Chapter - V

President’s Power to Dissolve the Lok Sabha

Under the Constitution of India, the President is empowered to dissolve the Lok Sabha. The Lok Sabha is elected for a term of five years and the expiration of the said period of five years shall operate as a dissolution of the House. Article 85(2)(b)\(^1\), however, gives the power to the President to dissolve the lower house of Parliament before the expiry of five year period. The Rajya Sabha is a permanent house and is not subject to dissolution.

The concept of 'dissolution' is intimately linked with the history of representative parliamentary institutions. No assembly of men, howsoever popularly elected, can possibly represent the people for all times. Hence, there is a need for periodic renewals of the popular mandate.\(^2\)

Now the questions arise - can the President refuse dissolution when asked for by the Prime Minister? Or can the President dissolve the House, acting in his discretion, without or even against the advice of the Prime Minister? These questions are of crucial importance and are the subject matter of discussion in this chapter.


We will first discuss the practice regarding the Governors' right to dissolve the States Assemblies in this context to draw some parallels for the subject of our study.

In India, the question of dissolution came into sharp focus at the state level in 1967 in Punjab when the ruling alliance (combination of Jan Sangh and Akali Party) lost its majority because of the defection of a few Akali members.\(^3\) Chief Minister Gurnam Singh himself resigned on November 22, 1967 and asked the Governor to dissolve the House and hold a mid-term poll. But the Governor did not accept his advice. Instead, he asked him to explore the possibility of his forming a new Ministry with a majority support.\(^4\)

On Gurnam Singh's failing to form a Ministry, the Governor invited Mr. Lachman Singh Gill, the leader of the newly formed Janata Party, to form the Government.\(^5\) He (Governor) also publicly asserted that he was not bound to


\(^4\) M.P. Jain, Ibid.

accept Mr. Gurnam Singh's advice for the dissolution of the Assembly. As he said:

"Personally I think that so long as it is possible to form a Government, it should be formed. I think that it is not fair to the tax payer or the Government to keep on changing ministries every now and then. Holding of elections involve a lot of money and energy ...."6

A controversy of similar magnitude arose in Uttar Pradesh in 1968 when Mr. Charan Singh's Ministry was reduced to a minority owing to the withdrawal of support by Samyukta Socialist Party and Communist Party of India.7 The Chief Minister demanded the dissolution of the Assembly, but the Governor did not accept his advice. Consequently, Mr. Charan Singh resigned on February 17, 1968, but the Governor did not dissolve the Assembly and began exploring the possibility of forming an alternative government. He kept the Assembly in a state of suspended animation and dissolved it on April 15, 1968, only when he had exhausted the possibilities of forming an alternative Government.8

6. Ibid.
8. Ibid.
So did the Governor of Bihar, when on January 25, 1968, the Ministry of Shri M.P. Sinha was defeated on the floor of House on a motion of no-confidence. The defeated Prime Minister asked for the dissolution of the Assembly, but the Governor refused to accept his advice and invited Shri S.P. Sinha, the nominee of Shoshit Dal, to form the Government in the State.

Contrary instances also exist where the Governors have accepted the demand of the Chief Ministers for the dissolution of Assemblies. This situation occurred in Punjab in 1971 when 17 legislators of the Legislative Assembly of that state withdrew their support from the ruling Akali Government headed by Mr. P.S. Badal. The Chief Minister, Mr. Badal, immediately tendered his resignation to the Governor and advised dissolution of the Assembly. The Governor accepted his advice at once and dissolved the Assembly without exploring the possibilities of forming an alternative Ministry.

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9. Ibid.
11. Ibid.
Similarly in 1971, the Governor of Orissa accepted the advice of the Chief Minister for the dissolution of the Assembly without providing an opportunity to the Opposition to form an alternative Government.\textsuperscript{12}

Thus, it is evident from the above stated examples that the Governors have often exercised their discretion in accepting the demand of the Chief Ministers for the dissolution of the Assemblies or refusing such a demand.

(b). Convention Regarding Right to Dissolve the Legislature

In the matter of dissolving the lower House of the Legislature, some guidance may also be sought from the British practice where also the dissolution of Parliament is still by far the most eminent of Royal prerogatives and one of the prime functions of the Crown, though the position in England in this respect is also not entirely free from doubt. There are, in fact, two schools of thought on this issue (i.e. dissolution).

