

CONTENTS

<i>Preface</i>	v
<i>Table of Cases</i>	xi
1. 62 Years of the Presidency The Constitutional Mandate Theory and Practice	
<i>Subhash C. Kashyap</i>	1
Constitutional Position	1
Election Process	2
Elections	6
Nehru-Prasad Equation	8
Presidents after Prasad	11
The message	24
2. President of India	
People's Friend, Philosopher and Supreme Custodian	
<i>G.V.G. Krishnamurthy</i>	25
Dr. Rajendra Prasad's Queries	25
Analysis of the Office of President	26
President: His Election, Authority & Power	26
President as Custodian of the Constitution	27
Is the Power Theoretical or Real?	28
Powers of Crown in England	28
Interpretations of the Content of the Constitution	29
Constitutional Position of the President	30
Polarisation of Forces	31
President vis-à-vis Prime Minister and Council of Ministers	31
Views of K.M. Munshi, B.N. Rau and Santanam	32
Range of Expressions Used Pertaining to President	32
"AID and ADVICE", its Scope	33
Passive and Active Roles of President	33
Passive Role	34
Active Role of the President	35
Emergency and Other Abnormal Situation	35
Abnormal Situations Likely to Arise in Post 1967 Period	36
Privy Council Decision on the Interpretation of A Written Constitution	37
President's Dynamic Role In Times of Necessity	38
Post Script	38

Powers of President to Appoint Prime Minister and Other Ministers in the Council	38
Sole Discretion of President in Appointing Prime Minister	38
Implications of Oath of President	39
President Supreme Custodian of Law, Constitution and People	39
3. Some Reflections on the Presidential Election, 2012	
<i>B.B. Dutta</i>	42
4. Next President	
Expectation of Citizens	
<i>P.P. Rao</i>	45
5. Making of the President, 2012	
<i>Vinod Saighal</i>	47
Rajinder Puri, wrote in The Sunday Statesman of 4 March, 2012	48
Remember that the President has sovereign immunity	49
The Selectors Cabal	50
6. Citizens and the President of India	
<i>A.K. Merchant</i>	52
7. President of India: A Personal Perspective	
Nation Must Make the Right Choice	
<i>J.S. Rajput</i>	56
8. The Soldier and his Supreme Commander	
A prayer to God and appeal to my Countrymen	
<i>R.S. Chhikara</i>	60
9. Locating the President in Representative Democracy of India	
<i>Manoj Agrawal</i>	63
Individual vs. Institution	64
Diminishing Status of President's Office	65
Citizen's Expectation and Participation	65
Suggested Solutions	66
10. Their man in the Rashtrapati Bhawan	
<i>Jawaharlal Kaul</i>	68
Annexures	
I. Note from the President Dr. Rajendra Prasad to the Prime Minister, Jawaharlal Nehru, dated March 21, 1950	71

II. Note on President's powers by the Attorney General M.C. Setalvad, dated October 6, 1950	73
III. Letter from Dr. Rajendra Prasad to Pandit Jawaharlal Nehru, dated 15 September, 1951	78
IV. Note from Dr. Rajendra Prasad to Pandit Jawaharlal Nehru	79
V. Letter from Pandit Jawaharlal Nehru to Dr. Rajendra Prasad dated 15 September, 1951	83
VI. Letter from Dr. Rajendra Prasad to Pandit Jawaharlal Nehru, dated 18 September, 1951	85
VII. Opinion of Sir Alladi Krishnaswami Aiyar, dated September 20, 1951	87
VIII. Opinion of the Attorney-General, M.C. Setalvad, dated September 21, 1951	89
IX. Letter from Sir Alladi Krishnaswami Aiyar to Pandit Jawaharlal Nehru	93
X. Note on the President's letter to the Prime Minister, dated 18 September, 1951 by Alladi Krishnaswami Aiyar, dated 8th October, 1951	94
XI. President Dr. Rajendra Prasad's Speech while laying the Foundation Stone of the Indian Law Institute at New Delhi on November 28, 1960	98
XII. The Presidential and Vice-Presidential Elections Act, 1952	100
XIII. The Presidential and Vice-Presidential Elections Rules, 1974	109
XIV. Constitutional Provisions	125
XV. Consensus Document Emerging from the National Symposium sponsored by seventeen Public-spirited Institutions at the India International Centre, June 2012	133
XVI. Supreme Court Judgments	
(1) (1970) 2 SCC 567: AIR 1970 SC 2097, Shri Shiv Kirpal Singh <i>Versus</i> Shri V.V. Giri	134
(2) (1947) 2 SCC 33, <i>In Re: Presidential Poll</i>	256
(3) (1984) 1 SCC 390, Charan Lal Sahu <i>Versus</i> Giani Zail Singh	265