APPENDIX-IV

THE CONSTITUTIONAL CRISIS OF 1979

The second half of 1979 was the most momentous time of my 5-year tenure as President. During the period from 5 July 1979 to 14 January 1980, the country witnessed a series of important developments: the fall of the Janata Government, the formation of a Government by the Lok Dal Leader Charan Singh (which was compelled to resign without facing Parliament even once), dissolution of the Lok Sabha, the holding of mid-term poll to the Lok sabha, and the return of Indira Gandhi to power. I was called upon to examine and decide constitutional questions the like of which none of my predecessors had confronted.

Before narrating the events of this period, may I digress a little and go back to the events that followed the General Election of 1977. There was a startling difference between the verdict of the electorate in the Southern States and that in the Northern States. The Congress Party met with a total rout in the North though it did well by and large in the South. The Janata Party won an overwhelming majority in the Lok sabha and took office with a fund of popular goodwill.

The year 1978 began well for the country in all respects. The Government was fortunate in that there had been a good monsoon in 1977, and there was enough food grain. The foreign exchange reserves in 1977-78 were comfortable, and the economy was looking up. The all-round satisfactory
outlook in the country may have given rise to a mood of complacency in the ruling party and the inner contradictions among its constituent units began to assert themselves. In the General Election to the Legislative Assemblies of Andhra Pradesh and Karnataka, which were generally considered strongholds of the Congress, the party once again recorded notable successes in February 1978 and won absolute majorities in spite of the rule of the Janata Party at the Centre, showing that Janata had failed to make an impact in those State. In three by-elections to the Lok sabha in 1978 in the Northern states, the ruling Janata Party at the Centre was defeated, showing that the party, which had made a clean sweep in the Lok Sabha General Election in 1977, had perhaps begun to lose its appeal to the voters. Neither its failure to make any headway in the South nor the loss of its appeal in the North made the Janata Party take the warning.

Among the prominent leaders of the Janata Party returned to the Lok Sabha in the General Election were Morarji Desai, Jagjivan Ram, and Charan Singh. All three aspired to become the leader of the Janata Party in Parliament and Prime Minister of India. Owing, however, to the efforts of Jayaprakash Narayan and J.B. Kripalani, the choice fell on Morarji Desai. In the then atmosphere in the country none could openly go against the advice of Jayaprakash Narayan; and Morarji Desai, who was elected leader of the Janata Parliamentary Party unanimously, became Prime Minister. In the formation of the Council of Ministers itself, there was a contretemps. Jagjivan Ram and one
or two of his adherents initially refused to join the Government. It needed an impassioned plea from Jayaprakash Narayan to make Jagjivan Ram reconsider his stand and join the Government with his men. This incident was an early manifestation of the differences that bedeviled relations between the top leaders of the party almost throughout the time it was in office. The bickering among the top leaders, the resignation of Charan Singh from the Ministry and the manner of his re-entry into it, and Raj Narain’s resignation from the Ministry made it all too clear that the Janata Government would not be able to pull together for the full term. The Janata Party fell an easy prey to the forces working for its downfall.

As the President of India, I had nothing to do with the party differences mentioned above. My only source of information in regard to these matters was the newspapers. When the Lok Sabha began its monsoon session, I was still at Hyderabad but returned to Delhi on 10 July 1979 On 11 July, Y.B. Chavan, Leader of the Opposition, moved a resolution expressing want of confidence in the Ministry headed by Morarji Desi. Sitting in my study in Rashtrapati Bhavan, I listened to his speech. It did not strike me as anything but perfunctory. With its absolute majority in the Lok Sabha, the Janata Party should have had no difficulty in voting down the resolution. The disruptive forces within the party, however, became active, and group after group of members defected from the party in response to the lead given by Raj Narain. It is interesting to record that a Cabinet Minister, George Fernandes,
who had intervened in the debate on the No Confidence Motion, made a long
speech in support of the Government, and claimed credit for its achievements
on 12 July, resigned from the Government just two days later, i.e. on 14 July.