The first school of legal experts writers and academicians believe that the King or Crown has no discretion in the matter of dissolution. Prof. Harold Laski belongs to

this school of thought. He opines that, 'The Prime Minister has the right to ask the King for a dissolution of Parliament and it appears now, beyond doubt that he will be granted the dissolution automatically, and that he need not consult his cabinet upon the matter'.

He also cites the instance of Mr. Baldwin who did not consult his colleagues on the matter of dissolution of Parliament in 1935. Moreover, Mr. Macdonald in 1924 and Mr. Churchill in 1945 also did not consult the Cabinet before advising dissolution.

Lord Aberdeen also appears to have held a similar view in 1858. He has been reported to have said that 'he never entertained the slightest doubt that if the Minister advised the Queen to dissolve, she would, as a matter of course do so'.

Harvey and Bather also say that the King cannot dissolve the House without the advice of the Prime Minister.

13. Cited in S. Chatterjee, f.n. 5, p. 68.


15. Ibid.

16. see R.N. Misra, f.n. 10, p. 20.

17. see L.N. Sharma, f.n. 14.
In nutshell, the main thesis of this school is based on the belief that the Crown is bound by the advice of the Prime Minister in the matter of dissolution of the House of Commons.

The Second school of legal experts, writers and academicians believe that Crown has discretion in the matter of dissolution of the House of Commons. Prof. Keith said that 'the king retains for the benefit of his people discretion in the matter of dissolution'.\(^{18}\) He may refuse to dissolve Parliament when advised and may urge his ministers to resign or he may dismiss them if they refuse to do so. The Crown, in Prof. Keith's view, is "the guardian of the Constitution, the ultimate safeguard against all rash and unlimited change".\(^ {19}\)

During the blazing controversy on the Home Rule Bill in 1913 the Crown's prerogative in the dissolution of the Commons was debated by the highest authorities on constitutional law including Sir William Anson and Professor A.V. Dicey. Sir Anson disagreed that the prerogative had been atrophied by disuse, but suggested that the king in refusing to abide by

\(^{18}\) Cited in R.N. Misra, f.n. 10, p. 20.

\(^{19}\) Ibid.
the advice of his Ministers should ascertain beforehand whether an alternative Ministry was prepared to accept the responsibility for dissolution. These views were supported by A.V. Dicey also. Lord Hugh Cacil also argued that it was not necessary for the sovereign to automatically accept the advice of the Ministers. What is constitutional should be determined by precedents and authority. "Precedent", he wrote, "therefore clearly upholds as constitutional right of the sovereign to reject the advice of his Ministers, if he can find advisers who will bear the responsibility of that rejection".

Queen Victoria and her Ministers also thought that she did possess the constitutional right to refuse dissolution in certain circumstances.

Shri John A.R. Marriott, a constitutional authority, has also recognised the Crown's right to refuse dissolution. As he said:


22. Ibid, p. 534.

"It would seem to be clear that under no circumstances is a Cabinet, still less a Prime Minister, entitled to demand a dissolution (of Parliament) from the Crown. That is the exclusive prerogative of the Crown". 24

Prof. A.V. Dicey, in his book, also recognised the Crown's right to dissolve Parliament even against the wishes of the Prime Minister. As he maintained:

"It would be perfectly constitutional for the king to dissolve Parliament against the advice of the Prime Minister if there exists fair reason to suppose that the opinion of the House is not the opinion of the electors. A dissolution in its essence is an appeal from the legal to the political sovereign ...." 25

Mr. H.H. Asquith also enunciated the doctrine that it would be subversive of constitutional theory to contend that the king was bound to grant a dissolution when advised to do so by the Prime Minister. He said that, 'the Crown is not bound to take the advice of a particular Minister to put its subjects to the tumult and turmoil of a series of General Elections so long as it can find other Ministers who are prepared to give contrary advice.' 26

Thus, from the above discussion it becomes evident that though there has been no refusal of dissolution in Britain for more than seventy years, there is a persistent tradition that the Crown may refuse dissolution if the circumstances so demand.

