oath under Art. 60? When democracy in the federating unit is in peril or is seriously threatened by the ruling party at the centre. Should the President act as an active collaborator to the ruling party at the centre? Ought the President to act in his own discretion rather than on the aid and advice of the cabinet under Article 74?

In case of U.P. where Kalyan Singh Government which was restored by the Allahabad High Court by its interim order on 23 Feb. 1998 is another misdeed of Governor Romesh Bhandari. In that case when the Supreme Court ordered "composite Floor test", a piquant situation arose in the chief minister's secretariat annexe with both Mr. Jagdambika Pal and Mr. Kalyan Singh occupying adjacent chambers and claiming to be Chief Minister. It is
clear that the entire plot to destabilise the U.P. Government was hatched primarily to ensure the victory of a certain politician struggling to win a seat of the Lok Sabha from Western U.P. This only underlines the depths to which politicians can sink in pursuit of their overweening ambitions and how little they care for institution and processes essential to the survival of democracy.

What is at stake, in reality, is not the survival or dismissal of the governments in the states, but the very existence and survival of democracy in the federating units of Indian Republic. With every passing year, the constitutional fabric of checks and balances is being torn by high constitutional functionaries like the President, the Prime Minister, the Governors. How long are the people - the sole repository of political power - going to tolerate the flagrant misdeeds of these constitutional functionaries? How long is this infant democracy going to bear the stresses brought about by its leaders? Thus the study requires a lot.

The present evolved scenario has constituted a prompt urge to conduct a detailed investigations and the probe in regard is the coalition government at the centre where some of the partners have been demanding dissolution of certain states even before the formation of the government. The fact is peculiar in comparison with the past misuses of Article 356. Miss Jai Lalitaa and Samata Party leader Farnades demanded dismissal of Tamil Nadu and Bihar states Government, even before coalition came into fore. Threat after threat from backing away from the coalition has made the central Government shaking, having effects on political and economic infra-structure of the country. Not only this, the image of the present government has been
lowered down in the outside world as well, inflation, roaring prices of essential commodities, productions and mal-administration at government functioning are all results of these threats. It is not sure when the central government will collapse. In some political circles, a demand is being made that the present democratic and federal set-up is not suiting the country. The constitution needs reform.

Recent recommendations to the President of India of the Bihar governor to dismiss the Bihar Government for constitutional break down of Government machinery has severaly been criticised. In consequence of the recommendation, there was a call for Bihar Bandh which has resulted in large scale violence. Rail track have been blown up, disrupting the train services, there has been rowdism prevailing in the state, even some persons were killed and house seeks recall of Governors from the President. It is serious situation which may endanger federal structure of our country.

It shows that the problem is very serious and requires a thorough research. Hence, I have selected this topic for conducting a detailed research and suggestive ways and means to save the present democratic republic of India.

**Objective and Scope of the Study :**

In view of the uncertainty and controversy in relation to Presidential proclamation-provision travelling from single party domination to coalitional track. The study has carried out in-depth analysis of the structure and the place of the provision surrounded by the constitutional defenders on the
subject and made an effort to bring out the broad parameters and boundaries within which the application of the proclamation can be constitutionalised. The Indian perception, rather apprehension, with regard to coalition govt has been investigated from different formative process of coalition making, resulting in stability and unstability and also from democratic principles. Further, it has been inquired as to whether the single party structured government or coalitional structured government provides a check in misusing the presidential rule on political pitch.

The role of the defenders of the constitution like the President, the Parliament, the Governor and the judiciary has been tried to see them not in isolation but the reflection of the relations among them except one organ i.e. judiciary. The judiciary as the ultimate ensurer of constitutionally governing state is detected in evolving the judicial defence mechanism striking at a political question so as to ensure the sanctity of the constitution by studying the case laws.

From the cabinet's call to the President ringing the bell of the Governor to the defectional outcome among the parties necessarily involving the controversy have been the aspects to be observed. So the roles and the relationship of those which diminish the efficacy of the constitution with an object to serve their personal advantage are the constant objectives to be inquired under this research study.

Plan of Study:

The research study comprises of, in all, six chapters.
The first chapter introduces the concept of coalition govt. by way of anatomical approach. It goes on to define the term coalition, therefore, there is an effort to structurise the coalition govt within the parameter of parliamentary democratic structure within this study, there has been a need to look at the Indian perception towards this new emerging formation of the fabrication in the system. The next in this chapter, the study undergoes a change towards coalition - making by dividing the study in different, phases and kind of coalition.