Late in the evening on 15 July, the Prime Minister, Morarji Desai, came
to me and delivered two letters. In his first letter, he said that when the No
confidence Motion was moved in the Lok Shaba four days before, the Janata
Party had an absolute majority in the House but that this was no longer the
case. Of course, it continued to be the largest single party in the Lok sabha.
Desai added that he considered it proper to tender his own resignation and that
of his Council of Ministers. In reply I said that I was accepting the resignation
but requested him and his colleagues to continue in office till a new
Government was formed.

In his second letter Morarji Desai said that no party had an absolute
majority in the House and that anyone entrusted with the task of forming a new
Government would have to seek the cooperation of others. The Janata Party, of
which he was the leader, was still the largest single party in the Lok Sabha and
was entitled to explore the possibility of forming an alternative Ministry. He
added: “I would, therefore, advise that it may be enabled to do so. As the
leader of the party, I shall report to you the results of my endeavours as soon as
I can.” I told him then itself that, if he was confident of being able to gain
majority support, it was open for him to do so by taking whatever action he
considered necessary and defeating the Motion of No Confidence and that there
was hardly any reason for him to resign. With his resignation, the No confidence Motion would lapse, and he would be relieved of the ordeal in the Lok Sabha. By asking to be called upon to form a Government immediately after resignation he wanted to gain time and support. I through that it would be inappropriate for me to call upon a person who had just tendered his resignation instead of facing the No Confidence Motion in the House to form the Government again.

During the next two days, leaders of all political parties met me representing all shades of political through and opinion in the country. I listened to their views and advice. Also, I received communications from a few others who did not meet me personally.

A similar situation had not arisen in our Parliament earlier, and I had no precedent to go by. I bestowed a great deal of thought upon the matter before making up my mind on the next step. On his own admission, the Janata Party headed by Morarji Desai which had commanded an absolute majority on 11 July at the time the No Confidence Motion was introduced, had lost that position by the time Morarji Desai submitted the resignation on 15 July. Whatever the provocation, there were large-scale desertions from the party, reducing it to a minority in the House although the party may still have been the largest single party as Desai claimed. When many members who had hitherto been members of the Janata Party had chosen to resign from it while the House had a No confidence Motion under debate, it was just and natural to
infer that if the Motion had been put to the vote, they would all have voted against the Government and for the No Confidence Motion. The stage of putting the Motion formally to the vote had not been reached, thanks to the Cabinet’s resignation. Had that stage been reached, the Government would have been defeated. In fact this situation had become all too clear, and it was what had impelled Morarji Desai to resign. In other words, so far as the Motion of No Confidence was concerned, the majority in the House would have supported the Leader of the Opposition, Y.B. Chavan and voted against the Government.

In the circumstances I thought that the leader of the Opposition, Y.B. Chavan, should be asked to try and form a Government. I, therefore, invited him to do so on the evening of 18 July in the following terms:

As you know I have had discussions over the last few days with you and other leaders of political parties representing all shades of political thought and opinion in the country. I am of the considered opinion and this had been further strengthened by the discussions I have had, that it is your moral duty as the Leader of the Opposition in the Lok sabha who moved the Motion of No confidence in the Lok Sabah which brought about the resignation of Shri Morarji Desai and his Cabinet, to explore the possibility of forming a cohesive and stable alternative Government to replace the present care-taker government at the earliest opportunity. Your speech in the Lok Sabha, while moving the Motion of No confidence in the Council of Ministers, referred to your sense of
national duty. It is in furtherance of this obligation that I call upon you now to press the issue to its logical conclusion. While exploring these possibilities, you will no doubt keep in mind the feasibility of associating in some manner or other colleagues with national perspectives and objectives relevant to the welfare and well-being of our people.

A formal letter inviting him to try and form the Government was handed over to him when he called on me in the evening of 18 July.

It is generally accepted as a rule that on the defeat and resignation of a Government, the Leader of the Opposition should be sent for and invited to explore the possibility of forming a Government. This had been the practice for long and had hardened, as it were, into a rule. In the present case the Government had not been defeated as such but it was clear from Morarji Desai's letter of resignation itself that if it had not resigned, it would have been defeated. This situation had really been brought about by internal dissensions in the party and not as a result of any differences over a matter of principle of policy. Even so I was clear in my mind that the best course to adopt was to ask the Leader of the Opposition to explore the possibility of forming a Government.