In other countries, there are instances when a defeated Prime Minister was refused dissolution on the assumption that an alternative government with a majority support in the House was possible. In 1939 the Prime Minister General Hertzog of South Africa was defeated on the issue of remaining neutral in World War II, but the Governor General refused to accept his advice to dissolve the Union Parliament. General Smuts was called upon to form the government and he not only formed the government, but also enjoyed a majority in the House of Assembly.

In Canada the glaring example of refusing the dissolution of Parliament occurred in 1926. Mackenzie King, the then Prime Minister of Canada, advised Lord Byng, the


Governor-General of Canada, to dissolve the Parliament. The latter did not oblige the Prime Minister and called Meighen, the leader of the Opposition, to form the alternative government.

In Australia also dissolution was refused to the defeated Prime Ministers - Mr. Watson in 1904, Mr. Reid in 1905 and Mr. Fisher in 1909, on the assumption that an alternative government with majority in the House was possible.

As discussed earlier in the preceding chapter, (i.e. The President and his powers to Appoint and Dismiss the Prime Minister), the constitutional crisis arose in Australia in October-November 1975, when the Opposition in the Senate decided to defer consideration of the Appropriation Bills until the Prime Minister, Mr. Whitlam, agreed to call the election to the Parliament. The high point of the crisis was reached on November 11, when the Governor-General, Sir John Kerr, dismissed the Prime Minister and dissolved both


31. See D.A. Low (ed.), f.n. 28, p. 95.
Houses of Parliament and ordered a general election to be held on December 13, 1975.

From this discussion, it becomes evident that the Heads of the States in different countries (like Canada, Australia, etc.) have not only exercised their discretion in refusing to follow the demand for the dissolution of the Legislature but also dissolved the lower House of the Legislature on their own (as in Australia in November, 1975).

Dissolution of the Lok Sabha in India (1970)

The question of pre-mature dissolution of Lok Sabha became a live issue in Indian politics for the first time in 1970. The President, Mr. V.V. Giri, dissolved the Lok Sabha in December, 1970 - one year before its normal term and ordered a mid-term poll as soon as possible. This was done on the recommendation of the Prime Ministers, Mrs. Indira Gandhi.

Dissolution of the fourth Lok Sabha raised various issues. At first instance, it was asked by the Prime Minister of a minority Government. Some thought that the

32. Ibid, p. 90.
33. Shri H.V. Kamath, Dr. Ram Subhag Singh etc.
President should have explored other avenues of forming an alternative government before granting the request or alternatively, he should have dismissed the Cabinet the moment it had become a minority government.

Two prominent leaders on the Opposition side, Dr. Ram Subhag Singh and Shri H.V. Kamath had separately met President Giri urging upon him that dissolution of Parliament should not be brought about by the whim of the Prime Minister.

"The fate of Parliament should not be decided by a single individual, however great", the two leaders are said to have told the President.

The memorandum submitted by the Praja Socialist Party asked the President, among other things, (i) not to accept any advice for dissolution of the Lok Sabha as long as the Government had not lost majority support on the floor of the House and (ii) if the President is advised to dissolve the House after a vote of no confidence has been passed by the Lok Sabha, he should explore ways and means of forming an alternative government.35

34. The Indian Express, (New Delhi), December 26, 1970.
35. Ibid.
The political parties challenged the Prime Minister's right to advise dissolution as the head of a minority Government and since it was the first and unprecedented act of dissolution, various suggestions were made. The Jan Sangh Chief, Mr. Atal Bihari Vajpayee, requested the President not to accept the Prime Minister's advice and suggested that he should tell the Prime Minister that Lok Sabha 'should pass a resolution recommending dissolution of it'. Another suggestion was made that the President should seek an advisory opinion from the Supreme Court. It was even urged that Parliamentary election should not be held before the scheduled time because of the administrative inconvenience involved therein.

It is of interest to note that though the Opposition leaders urged the President that Parliamentary election should not be held before the scheduled time but none of them claimed that they could provide an alternative Government. In the light of this, the President was apparently in the right when he dissolved the Lok Sabha on the advice of Mrs. Indira Gandhi.

