Preface

Though the question of President's powers under the Constitution of India has been engaging the attention of many people ever since the Constitution was framed, it assumed great importance in 1979 and 1987. The issues concerning the discretion of the President in exercising his rights to be informed of public affairs, to appoint/dismiss the Prime Minister and to dissolve the Lok Sabha became a subject of debate in those years and brought into limelight various constitutional lacunae in the relevant provisions of the Indian Constitution and also provoked fresh thinking on the role of the President.

In this thesis, an attempt is made to study the President of India with particular reference to his powers to appoint/dismiss the Prime Minister and dissolve the Lok Sabha in the context of the controversies that arose mainly in 1979 and 1987. These controversies actually reveal that despite the adoption of 42nd and 44th Amendments, which ended the ambiguity of the constitutional text concerning the powers of the President in relation to those of the Council of Ministers, the former is still in a position in certain cases to play an important role.

The completion of this work is made possible only through the help and inspiration of various people. I express my deep sense of gratitude to my supervisor
The scope and extent of President's powers has always been a matter of debate among politicians, academics, lawyers and jurists since the commencement of the Constitution but still no unanimous decision and final perspective on this is available.

In this thesis, we have tried to ascertain whether in view of the basic ideals and listed Articles of our Constitution, the President of India enjoys the rights to be informed of public affairs, to appoint/dismiss the Prime Minister and to dissolve the Lok Sabha. The other issues come up as corollaries.

The problem has been set in the context of two particular situations - (1) the action taken by Shri Sanjiva Reddy in 1979 in first appointing Shri Charan Singh as Prime Minister and then dissolving the Lok Sabha on his advice, ignoring the offer of Shri Jagjivan Ram to form an alternative stable government and (2) to the alleged threat (by Shri Zail Singh) of the dismissal of Shri Rajiv Gandhi in 1987 for refusing to discharge his constitutional obligations under Article 78.

We have explored the scope of Presidents' discretionary powers in the aforementioned contexts. We have concluded that the constitutional provisions allow the Indian President sufficient scope to exercise certain discretionary
Prof. Subir Goswami, Department of Political Science, Maharshi Dayanand University, Rohtak, who has taken great pains to guide me at every stage in the writing of this thesis, and without whose cooperation, encouragement, and supervision, it would have been impossible on my part to complete this work.

I am also indebted to Prof. P.S. Lamba, Head of the Department of Political Science, Maharshi Dayanand University, Rohtak, for his kind cooperation.

I am also grateful to Prof. C.P. Goyal, Prof. M.G. Gandhi, Prof. D.S. Choudhary, Dr. Raj Kumar and Shri G.K. Kar, Department of Political Science, Maharshi Dayanand University, Rohtak, for their cooperation and encouragement in the completion of this thesis.

I am thankful to Maharshi Dayanand University, Rohtak, for providing me the University Research Scholarship which made the completion of this task possible.

I am thankful to my friends for their assistance and cooperation. I express my special thanks to Miss Yasmeen Akhtar, Research Scholar in the Department of Political Science, Delhi University, for her cooperation during the research work. The others who also helped me in the completion of this task include Mrs. Shakuntla Sinha.

I would be failing in my duty if I do not record my gratefulness to my uncle, Dr. Mahendra Kumar Bhasin,
Department of Anthropology, University of Delhi, for his assistance and encouragement.

I am also very much thankful to the staff members of the Central Library, Reference Library and the Library of South Campus, University of Delhi, Indian Council of Social Science Research Library, American Centre Library, Nehru Memorial Museum and Library, Institute of Constitutional and Parliamentary Studies, Jawahar Lal Nehru University Library, Central Secretariat Library, Indian Law Institute Library, Parliament Library, National Archives of India Library and Indian Institute of Public Administration Library. I must also record my appreciation of the help received by me from the staff, specially Mrs. Naresh Kanta and Mrs. Machwe, of the Library of the Indian Council of World Affairs, New Delhi. Apart from the Libraries mentioned above situated in Delhi, I express my deep gratitude to the staff members of Maharshi Dayanand University Library.

Finally, it were, in fact, the blessings of my parents, who have been an inexhaustible stream of inspiration to me and whose impact and impetus I have meticulously treasured, which helped my efforts come to fruition.

(Minna Bhasin)

Department of Political Science,
Maharshi Dayanand University,
Rohtak.

September, 1994.