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Politics of the Indian Presidency

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Debating the role of the President in the Constituent Assembly on 21 July 1947, Jawaharlal Nehru articulated some of the dominant political expectations of the time, arguing that even though ‘we did not give him any real powers’ in the proposed Constitution, ‘we have made his position one of great authority and dignity’.² As the discussion unfolded, Nehru made the case for the President being first and foremost a ‘symbol’ of the country, one who, despite not having the powers of the American President, is like him, the Commander-in-Chief of the defence forces. What India’s soon-to-be first Prime Minister chose not to focus on in his speech that day was the crucial political role inbuilt by the Constitution into the Presidency. The sheer moral certitudes attached to the Presidency and its ceremonial aspects have always served to obfuscate its key political function ever since and fostered a somewhat romanticised view that the Presidency is somehow meant to be an apolitical office. As the Constituent Assembly’s member from Bihar, Tajamul Husein, later argued, ‘the first President of India would be the first gentleman of the land and equal to any monarch in the world’.³ Irrespective of gender, the sentiment behind this expectation was clear from the beginning.

The moral dimensions notwithstanding, as India’s political parties debate candidates for the contest to elect the thirteenth President of the Republic, it is the politics that is paramount. The country is heading into an uncertain period of political turbulence leading up to the 2014

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² Jawaharlal Nehru in Constituent Assembly debate, 21 July 1947. *Constituent Assembly of India Volume IV*, Reproduced on <http://indiankanoon.org/doc/621540/> (accessed 7 May 2012).

³ Constituent Assembly of India Debates (Proceedings) Volume VII, Monday 27 Dec. 1948, <http://164.100.47.132/LssNew/constituent/vol7p26.html> (accessed 5 May 2012)

general election and when political horizons are murky, the role of the President becomes even more crucial. Under Article 75 of the Constitution, it is the President who appoints the Prime Minister after an election but in the absence of clearly laid down rules in the case of a hung house, has to use his or her own judgment on government-formation. The next President will have a particularly delicate role in the formation of the next government in 2014, given that the most reasonable guess in Delhi currently is that of another hung house, open to the most dexterous alliance. This is why the stakes are so high in this particular Presidential poll. Whether it is Finance Minister Pranab Mukherjee or Vice-President Hamid Ansari or former Lok Sabha Speaker P.A. Sangma or any other name that comes up before the last date of nominations, the shadow of the next general election is defining this Presidential contest. This explains why it is arousing such interest and intense jockeying behind the scenes between various political parties.

The Political Role of the President

It is in periods of political uncertainty that the President has to play a particularly political role as the arbiter of constitutional propriety. President Neelam Sanjiva Reddy in 1979; R. Venkataraman in 1989, 1990 and 1991; Shankar Dayal Sharma in 1996 and K.R. Narayanan in 1999 faced such situations where Presidential discretion and judgment became crucial in the appointment of the Prime Minister. In addition, President Zail Singh's decision to swear in Rajiv Gandhi as Prime Minister in 1984 despite there not having been a meeting of the Congress Parliamentary Party or any similar official nomination procedure before his anointment still remains controversial. For instance, when Nehru died in 1964, President Sarvepalli Radhakrishnan swore in the senior-most cabinet minister Gulzarilal Nanda as caretaker Prime Minister, and again when Lal Bahadur Shastri died in 1966. The current political debate is so intense precisely for this reason, not simply for the sheer imagery and symbolism of the office.

The relatively settled nature of the current ruling alliance in Delhi and President Pratibha Patil's quiet tenure until recently has meant that it is easy to forget just how crucial a swing factor the President can be. For example, in 1979, President Reddy's decision to call for a general election instead of asking Jagjivan Ram to form a government after the Charan Singh government fell, led to Janata Party President Chandrashekhar calling him a 'Lilliputian Fuehrer' as he joined Atal Behari Vajpayee and Morarji Desai to call for his impeachment.⁴ President Reddy's judgment that a stable government could only come from a new election only underscored the importance of the Presidency in unstable times.

⁴ Quoted in *The Age*, 24 Aug 1979.

Secondly, ever since Rajendra Prasad presided in his private capacity over the opening ceremony of the reconstructed Somnath temple in 1951 despite Nehru's objections, it has been clear that the President has the capacity to act as a touchstone for key disjuncture in major political debates.⁵ In the 1950s, President Prasad's opposition to the Hindu Code Bill eventually contributed to a legislation that was less far-reaching than Nehru had wanted.⁶ The first 10 years of the Republic were crucial for determining the balance of power between the office of the President and the Prime Minister. For example, in letters to Nehru and Attorney General M.C. Setalvad on 21 March and 27 March, 1950, President Prasad, in fact, sought several clarifications on the powers of the President including on whether he could act independently of the Council of Ministers. The Lok Sabha's former Secretary General Subhash Kashyap has shown that Setalvad initially replied that the President did indeed have the right to dismiss the government and dissolve Parliament but changed his opinion by 1951, when it was established that the powers of the President could be exercised by him only with the aid and advice of his ministers, adding that the President could not dismiss a council of ministers enjoying the confidence of the House.⁷ This balance of power has generally held but while the President, under Article 74(1) of the Constitution, is mandated to follow the advice of the government of the day, he can also return advice, at least once.