37. The National Herald (Lucknow), December 26, 1970.
38. Ibid.
Moreover, the sequence of developments leading to the final issue of Presidential Order (for dissolution) in December, 1970 as given in the official communique issued from the Rashtrapati Bhawan was significant. The communique said:

'The Prime Minister met the President on 24th December and conveyed to him the proposal to seek the dissolution of the Lok Sabha. She said that the sole consideration for making this request was the Government's desire to seek a fresh mandate from the people to enable the Government to effectively implement the Socialist and secular programmes and policies.

Subsequently, on the same day, some opposition leaders also met the President.

The Prime Minister again called on the President this evening and conveyed to him the Cabinet's decision to advise the President to dissolve the Lok Sabha.

After careful consideration of the matter, the President has accepted the recommendation'.

A careful reading of the Order makes it clear that the dissolution was conceded on the advice of the Cabinet and not only on the advice of the Prime Minister alone and that the President accepted the advice only after examining all aspects of the matter, for example, the suggestions of the opposition leaders who had also met him in between. In

the light of this, President Giri was apparently in the right when he acted on the advice of a Prime Minister, who was not defeated on the floor of the House.

Controversy regarding Dissolution of State Assemblies

On April 18, 1977, Shri Charan Singh, Union Home Minister, addressed a letter to the Chief Ministers of the nine Congress-ruled states in northern India, suggesting to them to advise their Governors to dissolve the Assemblies concerned and seek a fresh mandate from the people and if they failed to comply, the Centre would itself take the necessary action. He wanted them to seek a fresh mandate from the people in view of the "most unprecedented political situation arising out of virtual rejection in the 1977 Lok Sabha election of candidates belonging to the ruling party (Congress) in the various States and the resultant climate of uncertainty", which created a sense of diffidence at different levels of administration and serious threats to law and order.

The state governments rejected the plea of Mr. Charan


Singh and characterised his advice for seeking dissolution of assemblies as unconstitutional and contrary to all norms of democracy. The State Governments went to the Supreme Court, challenging the Central Government's directive and praying for injunction against the threatened dissolution of Assemblies. A seven member constitution bench of the Supreme Court, headed by Chief Justice Mr. M.H. Beg unanimously dismissed the suit as well as the injunction applications filed by the State Governments against the proposed dissolution of their assemblies. The Court in its judgement observed:

"Although the Constitution itself does not lay down specifically when the power of dissolution should be exercised by the Governor on the advice of a Council of Ministers in the state, yet if a direction on that matter was properly given by the Union Government to a State Government there is a duty to carry it out ... It is possible, however, for the Union Government, in the exercise of its residuary executive power, to consider it a fit subject for the issue of an appropriate direction when it considers that the political situation in the country is such that a fresh election is necessary in the interest of political stability or to establish the confidence of the people in the Government of a state ... It is not for courts to formulate, and much less, to enforce a convention to regulate the exercise of such an executive power may be. That is a matter entirely within the executive field of operations ...." 


44. State of Rajasthan and Others, Petitioners vs. Union of India and others, Respondents. *All India Reporter* (Nagpur), 1977, Supreme Court 1361 (1440).
Immediately after the decision of the Supreme Court, the Union Ministry headed by Shri Morarji Desai, decided to advise the Acting President to dissolve the nine State Assemblies. But Shri B.D. Jatti (the acting President) was reported to have pointed out that the move for dissolving the nine state Assemblies simultaneously was unprecedented and unwarranted, and he therefore "wanted time to consider the recommendation". He was also reported to have sought detailed information about the reason and the circumstances calling for the dissolution, particularly when the concerned Governors of the nine states ruled by Congress Party had not formally reported to him any constitutional breakdown in those states.

Thus, in departing from the earlier tradition of accepting such advice unquestioningly as soon as it is received from the Cabinet, Shri B.D. Jatti caused a big flutter in the government circles which were expecting him to sign the proclamations immediately.

Later, the Home Minister and the Law Minister jointly met Shri B.D. Jatti at his house to explain to him

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46. Ibid.
the rationale behind the Cabinet's decision. Subsequently the President not only accepted the Cabinet's contention that the Centre was justified in invoking Article 356 to give the people of those nine States a chance to elect new Governments but also signed the Proclamation to dissolve the Legislative Assemblies in the nine Northern States.