It would appear from what some of the members of the Government of Morarji Desai wrote to him at that time, namely, that if he resigned his leadership of the Janata Party and if Jagjivan Ram became the leader, the latter would, in their opinion, be able to muster majority support in the House and
that such a move might also win back the support of some others who had left the party earlier. I did not feel that it was proper for me to probe the internal affairs of the party; nor did I feel that it was incumbent on me to act on the speculation that if a different person became the leader of the party, the party might regain majority in the House.

On 22 July 1979 Y.B. Chavan wrote to me to say that he had explored the possibilities of forming a Government in alliance with like-minded parties but had not succeeded. He added: “However, as a result of our efforts there has emerged a combination of parties and groups which to my mind would be able to provide a viable and stable Government. I trust you will consider this new situation and deal with it as you in your wisdom deem proper”.

Meanwhile Charan Singh wrote to me to say that he was in a position to form “a viable Government” with the support of Janata (S), the Congress, Bahuguna’s group and a group of socialists. He said further that he had assurances of support from the Left Opposition groups, the Akali Party, and some others and that he was also hopeful of support from the All-India Anna Dravida Munnetra Kazhagam. He also referred to the “publicly stated position of the congress (I) that it would not support a Government of which RSS-Jana Sangh was a constituent”. He expressed his confidence that his Government would be “viable and stable”. There was another communication from Charan Singh the same day, enclosing a copy of a letter written to him by Y.B. Chavan
pledging his party’s support to him in pursuance of a resolution of his party’s Working Committee.

During the period from 18 July to 23 July I received several communications both from Members of Parliament and from others making diverse suggestions. At the stage I had before me the claim of Morarji Desai that the Janata Party was the largest single party and that he as its leader should be called upon to form a Government. On the other hand Charan Singh, the leader of the newly formed breakaway group called Janata(s), had the support of Congress(s) given to it in writing. The Bahuguna group and written to me pledging its support to Charan Singh. Besides there were some communication addressed to me by some Members of Parliament pledging their support to Charan Singh.

However, it was not at all clear which of them was likely to command majority support in the Lok Sabha and will be able to form a stable Government. I decided, therefore, to ask them both in writing to send me lists of their supporters. I told each of them that I was asking the other to furnish a list of his supporters. I wrote to them on 23 July giving them each two day’s time for the purpose.

About this very time the leader of one of the political parties, viz. Congress (I), wrote to me to say that according to certain constitutional experts, if the official opposition in the United Kingdom “succeeds in defeating the Government and so causing its resignation, it is the duty of its leaders to form a
new. Government or to advise the Queen as to an alternative”. As the Leader of the official Opposition had expressed his inability to form a Government but had indicated an alternative, it was incumbent on me to adopt the alternative that the Leader of the official Opposition had indicated. He went on to argue that in no circumstances should Morarji Desai, whose resignation has been brought about by a No Confidence Motion, be given a chance to form a Government as it would amount to sending back to Parliament as Prime Minister a person who had just been voted out of office. While one may cite constitutional authorities to support one’s predilections, there was nothing to show at that stage that the alternative suggested by the Leader of the Opposition would lead to the formation of a Government that could command majority support in the House. The situation was such that without asking the two leaders to furnish detailed information about their respective supporters, no decision could be taken. In a separate communication dated 24 July the leader of Congress (I) in Parliament informed me that this party had decided to extend its support to CharanSingh “for formation of Government under his leadership”.

As stated earlier, I had asked Charan Singh and Desai to submit lists of their respective supporters within two days, i.e. by 25 July. Although I had not indicated the time in the letter, the understanding was that they would furnish the lists by 4.00 p.m. on 25 July. On the night of 24 July Morarji Desai telephoned to me, asking for an extension of time by a day. I told him that I
would have no objection to granting such an extension of time provided Charan Singh too wanted a similar extension. When asked, Charan Singh said that he did not wish to have any extension of the time-limit. I, therefore, felt that it would not be proper to grant extension to only one of the parties. On the morning of 25 July, Tompe, Special Private Secretary, to Prime Minister Morarji Desai. Telephoned to my Secretary, Madappa, requesting extension of the time-limit on behalf of Morarji Desai. My Secretary, under my instructions, informed him that it would not be possible, for the reason indicated earlier, and that Morarji Desai should adhere to the time-limit prescribed. It is not, therefore, correct to suggest that I had gone back on any assurance given earlier to Morarji Desai regarding the grant of further time to him for furnishing his list of supporters. I had made it clear to Desai that I would agree to an extension of the time-limit only if the other party too wished to have it and not otherwise. In the circumstances it would be baseless for anyone to complain that I had failed to observe an understanding extended to Morarji Desai in this matter.

