

BOOK REVIEWS

PRESIDENTS OF AMERICA & INDIA (2010). By Charan Lal Sahu. Charan Lal Sahu, Advocate, Supreme Court of India, 96 Law Chamber, New Delhi. Pp. 542. Price: Rs. 1000 / US\$ 40.

INDIA AND the United States of America are the two largest democracies of the world. Students of law are aware of the differences in political and legal systems between these nations. This awareness, however, mostly remains superficial, being unsupported by knowledge about people, history and politics of the two systems, as also the fact that the inclinations and personality of the vital functionaries of the government often plays important role in shaping a nation's policy, both at domestic as well as international level.

The President of the United States is the head of the state and is often dubbed as the most powerful man in the world. While President Truman's views on the powers of the President were not exactly complementary,¹ perhaps in a jest, Kingdon has opined that "no other single actor in the political system has quite the capability of the president to set agendas in given policy areas for all who deal with those policies."² The intention of the framers of the Constitution of the United States probably lay somewhere in the middle of these views.³ The present political scenario in the United States presents a good opportunity for studying the working of this system of checks and balances of power between the Congress and the President.

1. "The people can never understand why the President does not use his supposedly great powers to make 'em behave. Well all the President is, is a glorified public relations man who spends his time flattering, kissing and kicking people to get them to do what they are supposed to do anyway." – Harry S. Truman in Ed. Robert H. Ferrell, *Off the record: The Private Papers of Harry S. Truman* 119 (University of Missouri Press, 1997).

2. John W. Kingdon, *Agendas, Alternatives, and Public Policies* 25 (Little, Brown & Co. 1984).

3. "Just how much power should be entrusted to the president was debated at length by the framers of the Constitution. On the one hand, they did not want a king. On the other hand, they believed that a strong executive was necessary if the republic was to survive. The result of their debates was an executive who was granted enough powers in the Constitution to balance those of Congress." - Edward Sidlow, Beth Henschen, *America at Odds* 269 (Cengage Learning, 2008).

From its first President in 1789, George Washington, to the forty-fourth, the incumbent Barack Obama, the United States has had many great and famous Presidents who have steered the country through periods of wars, internal strife, economic depression and social turmoil, and, led the nation to its status as the sole superpower of the world. At the same time, it cannot be denied that the office of the President has not been an easy one to occupy, and, has repeatedly been under intense public scrutiny, whether it was Watergate, Lewinsky, Vietnam, the Gulf, Somalia, Iraq or Afghanistan issue.

The President of India is not vested with powers akin to those of the President of the United States. A body of scholars is of the opinion that the President of India is neither a figurehead nor a titular head, in view of the executive and legislative powers vested in the President under the Constitution of India. It may, however, be argued that even those powers which are vested in the President of India under the Constitution have been greatly diluted by the interpretation given to those provisions by the apex court in *Shamsher Singh* case⁴ and, set to rest by the 42nd amendment to the Constitution of India, amending article 74(1), whereby, the President is bound to exercise his functions in accordance with the advice of the council of ministers. It cannot be ignored, though, that the Presidents of India have altogether been eminent individuals of great stature and competence, and, propriety demanded that the council of ministers and the Prime Minister were mindful of the views and opinions of the President, as evidenced most recently during the term of President A. P. J. Abdul Kalam. Perhaps it is one area where the Presidents of India have fared better than their American counterparts. Generally, American Presidents have not enjoyed the same popularity when their term ended, as they did when they were elected; such is the nature of the United States Presidency.⁵

In any case, considering the vocal debate not too long ago, on the adoption of the presidential form of government in India on the lines of the United States, a precise understanding of the working of the presidential system in United States and India is vital for all experts, be they judges, lawyers, jurists, academicians or parliamentarians in the area of constitutional law. In view of the vast difference between the manner of election of President in the United States and India, and in their respective

4. AIR 1974 SC 2192.

5. "After hitting bottom the president's popularity may rise somewhat, but it never reaches the levels enjoyed during the president's first months in office." - *Powers of the Presidency* 232 (Congressional Quarterly, Inc., 2nd ed., 1997).

powers, duties, and responsibilities, an authoritative text comparing the two would have been indispensable.

There is an old adage cautioning against judging a book by its cover. In the present instance, the reader would be justified for ignoring this caution in a literal sense. A glance at the back cover of the book exposes glaring grammatical and typographical errors; a tendency that begins with the very first sentence of “*Preface*” to the book and follows throughout in the rest of the book. The blunders are recurrent, so numerous and fundamental, it appears that the book never suffered the discomfiture of being scrutinized by either a proofreader or any qualified editor.