Thus, the role played by Shri B.D. Jatti shows that inspite of the 42nd and 44th amendments, the President has certain reserve powers to protect, preserve and defend the Constitution and that he can ask the Cabinet to reconsider its own decision.

**Dissolution of the Sixth Lok Sabha and Controversy**

In 1979, the scope and extent of Presidential powers became a subject of controversy among the lawyers, jurists, academicians and politicians. This controversy arose because of the Dissolution of the sixth Lok Sabha on the advice of the Prime Minister, Shri Charan Singh, who could not dare to face a vote of confidence in the House but seized his right to advice the President to dissolve the Parliament.

The Presidential communiqué dissolving the sixth Lok Sabha on August 22, 1979 at 12.40 p.m. did not occur in a

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47. *The Hindu* (Madras), May 1, 1977.
vacuum. It was, in fact, the summation of the political happenings that had been in process on political horizon since the split in the Janata Party in July 1979.

As discussed earlier in the preceding Chapter, i.e. 'The President and his powers to Appoint and Dismiss the Prime Minister' the Ministry headed by Shri Morarji Desai submitted its resignation on July 15, 1979 on its being reduced to minority owing to large scale of defections. After the resignation of Shri Morarji Desai, the President first, invited the leader of the Opposition, Shri Y.B. Chavan, to explore the possibility of forming a stable government. But Shri Chavan conveyed his failure to form an alternative Government.

Subsequently, the President wrote to Shri Morarji Desai and Shri Charan Singh, the two contenders for Prime Ministership to send him the lists of their supporters within two days to prove that they enjoyed majority support in the Lok Sabha.

On July 25, 1979, both the leaders, Shri Morarji Desai and Shri Charan Singh submitted their respective lists. While Mr. Charan Singh's list contained 279 names, Mr. Morarji Desai's had 278. Both the lists contained the names of 557 members while the total strength of the members
of the Lok Sabha was only 538. Later on, it was detected that Mr. Desai had submitted an inflated list of supporters. In the cynical game of numbers, Mr. Charan Singh emerged as winner and the President Shri Sanjiva Reddy invited him to form the Government and also asked him to seek a vote of confidence by the third week of August 1979.  

Unfortunately, on August 20, 1979, Mr. Charan Singh resigned before a vote was taken on the motion of confidence in the specially convened session of the Lok Sabha. What was more surprising was that he, as Prime Minister by the exclusive grace of the President, and totally lacking the, popular mandate, advised the President to dissolve the Lok Sabha and order a mid term poll as 'the only way out of the present unstable situation'.  

As soon as this was known, the Leader of the Opposition, Mr. Jagjivan Ram, rushed to the President to oppose the demand for a mid-term poll and staked his claim to form an alternative government.  

The Congress-I leader, Mrs. Indira Gandhi, also met the President and urged him that fresh elections should be ordered

49. *Indian Express*, (New Delhi), August 21, 1979.  
50. Ibid.
as it was impossible to form a stable government with the existing division of parties and groups in the Lok Sabha.  

The renowned Constitutional lawyer, Mr. Nani Palkhivala, when reacting to Mr. Charan Singh's recommendation for the dissolution of the Lok Sabha, said that 'the President is not bound by Mr. Charan Singh's advice'. He also said that the President was bound by the Prime Minister's advice so long as it was in consonance with the spirit and intent of the Constitution.

Former Law Minister, Mr. Shanti Bhushan, argued that the President should reject outright the advice tendered by a Council of Ministers which had not enjoyed the confidence of the Lok Sabha at any time.

The Janata chief, Mr. Chandra Shekhar also, met the President, Shri Sanjiva Reddy, to stress that he could not ignore Janata claims for forming the Government.

Mr. K. Santhanam, former Union Minister and a member of the Constituent Assembly, said that if in the opinion of the President there was no party which could form a stable government at the Centre, the only option open to him was to

51. Ibid.
52. Hindustan Times (New Delhi), August 22, 1979.
53. Ibid.
54. Ibid.
He also said that, 'the President had the power to dissolve the Lok Sabha and the Constitution did not say that he would dissolve the House only on the advice of the Union Cabinet. Moreover, the President was not bound to ask Mr. Charan Singh to be in charge of the caretaker government. It was open to him to call upon four or five prominent members to form a caretaker government and see that fresh elections were conducted in a proper manner'.