On 25 July, Raj Narain, accompanied by two others, handed over to my secretary, Madappa, at 4.05 p.m. a list of the supporters of Charan Singh, while Tonpe, Special Private Secretary to Morarji Desai, brought to my Secretary at 4.25 p.m. a list of those who supported Morarji Desai. Raj Narain orally made certain points at the time. He also handed over a note, containing a gist of the point’s raised by him. This was followed up by a letter from Charan Singh,
saying that the list submitted by Morarji Desai to the Secretary to the President “did not contain any supporting evidence” and that “no supporting evidence regarding the two lists should become admissible after the two lists have been filed. Any departure from this is bound to lead to varied and serious complications.” On the following day, viz., on 26 July, Morarji Desai wrote me a letter in which he made the following points:

(a) The Communist Party of India had not promised unconditional support to any Government the might be formed by Janata(S) and the congress and that it would continue to be an Opposition Party in Parliament and determine its attitude to the new Government on the basis of its policies and programmes.

(b) The Congress (I) had pledged only its ad hoc support and not of its continued support for Charan Singh. That is, it would support the Charan Singh government in reference to the merits of each issue.

(c) Charan Singh’s claim of total support from the Congress was not correct as it had been published in the papers that the Kerala members of the party would not support Charan Singh.

(d) The Akali Dal has decided to keep neutral. It could not, therefore, be deemed to support Charan Singh.

(e) He wanted me to take the above points into account before reaching a decision.
Meanwhile some Members of Parliament informed me in writing that their names had been included in the list furnished by Morarji Desai without their consent and that they had in fact decided to lean their support of Charan Singh. Five members of the Congress Party similarly wrote to say that had reservations about their party’s decision to support Charan Singh and that they had decided to support Morarji Desai. H.V. Kamath and three others in a joint letter addressed to me argued that the supporters, of Charan Singh comprised as many as ten heterogeneous groups besides individuals with no common policy or programme and that no stable or cohesive Government could be provided by such a combination; on the other hand, the list submitted by the Janata Party included 219 Members functioning inside and outside Parliament as a single bloc with a common policy and programme and that the party relied on outside support to a much smaller extent than Charan Singh. In the circumstances they maintained that the Janata Party should be invited to form the Government. There were others too who wrote on similar lines. Madhu Limaye wrote to me on 26 July to say that some Members who had resigned from the Janata Parliamentary Party had later been prevailed upon to change their allegiance and to reaffirm their support to Morarji Desai. He expressed his unhappiness that “Parliament Members should give their allegiance alternately to both sides” and that the President “should be compelled to call them to find out on whose side they really are”. He pleaded that I should take “a decision one way or the other” quickly.
I too was keen that the material furnished by the two leaders should be examined with the least delay. Raj Narain suggested that the list of supporters furnished by each side should be furnished to the other. As Morarji Desai’s representative endorsed the suggestion, I complied with it. Again with the concurrence of the representatives of both sides, I excluded names that were common to both the lists. A careful scrutiny of both the lists was made by my Secretariat with the assistance of the officers of the Lok Sabha, and I came to the conclusion that Charan Singh’s list showed a majority of 24.

A suggestion was also made that in view of the shifting allegiances of many Members, it would be desirable for the President to send a message to the Lok Sabha itself to decide which leader enjoyed the confidence of a majority of the Members. But the suggestion did not spell out how exactly it was to be done. If this procedure had been adopted, it would have naturally raised the question whether the choice before Members of Parliament was to be restricted to Charan Singh and Morarji Desai or made wider in the event of a third person staking his claim. Such a procedure had never been adopted before. I was convinced that it could lead to unforeseen complications, and I was not, therefore, prepared to give it any thought.

