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### CONCLUSION

The office of the President of India can be started is left much towards the political development in the country. Even the Constituent Assembly had left ample scope for the President of India to play his role. The legal and judicial luminaries had been indeed much influenced by the British Constitutional ideas. The Indian Constitution has created a unique Presidential office.

The confusion over the role of the President started right since the first President Dr. Rajendra Prasad, Dr. B. R. Ambedkar as the Chairman of the Constituent Assembly who piloted the draft bill pointed "I have my doubts if these words could bind the President. It only lays down that there shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President in the exercise of his functions. It does not say that the President will be bound to accept that advice". On this issue there was conflict between the President and the then Prime Minister of India Pandit Nehru. Unfortunately no healthy debate has taken place even to this day.

Even those who say that the President is only a figure head go on to mention the "efficiency, enormity, self sufficiency, potency, range and variety of powers" vested in the President. 'The Constitution of India, a book written by

Mr.M.M.Singh points " If the mere vesting of powers be the sole criterion, then the President of India is the most powerful man of this age", But by operation of built-in inner mechanism of Parliamentary system, the Constitution contemplates the evolution of concomitant constitutional conventions, by which the President has, by and large, become a dignified rather than an efficient part of the Indian political system, the Council of Ministers headed by the Prime Minister having become the real efficient instrument".

Hence the President of India is a revered personality, standing above the political passions of the day. He can make his views known, but he has no powers of his own. The relations between the President and Prime Minister have been casually mentioned by Pandit Nehru at a Press Conference on July 7, 1959, when he pointed,

" I see the President frequently and we discuss naturally current matters and developments and he writes to me, sometimes I write to him, sometimes when he writes to me I circulate the letters to members of the Cabinet".

Though it may be accepted that, the office of the President is the symbol of state power; and the real power resides in the Council of Ministers. Yet the fact remains as to what would happen if he does not accept the advice of the existing ministry, he shall have to find some other body of Ministers to advise him. He will never be able to act independently of the Ministers.

There are various aspects of the Constitution which do not mention the details of either an unwanted 'Ministry' or a 'President'. The President has various obligations, and the most important is "to preserve, protect, and defend the Constitution and the law can this be possible for a mere figure head ?

Many aspects of the functioning of the office of President has been left to political developments, and the Constitution reveal some ambiguous thinking. Regarding the mode of his election it neither suits for the unitary system nor federal structure. Impeachment provisions in the Constitution do not also make it amply clear, as to what would be the position if the Prime Minister does not command two-third majority. Besides the terms, 'aid and advice' neither make it clear as whether the Council of Ministers verdict is binding. The President, besides as a guardian, of Constitution can consult the Supreme Courts in legal matters.

Nevertheless, solutions should be searched before problems arise; but one aspect must be accepted. The Constitution may reveal some ambiguous thinking but it forthrightly states that the decisions of the Council of Ministers submitted formally to the President are not of a recommendatory nature but a substantive one asking the President to sign on the dotted line. He can of course make his feelings known. He or she can even ask the Council to reconsider. But he cannot refuse. Therefore,

if anyone thinks that the President's office can become another and a rival focus of power, he is greatly mistaken.

What the country can and must ask for in a President is fairness. He should not take sides. Is this a counsel of perfection? The fact is Presidents have to be chosen from the people who have given up an active political life.

Dr. Radhakrishna, President, was not a politician at all, although he became politised when the disastrous events in north-east after the Chinese invasion gave him a change to distance himself from the Prime Minister and the government. But that was a short-lived affair. Dr. Zakir Hussain was also not properly a politician. Mr. V. V. Giri was a politician but had to spend most of the time as Governor of one or the other states. Mr. Fakhruddin Ali Ahmed was indeed a politician but not too partisan.

Mr. Sanjiva Reddy came from a different tradition. He was elected by the opposition of today when it constituted the ruling party. But he has shown a scrupulous adherence to his constitutional limitations in spite of proddings. The next President must be in line with the previous officeholders. He or she must start with a knowledge of the Constitutional position. Otherwise there can be trouble.