For example, in 1997 President Narayanan returned advice from Prime Minister Gujral to dismiss the Kalyan Singh government in Uttar Pradesh and in 1998 advice from Prime Minister Vajpayee to dismiss the Rabri Devi government in Bihar (in both cases, the respective Prime Ministers accepted his decision). Furthermore, in 2002, disapproving letters from Narayanan's desk to the Vajpayee government put pressure on the Prime Minister over the Gujarat riots. It wasn't quite like the Zail-Singh versus Rajiv Gandhi episode where things seemed to reach a breaking point in the late-1980s over the President's refusal to agree to the postal bill, but the President's pro-activeness in each case did act as a vital counterpoint to the political instincts of the government of the day.

Thirdly, this election is also vital for the Congress's image in the sense that it does not quite have the numbers this time like it did for President Pratibha Patil's election. In 2007, a more settled and coherent UPA simply put up a candidate and that was that. This time the political context is entirely different and it genuinely needs support from the allies in the complex electoral college that will elect the President. The President is elected indirectly by an electoral college comprising 543 members of the lower house of Parliament, the Lok Sabha, 233 elected members of the upper house, the Rajya Sabha and 4,120 members of legislative

⁵ See for instance, Romila Thapar, *Somnath: The Many Voices of a History*, New Delhi: Penguin, 2004.

⁶ See for instance Reba Som, 'Jawaharlal Nehru and the Hindu Code: A Victory of Symbol Over Substance', *Modern Asian Studies*, 28:1, 1994, pp. 165-194.

⁷ Subhash Kashyap, 'Clash of Titans That Strengthened India', *The Times of India*, 23 Jan. 2010. http://articles.timesofindia.indiatimes.com/2010-01-23/india/28134965_1_general-elections-prime-minister-jawaharlal-nehru

assemblies in the 28 states of India. The value of each vote by a Member of Parliament is proportional to the number of members of state legislative assemblies while the value of each vote cast by a legislative assembly member is proportional to the population in his or her state. Using this method, according to one count, in 2012, the value of the 776 Members of Parliament will account for a total of 549,408 votes while the 4,120 members of legislative assemblies will account for 549,474 votes.⁸

After humiliating reverses in Uttar Pradesh, Punjab and Delhi, the Congress party is on the defensive, its numbers in the states are reduced wobbly and it cannot quite afford the embarrassment of putting up a candidate that ends up losing. That would be a political bloody nose the ruling party can ill-afford and this is why it needs to be sure of its political calculations before it fields a candidate. The votes wielded by Mulayam Singh Yadav's Samajwadi Party, Mayawati's Bahujan Samaj Party and Mamata Banerjee's Trinamool Congress in this regard will be crucial.

Figure 1: PREVIOUS INDIAN PRESIDENTIAL CONTESTS⁹

S.N.	POLLING DATE	WINNER	VOTES POLLED (%)	MAIN RIVAL
1	May 2, 1952	Rajendra Prasad	507,400 (83.8)	K.T. Shah
2	May 6, 1957	Rajendra Prasad	459,698 (98.99)	N.N. Das
3	May 7, 1962	S. Radhakrishnan	553,067 (98.25)	Ch. Hari Ram
4	May 6, 1967	Zakir Husain	471,244 (56.2)	K. Subbarao
5	Aug. 16, 1969	V V Giri	401,515 (48.01)	N. Sanjiva Reddy
6	Aug 17, 1974	Fakhruddin Ali Ahmad	785,587 (80.18)	T. Chaudhuri
7	Aug 6, 1977	N. Sanjiva Reddy	Unopposed	
8	July 12, 1982	Giani Zail Singh	754,113 (72.73)	H.R. Khanna
9	July 13, 1987	R. Venkataraman	740,148 (72.79)	V. Krishna Iyer
10	July 13, 1992	S.D. Sharma	675,804 (65.86)	G.G. Swell
11	July 14, 1997	K.R. Narayanan	956,290 (94.9)	T.N. Seshan
12	July 15, 2002	A.P.J. Abdul Kalam	922,884 (89.5)	Lakshmi Sehgal
13.	July 22, 2007	Pratibha Patil	638,116 (58.1)	Bhairon Singh Shekhawat

The potential of the Presidential election to serve as a political barometer for the ruling entity in Delhi has been evident ever since the 1969 Presidential election when Indira Gandhi decided to support V.V. Giri as an independent candidate against the official Congress candidate Neelam Sanjiva Reddy. Giri's victory in what became a proxy battle in the larger

⁸ Figures from Saba Naqvi 'The August Equation', *Outlook*, 30 April 2012.

⁹ Table uses Election Commission data quoted in J. Venkatesan, 'How the President of India is Elected', *The Hindu*, 14 June 2007. 2007 figures from Anita Joshua, 'Pratibha Patil Elected President', *The Hindu*, 22 July 2007. <http://www.hindu.com/2007/07/22/stories/2007072250620100.htm> (accessed 10 May 2012)

tussle between Indira Gandhi and the older Congress leadership eventually led to a split in the party paving the way for Indira Gandhi's political dominance.

This Presidential election is a very different one for the ruling party but the electoral contest will be a test case for Delhi's new emerging political equations. Previous elections such as the A.P.J. Abdul Kalam-Laxmi Sehgal contest in 2002 also created much political chatter but the dominoes have fallen in such a way that this presidential election has assumed greater importance than any in the past three decades.

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