The study in second chapter is confined to Presidential process and power during the process of formation of coalition at stake due to the constitutional necessity. So the study goes to understand the constitutional role of the President in relation to hung parliament and coalition as to how to provide a viable proposition of Govt. in India. Also the chapter touches the aspect of "care taker Government" -- a viable arrangement -- to fill the gap and the doctrine that the President can not act sue moto. Hence, the chapter is solely devoted in investigating the emerging solutions similar to coalition or inviting to coalition. The study goes on into the constitutional sphere by observing the impact on the preventive aim of the tenth schedule of the constitution and suggestive calculations.

After a deep-study and investigations, through the different angles of coalition situation or coalition in the form of Government, it is pertinent to make a structural study of Article 356 without which the project can not be concluded, since the use or misuse of the provision under the coalition environment can be unfolded. Thus chapter third is meant for the study of
Article 356, not only as constitutional provision but, its background, historical set-up behind the text of the provision, objectives incorporated in, hope and expectations of constitutional framers and also the existing amendments to the provision. Thereafter, the chapter studies the reconciling and influencing place of the provision under federal polity. The object of study in this chapter is to trace out the hitch or the potential which provides an opportunity to violate the sanctity of the wisdom of the constitution.

The fourth chapter deals with relative synthesis which may germinate the possible potential to misuse the power. This tries to detect by way of the position of President, cabinet and the Governors, first taking a note of the cabinet, a study of Article 74 in the context for elaborating the binding position of the constitutional head, the functional aspect of the cabinet has been considered which seems to be able to play gimmick. The cabinet system of government in India has also been touched in brief comparatively. What does the coalition in cabinet mean is the subject of the study of this chapter. The doctrine of "aid and advice" has been discussed in relation or linkage with the ultimate object of this research study. Since the institution of governor remains very vital on the subject, the power, place and position is subject to minute study and scrutiny. The doctrine of presidential pleasure is discussed in relation to this constitutional office. A requisite study of Sarkaria Commission on Centre State relations is done under this chapter.

The fifth chapter deals with the role of judiciary in protecting the constitutional sanctity. The judicial and juristic opinion in the sphere of this controversy has been studied on the basis of various cases which came before
the courts. The study further goes on the doctrine of "political questions" in relation to presidential proclamation. The trend emerged in coalition which provides the place of play of political ingenuity, is also the subject of study in this chapter. Thus, this chapter deals with a long judicial journey in relation to presidential proclamation from single party domination to coalition arrangements at the centre. As such this judicial journey has been seen in terms of judicial remedy or relief in the discussion. The whole chapter is intended to observe into two phases by drawing a sharp line of the year 1977, by taking into discussion various decisions of Supreme court as well as High courts.

The chapter sixth invites the argumental study on sustainability or non sustainability of the Art. 356, receiving a grievous and repeated outraging of the constitutional modesty, keeping in view the debated interaction preceded by and followed by constitution. Finally, the last chapter is devoted to the conclusions and suggestions. Though each chapter is lasted with conclusion and suggestion in itself precisely and specifically, yet this last chapter deals with those submissions without which, the research project could not be deemed to be completed.

Methodology

Doctrines and derivatives inclusive of possible data, by deducting them into premises and the possible conclusions and suggestions have been drawn. Furthermore, by applying them on further investigated materials where they are applicable, or, to the extent possible, the statements could be met
with the historical evolutions, wherever required, evaluations of judicial
decisions, the comparative study of other federal constitutions of the world
pertaining to the area of the study is the part of the methods. The views and
debates of the framers of the constitution have been inquired into the working
tones of the constitutional provisions by inductive methods. The opinions of
politician, jurist, legislators and Parliamentarians, have been taken into
account deductively. Furthermore reports, recommendations of the law
commissions or other committees, if any, have also been gone into. Besides,
text books on constitutional law, books on political Science and also research
articles on the subject are the part of the study.
NOTES & REFERENCES

2. CAD, vol. 9, p. 117.
4. He was removed inspite of the verdict of the Supreme Court that "governorship" is an independent constitutional office which is not subject to the centre of Government of India.
5. The Times of India, 23.9.1998.