Some critic argued at the time that, in adopting the procedure of asking the two leaders to furnish lists of their respective supporters, I had departed from a principle that I had advocated as Speaker of the Lok Sabha during 1967-69. It will be recalled that during that period there was much instability in the
Governments of some of the States, with frequent floor-crossings by members of the legislature. Consequently, there were many occasions when doubt arose whether a Chief Minister continued to enjoy support in the House or had lost it. Governors of States were often confronted with such situations. It was against this background that the Thirty-third Emergent Conference of Presiding Officers met in April 1968. As Speaker of the Lok Sabha, I presided over it and in my Presidential Address; I am reported to have said:

In no circumstances should it be left to the Governor to determine whether a Chief Minister continues to enjoy the support of the majority of the members or not, even if the members make their opinion known to the Governor in writing. It is the prerogative of the Assembly to decide this issue.

It was alleged that as President of India in July 1979, I was completely ignoring the very principle that I had advocated in 1968 as Speaker of the Lok Sabha.

This criticism ignores a clear distinction between the situation envisaged by me in my Presidential Address to the conference in 1968 and the one I had to deal with as President of India in 1979. In my Presidential Address I was dealing with a situation in which there was already a Chief Minister holding office. If there was a challenge to his continuance in office on the plea that he had lost his majority in the State Assembly and if there was a demand before the Governor that the compel the Chief Minister to resign or that he remove the Chief Minister in the event of his refusal to resign, what should the Governor
do? I said that the Governor as head of the State should not take upon himself the responsibility of deciding whether the chief Minister had in fact lost his majority. I suggested that the Governor should leave the question to be settled on the floor of the Assembly. I am still of the same view. The problem that arose in 1979 was, however, different.

A Ministry had resigned, and the Leader of the Opposition who had been asked to try and form a Government had after some time, reported his inability to do so. In so doing he had indicated an alternative which, whatever the language in which it was couched, meant inviting Charan Singh to form a Government. On the other hand, there was the outgoing Prime Minister claiming the rights to form a Government as leader of what he claimed still the largest single party. It was constitutionally my duty to find a Government. It was fully and squarely my responsibility to choose between the two alternatives, a responsibility which I could not pass on to any other organ envisaged by the Constitutions. Any attempt by me to do so would have been an abdication of my responsibility.

With reference to this decision of mine, I once stated that I had acted in accordance with the dictates of my conscience. Some people criticized my statement and said that what should have governed my decision were the Constitution and not my conscience. What I had implied was that, in coming to a decision, I had taken an objective and impartial view of the situation and that I had discharged the duty cast upon me to the best of my judgment and ability.
I did not then, and do not now, consider that I had done anything in contravention of the Constitution.

As stated earlier, I found that Charan Singh had the support of more Members of the Lok sabha than Morarji Desai. I, therefore, invited him in a communication on the afternoon of 26 July to form a Government. I went on to say in my communication: “I trust that in accordance with the highest democratic traditions and in the interest of establishing healthy conventions you would seek a vote of confidence in the Lok Sabha at the earliest possible opportunity, say by the 3rd week of August 1979.” At the same time I informed Morarji Desai of my decision.

On 28 July, I administered the oath of office and secretary to Charan Singh as Prime Minister and to some others as Ministers. Except Chavan, members of the Congress Party who were expected to be sworn-in at the same time failed to be present for the swearing-in ceremony owing to differences within the party. The party’s nominees were sworn in as ministers a day later. The Prime Minister soon found it necessary to expand his Ministry, and additional members were appointed to the Council of Ministers later. On the advice of the Council of Ministers I issued an order on 6 August, summoning both Houses of Parliament to meet on 20 August.