Mr. S. Nijalingappa, Janata Party leader, said that 'since Mr. Charan Singh had failed to demonstrate his majority on the floor of the House, the President, Mr. Sanjiva Reddy, was not bound to accept his recommendation for the dissolution of the Lok Sabha and ordering a mid-term poll'.

On the other, Mr. Tridib Choudhary, member of Parliament and General Secretary of Revolutionary Socialist Party, said that the President should dissolve the Lok Sabha and call for a mid term poll.

Mr. Charan Singh also sought to refresh the President's memory about a case in Andhra Pradesh in 1954 when Shri Sanjiva

56. Ibid.
57. The Statesman (Delhi), August 22, 1979.
58. Ibid.
Reddy was the Deputy Chief Minister in Mr. Prakasam's Cabinet. At that time, the Governor had accepted the recommendation of the Chief Minister to dissolve the Assembly even though he had lost majority in the House.59

Mr. Kacker quoted a precedent where the Queen had ordered mid-term election after accepting the advice of the outgoing Prime Minister, Mr. James Callaghan, under similar circumstances.60

From the President's point of view, it was too complex a situation. He, in fact, had three options before him. These were:
1) To invite Mr. Jagjivan Ram to form a government led by the Janata Party and ask him to prove his majority in the House.
2) To dissolve the Lok Sabha and order fresh elections. This is to be accompanied by inducting a new government under a non-controversial leader chosen by consensus of various parties and acceptable to Mr. Sanjiva Reddy.
3) To accept the advice of Mr. Charan Singh's Government to dissolve the Lok Sabha and let it continue as a caretaker government.61

59. Ibid.
60. Ibid.
61. *Indian Express* (New Delhi), August 22, 1979.
However, on August 22, the President accepted the recommendation of Mr. Charan Singh for the dissolution of the Lok Sabha because he himself was satisfied that no other leader could form the Government and the general election was the only alternative.62

The reactions to the dissolution of the Lok Sabha had become a multi-factor phenomenon owing to diametrically opposite stands taken by the legal experts and the leaders of the political parties. Pro-President or anti-President interpretations became issues of debate in the press and on the platform both on constitutional and situational proprieties.

Shri Nani. A. Palkhivala said in a statement in Bombay on August 22 that the President's decision to dissolve the Lok Sabha was unjustified to the point of 'constitutional impropriety'. He also maintained:

"The dissolution of the House when it had finished only half its term should have been the option of the last resort. Constitutional propriety dictated that the President should have acceded to the request of Jagjivan Ram, Leader of the Opposition and of the single largest party in Parliament, that he be given an opportunity to form a Government".63


63. 'The Role of the President: In a Nutshell, India Background (New Delhi), 4(28 & 184), October 8, 1979, p.1906.
Justice M.C. Changla also described the President's decision to dissolve the Lok Sabha as most unfortunate and erroneous. He said that overwhelming legal opinion definitely was that the President was not bound by the advice of Shri Charan Singh and if the President was in doubt about the constitutional position, he should have taken into consideration the national interest. 64

Mr. Chandra Shekhar, President of the Janata Party, denounced the decision of the President of India as 'fantastic' and threatened to initiate the process for his impeachment. 65 He called Shri N. Sanjiva Reddy a 'murderer of democracy' and said that the Janata Party had fought authoritarianism in the 1977 parliamentary elections not to convert an individual into a 'Lilliputian Fuehrer'. 66

Mr. Jagjivan Ram also said that if the President has any sense of dignity left in him, he may try to atone for his action. He also felt that the President was aspiring to combine the functions of the President of India and those of the President of United States but this would not be tolerated

64. The Times of India (New Delhi), August 23, 1979.
66. Ibid.
by the nation. To him, 'the conspiracy had started the day Mr. Reddy had asked Mr. Desai and Mr. Charan Singh to submit simultaneously the lists of their respective supporters'. 67