The book under review, written by an advocate of Supreme Court, is divided into two parts. Part I is devoted to U.S. Presidents, about America, its Constitution and lists the U.S. Presidents, particularly the present incumbent, Barack Obama.

Part II titled “Presidents of America and India” assembles many facts and figures in a manner which can be described as haphazard. The chapters in this part include “India”, “President is a titular head”, “Portrait of Mahatma as Young Man in Africa”, “Republic Raj in India”, “Emergency in 1975 with Great Mistakes”, “Democracy – The Real Thing”, “Padma Awards Sant Singh Chatwal”, “The Budget of 1947”, “Why 26th January become our Republic Day”, “Constitution of India, 1950” and a list of all Presidents of India.

One chapter in this part is titled “Obama – made History”, but on reading through this chapter, one finds that about five pages are devoted to “World History is Made in U.S. by Barack Obama” followed by some statements made by “President of India” ‘Mrs. Pratibha Patil’, ‘Dr. Manmohan Singh, Prime Minister’. This chapter also includes, albeit in an odd manner, list of women Governors in India (1947-2010), women chief ministers in India, first ten women rulers of the world and women rulers since 2005. Without an iota of relevance, this chapter also includes “Queen to skip CWG for first time in 44 Years” and “3-Fold salary Hike for Prez., Veep, Governors”.

Even otherwise, large portions of the work are exact reproductions from books, judgments, wikipedia and, an assortment of articles, news stories, speeches and statistics, most often even without any reference or acknowledgement. For instance, a huge part of the book, dealing with the history and Presidents of America (pp.17 to 159) has been directly duplicated from the book, “Outline of U.S. History”⁶ (pp.6 to 88 and

6. The book is available for download from the website of the Bureau of International Information Programs, U.S. Department of State. Available at <http://www.america.gov/media/pdf/books/historytln.pdf>.

pp.204 to 337 of Outline of U.S. History, minus the photographs). The description of President Barack Obama (pp.174 to 185) is yet again a complete replication of the U.S. Department of State's publication "Barack Obama, 44th President of the United States".⁷ For explaining the Constitution of the United States (pp.185 to 254), the author similarly quotes verbatim from "The Constitution of the United States of America with Explanatory Notes".⁸ Some portions of the book are exact replications of published articles but not referred as such, either in the text or in the "Bibliography" to the book. The author has borrowed heavily from the news and opinion items reported and published by The Times of India. The examples include the article "Delhi, a city of refugee enterprise" by Times News Network published in The Times of India, January 24, 2010⁹ and appearing in the book at pp.316 to 321, "Clash of titans that strengthened India" by Subhash C. Kashyap published in The Times of India, January 23, 2010¹⁰ and appearing in the book at p. 339, "India's living constitution" by Ronojoy Sen, published in The Times of India, January 23, 2010¹¹ and appearing in the book at p. 340, "Cross-voting gives Pratibha huge win" by Bhaskar Roy published in The Times of India, July 22, 2007¹² and appearing in the book at p. 497, "Shekhawat draws a blank in four states" by Bhaskar Roy published in The Times of India, July 22, 2007,¹³ and appearing in the book at p. 497, "Every prez will enrich Rashtrapati Bhavan: Kalam" by Times News Network, published in The Times of India, July 22, 2007¹⁴ and appearing in the

7. The book is available for download from the website of the Bureau of International Information Programs, U.S. Department of State. *Available at* <http://www.america.gov/media/pdf/books/obamaen.pdf>.

8. The book is available for download from the website of the Bureau of International Information Programs, U.S. Department of State. *Available at* <http://www.america.gov/media/pdf/books/constitution.pdf>.

9. Available at <http://timesofindia.indiatimes.com/india/Delhi-a-city-of-refugee-enterprise/articleshow/5493706.cms> accessed on 30.12.2010.

10. Available at <http://timesofindia.indiatimes.com/india/Clash-of-titans-that-strengthened-India/article-show/5490253.cms> accessed on 30.12.2010.

11. Available at <http://timesofindia.indiatimes.com/india/Indias-Living-Constitution/articleshow/5490343.cms> accessed on 30.12.2010.

12. Available at <http://timesofindia.indiatimes.com/india/Cross-voting-gives-Pratibha-huge-win/article-show/2223807.cms> accessed on 30.12.2010.

13. Available at <http://timesofindia.indiatimes.com/india/Shekhawat-draws-a-blank-in-four-states/article-show/2224030.cms> accessed on 30.12.2010.