Before proceeding with the events of 20 August and thereafter, let me deal with a point that had provoked comment at the time. While inviting Charan Singh to form a Government I referred to the need for an early session
of the Lok Sabha, so that the Charan Singh Government might seek a vote of confidence. I have discussed this issue in the following chapter. My advice to Charan Singh to convene an early session of the Lok Sabha was construed as a condition governing my invitation to Charan Singh to form a Government and some critics openly expressed their doubt about the propriety of my laying down a condition. I may say that no condition could be imposed and in fact it was not meant to be a condition at all. Under the constitution, the Council of Ministers is collectively responsible to the Lok Sabha at the centre and to the Legislative Assembly in a State. Whatever may be the President’s or Governor’s assessment when he invites a person to form a government, the Prime Minister or the Chief Minister and his colleagues can hope to retain and remain in office only if they command a majority in the Lok Sabha or the Legislative Assembly, as the case may be. When, as the result of a General Election, there emerges a party or a coalition of parties with an absolute majority and its leader assumes office as Prime Minister or Chief Minister and forms a Government, the situation is clear, and there is no room for doubt about its having a majority in the House. Having regarded, however, to the circumstances in which Charan Singh had assumed office and the quantum of support which, on his own showing, he then enjoyed, it was necessary to know whether he would be able to command a majority in the Lok Sabha. I, therefore, considered it necessary and proper to advise him, even at the outset, about the desirability of convening an early session of the Lok Sabha.
The Congress(I), which had agreed to support Charan Singh “for formation of a Government under his leadership”, reportedly decided to withdraw its support from Charan Singh on the first day itself of the Lok Sabha session. Thereupon Charan Singh thought that he had no hope of commanding a majority in the House. At a meeting held in the morning on 20 August, Chran Singh’s Cabinet decided to submit its resignation to the President and also to advise the President to arrange for a fresh mandate being obtained from the people”. Thus Charan Singh and his Council of Ministers resigned without facing Parliament even once.

From then on, for two days I had many visitors, including individual Members of Parliament and leaders of groups, calling on me to place their views and suggestions in regard to the next step to be taken. Leaders of political parties and groups, as also lawyers and journalists, addressed several communications to me on the subject. The possible alternatives before me were: (a) to dissolve the Lok Sabha and arrange for fresh General Elections; and (b) to try and form a new Government with the help of the Leader of the Opposition, Jagjivan Ram. A further question was what arrangements should be made to carry on the country’s Government if the Lok Sabha was dissolved and fresh elections were ordered.

As soon as the news of Charan Singh’s resignation and his advice to arrange for obtaining a fresh mandate from the people became known, Jagjivan Ram, who had by then become Leader of the Janata Party and also Leader of
the Opposition in the Lok Sabha, wrote to me on 20 August itself saying that he was in a position to form a stable Government. He stated that the question whether Charan Singh had enjoyed majority support in the Lok Sabha had always been in doubt and that it was in fact for this very reason that he had been advised by me to seek a vote of confidence. He pointed out how Charan Singh had been obliged to resign without facing the Lok Sabha even once for want of a majority in the House. He argued that it was only a Council of Ministers which enjoyed the confidence of the Lok Sabha that could tender advice to the President which should be binding on him. The advice of Charan Singh and his Ministers to the President to order a fresh poll had little value and should be ignored. He concluded with a plea that he should be allowed to form a Government.

Chandrashekhari, the President of the Janata Party, Mohan Dharia, a member of Morarji Desai's Cabinet and others belonging to the Janata Party wrote in support of this view. Mavalankar, an independent Member of the Lok Sabha, some members of the Congress Party who had disagreed with the party's decision to support Charan Singh, and others such as journalists also wrote on the same lines.

They contended that the correct course of action would be to ask Jagjivan Ram, who as leader of the largest single party in the Lok Sabha with a strength of over 200 was then the Leader of the Opposition, to form a Government in the same manner as Chavan, the then Leader of the Opposition.
with only a strength of about 75, had been asked to form a Government when Morarji Desai resigned on 15 July. Krishna Kant, along with 102 Members of the Lok Sabha, wrote to me in support of Jagjivan Ram's claim. Members of the Parliamentary Forum for Scheduled Casts and Scheduled Tribes also wrote in support of his claim. In addition to other arguments, they stated that if Jagjivan Ram was invited to form a Government, all Scheduled Castes throughout the country, as well as backward classes, would be greatly pleased.

I have set out at some length the arguments of those who wanted me to adopt the second alternative. I shall now set out the reasons adduced by those who have pleaded for the first alternative.

Before I do so, I may mention a certain development which is interesting in the present context. As President I considered it my duty to explore the possibility of finding an alternative Government. There was the possibility of Jagjivan Ram being able to provide a stable Government with the support of Congress (I). In fact Congress (I) made an offer of support to Jagjivan Ram but subject to certain conditions. Presumably Jagjivan Ram rejected the conditions. The idea was, therefore, given up, and Congress (I) asked for the dissolution of the Lok Sabha when its leaders met me. I asked them to put down their views in writing and send them to me.