He also described Mr. Charan Singh's Government as an usurper and said it had no right to function in a caretaker capacity and should have been replaced by a regular Ministry. 68

In the opinion of Mr. Desai, the President's action was unconstitutional. He said that it was a deliberate step, implying that it had been planned to keep the Janata Party out of office. 69

Mr. Atal Behari Vajpayee, former Minister for External Affairs, termed the President's action as a 'challenge and an opportunity to all democratic forces in the country'. 70 He also said that the President instead of following the same pattern which he had adopted when he had accepted Desai's resignation, had ordered mid-term elections. Thus the prestige attached to this office has been completely shattered. 71

On the other hand, the leaders of other parties, except the Janata Party, appreciated the decision of Mr. Reddy.

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68. Ibid.
69. Ibid.
70. *Indian Express* (New Delhi), August 23, 1979.
71. Ibid.
The Prime Minister, Mr. Charan Singh, said that he was happy at the 'just' decision of the President, in dissolving the Lok Sabha and paving the way for a fresh mandate of the people. He told newsmen that "I thank him (President) heartily".  

Mr. Raj Narain pointed out that the President had 'upheld the dignity of the Constitution'. Mr. S.N. Mishra also said that 'it is absolutely a correct decision. This is what the Constitution required. We are all very thankful to the President. In fact, the countrymen will now have a sense of relief'. The Union Health Minister, Mr. Rabi Ray also said, 'I congratulate the President for accepting the advice of the Council of Ministers'.  

Congress leader, Mr. Chandrajit Yadav, said in a statement that the President's decision was in keeping with the letter and spirit of the Constitution.  

To sum up, the opinion cited above, both legal and political, leads us to conclude that the President can play an important role in regard to the question of dissolution.

73. Ibid.  
74. The Hindustan Times (New Delhi), August 24, 1979.  
75. Ibid.  
76. Ibid.
of the Lok Sabha. He can use his discretion in accepting or refusing the Prime Minister's advice for dissolution. This contention is supported by what Dr. Ambedkar had said in the Constituent Assembly on December 30, 1948:

"In the same way the President of the Indian Union will test the feelings of the House whether the House agrees that there should be dissolution or whether the House agrees that the affairs should be carried on with some other leader without dissolution. If he finds that the feeling is that there is no other alternative except dissolution, he would undoubtedly accept the advice of the Prime Minister to dissolve the Lok Sabha ... I think we could trust the President to make a correct decision between party leaders and the House as a whole".77

Shri A.B. Kohli, an eminent writer, is also of the view that the President can exercise his discretion in the matter of dissolution of the Lok Sabha. As he said:

"The President has also the discretion regarding the dissolution of the Lok Sabha as he would not always accept the recommendation of the outgoing Prime Minister who has lost majority or has been defeated on the floor of the House. He would dissolve the Lok Sabha only if he is satisfied that no other leader can form and run the government and finds general election to be the only alternative ...."78

77. Constituent Assembly Debates (New Delhi: Lok Sabha Secretariat), 7(29), December 30, 1948, p. 1158.
Shri H.M. Jain also in his article maintained:

"The conclusion is that while the Constitution, after the amendments (42nd & 44th), formally and expressly requires the President to exercise his powers in accordance with the advice of his Council of Ministers, there is still left with him an area of discretion in the matter of appointment and dismissal of the Prime Minister, and in a very limited measure, in the matter of dissolution of the Lok Sabha ...." 79

Dr. T.K. Tope, member of Maharashtra Law Commission and former Vice-Chancellor of Bombay University also said:

"It is the President's prerogative to accept or refuse the Prime Minister's advice to dissolve the Lok Sabha". 80

He also observed:

"The President may dissolve the House even against the wishes of the Prime Minister". 81

In conclusion, it can also be said that the President's power to dissolve the Parliament assumes extraordinary significance, in case he takes the most unusual step of dismissing the Prime Minister. In such a situation, it is incumbent upon him first to explore the possibility of an alternative Government failing which to appoint a caretaker Prime Minister and then to dissolve the Lok Sabha so that the people


81. Ibid.
have an opportunity to judge the rightness or wrongness of his decision.