

I N T R O D U C T I O N

The members of the Constitution Assembly, committed to framing a democratic Constitution for India. The Assembly chose a slightly modified version of the British cabinet system. India was to have a President, indirectly elected for a term of five years, who would be a constitutional head of state in the manner of the monarch in England. As in England, there was to be a Council of Ministers, headed by the Prime Minister and collectively responsible to Parliament, to aid and advise the head of State.

Under the Indian Constitution the position of the President of India, he naturally becomes the 'Guardian of the Indian Constitution'. The President has the obligation to " Preserve, protect and defend the constitution and the law". A mere figure head cannot do this. But at the same time it is the Prime Minister and the Cabinet Ministers, who decide the instructions, ordinances or acts of Parliament. There is a conflict here. The President preserves the Constitution but Article 74(1) states:

" There shall be a Council that the Constitution collectively makes responsible to the Lok Sabha.

Does this mean primary of the Council of Ministers ? "

But the Constitution also states that the Ministers hold office during the pleasure of the President.

This work on 'The Position of the President in the Indian Constitution - A Critical Assessment', is a mere effort in trying to understand the role of the Indian President. The work is mainly based on published material available contributed by various scholars from time to time; on books etc. The work consists of six chapters, which try to examine the various aspects of the President under the Indian Constitution. Various articles of the Indian Constitution relevant are herein examined.

Chapter I deals with the 'Role of President of India'; (some aspects).

Articles 53,53(2),54,55(2),60,61,74,74(1)(2), 75,78,85,124(2),148(1),155,155(2) and 217(1) have been examined.

Chapter II, deals with aspects of the 'Election of the President of India'.

Articles 54,55(2),55(3),80(4),170(2) and 253 have been examined in this chapter.

Chapter III tries to study and assess the 'Relations of Prime Minister and the President'.

Articles 60,61(1),75(1),75(2),75(3),75(4),
78(b) and 78(c) which deal with these aspects are examined.

Chapter IV, critically deal with the problem of
'Presidents relations with the Council of Ministers'.

Articles 74(1),75(1),75(2),75(3),76(1),77(1),
78,123,124(2),143,217 and 324.

The President's Office does not come in touch only
with the Council of Ministers, but there are various other
aspects from whom in gets conculted. These aspects are
herein examined.

Chapter V examines the role of 'President and the
Legislature'. In Parliamentary system, the President has
a role to be played in relation to the Legislative Assembly.
This aspect considering the provisions made in the Indian
Constitution.

Articles 94,111,117,201,368 and C.A.D.
Vol.VIII, pp.106-7, have been dealt in length.

Chapter VI deals with an important aspect and that
is the 'Impeachment of the President of India', and the

thereby the provisions made in the Indian Constitution.

Articles 56,56(b),61(1),61(2)(a)(b),61(3),
61(4).

In the last chapter an assessment of the working of
the office of the President is attempted.

The work on the whole had to be completed in a limited
time, and it is doubted may suffer from certain limitations.
Besides contributed to any new theory or grounds.