On 20 August itself, the Law Minister in Charan Singh's cabinet stated that of the 532 Members in the Lok Sabha, a majority (291) were in favour of dissolution: Janata(S) with its 97 Members, Congress(S) with its 75 Members,
Congress(I) with 73 Members, the Communist Party of India (Marxist) with its 22 Members, the All-India Anna Dravida Munnetra Kazhagam with its 17 Members, favoured dissolution. On the same day I received for the General Secretary of the Communist Party of India a coup of a resolution passed by the party in favour of dissolution of the Lok sabha and a mid-term poll. The General Secretary of the Communist Party of India (Marxist) sent me a copy of his party's resolution, favouring a fresh appeal to the electorate. On 22 August, the leader of the Congress (I) Party in Parliament wrote to me at length suggesting, inter alia, that the President should dissolve the Lok Sabha in exercise of his prerogative. Charan Singh was himself the leader of Janata(S), and his party's approval of the advice could be presumed. Representatives of Congress(S) who were in the Cabinet of Charan Singh were associated with the advice tendered to the President for the dissolution of the Lok Sabha. Agreement of Congress(S) to the idea of dissolution of the Lok Sabha could also be assumed except in the case of some of the members who had dissociated themselves from the party's decision to join Charan Singh's Government. The All-India Anna Dravida Munnetra Kazhagam, which was represented in the Cabinet, should be presumed to have been in favour of dissolution. In addition, there were letters from some Members of Parliament suggesting dissolution of the House. Cyclostyled copies of a communication signed by some Members of Parliament against dissolution were also received.
From the various communications it appeared that a majority of the Members of the Lok Sabha were in favour of dissolution.

Apart from the communications received from Members of Parliament and political parties, there were a few from members of the public which were critical of the defections and floor-crossings by Members of Parliament which the country had witnessed during the preceding few weeks. They, therefore, favoured a fresh poll.

I had to examine the claim of Jagjivan Ram, the new leader of the Janata Party, that he would be able to muster majority support in the Lok Sabha and that he ought to be invited to form a Government. At the time the party's strength was a little over 200 in a House with an effective strength of 538. Congress (I) and Janat(S) had unmistakably opposed the claim of the Janata Party to form a Government. Congress(S), too was of the same view. Both the Communist parties had asked for dissolution of the Lok Sabha and opposed formation of a Government by the Janata Party. The All-India Anna Dravida Munnetra Kazhagam and the Muslim League were of the same view. Further, a few Members of Parliament wrote to me suggesting dissolution of the Lok Sabha. Having regard to these facts and figures, I came to the conclusion that Jagjivan Ram, notwithstanding the strength of a little over 200 of his own party, could hardly form a Government commanding majority support.

Another consideration was that the Janata Party, only less than a month earlier, had clearly shown that it was not in a position to claim majority support.
in the Lok Sabha. It was true that a different person had, in the intervening period, assumed leadership of the party, but I could not persuade myself that the new leader would be able to command majority support either.

On the analogy of the invitation extended to the Leader of the Opposition, Chavan, when Morarji Desai resigned in July, many had argued that Jagjivan Ram as Leader of the Opposition should be invited to form a Government on the resignation of the Charan Singh Ministry. There was one aspect I had to take into account in dealing with this argument. If Jagjivan Ram was invited to form a Government and if his Government too was found to lack a majority and was forced to resign, as might well have happened, what should be the next step? Would it again be necessary to try to form a Government with the help of whosoever was the Leader of the Opposition at the time? Clearly such a process would be unending.

I weighed in my mind carefully the pros and cons of the two possible alternatives before me. I shall briefly recapitulate the central facts of the situation as I saw it. Following largescale defections, the Janata Party was reduced to a minority, and Morarji Desai was constrained to submit his resignation. On being asked to do so, the leader of the Opposition attempted to form a Government but reported failure. He, however, advised me that a combination of parties had emerged which was likely to be able to form a Government under the leadership of Charan Singh. I satisfied myself on the basis of the evidence supplied by Charan Singh and the outgoing Prime
Minister Morarji Desai that the former had greater support. Accordingly I invited Charan Singh to form a Government, which he did. He was soon obliged to resign, as one of the important groups that had promised him support changed its mind and though it fit to oppose him in less than a month. While resigning, Charan Singh advised dissolution of the Lok Sabha, leaving me with a situation in which I had to adopt one or the other alternative indicated earlier.