14. Available at <http://timesofindia.indiatimes.com/india/Every-prez-will-enrich-Rashtrapati-Bhavan-Kalam/articleshow/2224048.cms> accessed on 30.12.2010.

book at p. 499, "Maharashtra Cong smells rat over 6 invalid-votes" by Times News Network published in The Times of India, July 22, 2007¹⁵ and appearing in the book as "Maha Congress smells rat over 6 invalid votes" at pp. 500, 501, "BJP's anti-Patil campaign boomerangs" by Times News Network published in The Times of India, July 22, 2007 and appearing in the book at p. 501, 502, "Pratibha's village celebrates victory" by Prakash Bhandari published in The Times of India, July 22, 2007¹⁶ appearing in the book at p. 502, "No Rubber Stamp, Please" by Sudhanshu Ranjan published in The Times of India, June 15, 2007¹⁷ and appearing in the book as "President-No Rubber Stamp" at pp.504 to 506 of the book, "Obama: A new dawn of US leadership at hand" by Agence France-Presse, 11.05.2008, published inter alia at ABC-CBN News online¹⁸ and appearing partly in the book "World History Is Made In US By Barack Obama" at pp.510 of the book. The list is long but by no means exhaustive.

The strongest argument in favour of this book might have been (though not claimed so by the author) that it is a compilation of some well authored source materials. However, even that argument fails to rescue the book as the author has not described the exact sources, making it hard for a reader to refer to the original material used in the book. The *Selected Bibliography*, for instance, describes one source as "American journals issued by the American Library, K. G. Marg, New Delhi". By itself, the book completely fails to shed any novel insight or opinion on the office of the President of either the United States or India.

Sections of the work discussing the Presidents of India read as randomly assembled news reports and articles. The writing style keeps changing from first person to third person. The book moves abruptly from portions which read like news, to statistics, to articles, and to the provisions of law, with the overall effect that the section on the Presidents

15. Available at <http://timesofindia.indiatimes.com//india/Maharashtra-Cong-smells-rat-over-6-invalid-votes/articleshow/2224064.cms> accessed on 30.12.2010.

16. Available at [http://timesofindia.indiatimes.com//india/Pratibhas-village-celebrates-victory/article show/2224074.cms](http://timesofindia.indiatimes.com//india/Pratibhas-village-celebrates-victory/article%20show/2224074.cms) accessed on 30.12.2010.

17. Available at <http://timesofindia.indiatimes.com/home/opinion/edit-page/LEADER-ARTICLE-No-Rubber-Stamp-Please/articleshow/2124332.cms> accessed on 30.12.2010.

18. Available at <http://www.abs-cbnnews.com/world/11/05/08/obama-new-dawn-us-leadership-hand> accessed on 30.12.2010.

of India lacks any cohesion. For instance, chapter 11 titled “*India*” starts off with a narrative on Chandragupta Maurya and Ashoka, suddenly turns to statistics from the census of India of 2001 and from thereon, to a long list of past and present holders of important offices in India. The book gives brief biographies and notable events pertaining to the Presidents of India, though, a reader keen on gaining deeper insight on the Presidents of India would be better off referring to “*Presidents of India, 1950-2003*”.¹⁹

In the book under review, the reader, however, has the advantage of reading the entire election petition instituted by the author himself, seeking the declaration of election of A.P.J. Abdul Kalam to the office of the President of India as void, and the Supreme Court’s verdict²⁰ thereon.

The book does not have much material on the present incumbent President, Pratibha Devisingh Patil, besides news reports pertaining to her election to the office of the President.

The book ends with short articles referring to the role of the President in India, various forms of elections and Barack Obama’s election and its significance for India. These materials might have been more useful had they been given in the beginning of the book.

In the “Preface” to the book, the author describes the book as a comparative study of the democratic Presidents of America and India and women’s right to vote, for ready reference by research scholars. Unfortunately, however, any comparison between the great leaders of the two great nations is conspicuous by its absence. There is, at best, isolated description of the Presidents of the two countries, while woman suffrage finds reference only in the passing. The book offers nothing novel or groundbreaking and, the reviewer finds it difficult to accept it either as a ‘living document’ as expected by the author in the *Preface* or recommend it to any reader interested in a study of the office of Presidents, either of the United States of America or India.

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19. Janak Raj Jai, *Presidents of India, 1950-2003*, (Regency Publications, 2nd ed., 2003).

20. *Charan Lal Sabu v. Dr. A. P. J. Abdul Kalam* (2003) 1 SCC 609.

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