I have already set down the reasons which were against Jagjivan Ram being called upon to form a Government. Apart from the advice tendered by the Charan Singh Government, it was clear that almost all political parties, except the Janata Party, were in favour of dissolution. In the circumstances I came to the conclusion that the best method of ending the country's political impasse was to accept the clearly expressed view of the majority in favour of dissolution of the Lok Sabha.

Accordingly, on the morning of 22 August, the Cabinet Secretary, the Secretary to the Prime Minister, the Secretary to the President, and a few other senior officers met at my instance in Rashtrapati Bhavan to prepare the necessary drafts for dissolution of the Lok Sabha and to work out other consequential arrangements.

While the abovementioned officials were at work, Jagjivan Ram and Chandrashckhar of the Janata Party called on me at 11.30 a.m. in response to my invitation. It was my intention to talk to them informally about the political situation as I saw it. In the course of the talk, when the two leaders pressed the
claim of Jagjivan Ram to form a Government. I asked them whether there was
any promise to support to Jagjivan Ram from any other party. Jagjivan Ram
replied that there were no parties and that they had all broken up. He promised
to submit a list of his supporters once he was called upon to form a
Government. I pointed out that was not the method I had earlier adopted. I
made it clear that all major parties except Janata had in writing asked for
dissolution of the Lok Sabha and a fresh poll. The interview lasted about
fifteen minutes. Jagjivan Ram had nothing new to tell me, and felt that my
tentative decision on the basis of which action had been initiated called for no
change. As they were leaving, Chandrashekhar said that he would come and
see me again.

I said that there was no hurry and that he was always welcome. By
these words which I had uttered in good faith I only meant that he need not be
in a hurry to call on me again, though he was always welcome. I had not
implied at all that I was not in a hurry to come to a decision in regard to the
prevailing political situation. Unfortunately, an unintended construction was
put on my words, as later events showed. I could not possibly have intended
by those words to convey any such impression when I had already made up my
mind and further when I had instructed senior officers to initiate action to give
effect to my decision and when they had begun drafting the necessary
notifications, Press Notes, and other material.

241
In retrospect I wonder whether I should have invited them at all to see me. The construction put upon some words uttered by me casually and in good faith was unfortunate indeed.

A Press communiqué was issued in the afternoon to say that the President had, under sub-clause (b) of Clause (ii) of Article 85 of the Constitution of India, dissolved the Lok sabha. It was also indicated that elections would be held during the period November-December 1979. The proposed time-schedule for elections would ensure that they would be held the expiry of the provisions for reservation of seats for the Scheduled Casts and Scheduled Tribes and for the Anglo-Indian Community. The Charan Singh Ministry would continue to hold office till elections were held and a new Government formed on the basis of the results of the elections. The Government would not take decisions during the period which laid down new policy or involved new spending of a significant order or constituted major administrative or executive decisions. Work of a routine nature involving national interest would not be help up.

Some apprehension was expressed at the time about the desirability of allowing the Charan Singh Ministry to continue in office till after the elections. Under the Constitution there has to be a Ministry to aid and advise the President in the exercise of his functions. The President cannot constitutionally function otherwise. The most obvious thing to do was to let the Ministry then in office to continue to run the country’s Government. The Ministry assured
me that the elections would be free, fair and peaceful, and I saw no reason to
doubt the assurance.

I was confident that the Election Commission and the administration at
the Centre and in the States at all levels would see that elections were
conducted in a peaceful, orderly and fair manner. In the event this confidence
was fully justified, and the elections to the Lok sabha during the winter of
1979-80 were as orderly and peaceful, and as free and fair, as any held earlier.

A new Government under India Gandhi as Prime Minister was formed
and assumed office in the middle of January 1980 in the wake of the elections.
This ended the political uncertainty that had obtained in the country during the
second half 1979.