

QUICK REVISION MODULE (UPSC PRELIMS 2024) POLITY UNION EXECUTIVE-I

PRESIDENT

- Titular head of State (Art-52)
- First Citizen
- Symbol Of Unity, Integrity & Solidarity



VICE-PRESIDENT

- Second highest office
- Accorded a rank next to the President in the official warrant of precedence.



PRIME
MINISTER



COUNCIL OF
MINISTERS



ATTORNEY
GENERAL
OF INDIA

PRESIDENT OF INDIA

QUALIFICATION

- Citizen of India.
- 35 yrs. of age.
- Qualified to contest elections as a member of the Lok Sabha.
- Not hold any office of profit under the Government of India or State or any local or other authority subject to the control of any of the said Government (Art. 58).



CONDITIONS OF OFFICE

- Not be a member of any house of Union or State legislature. (If such member is elected, he shall be deemed to have vacated his seat in that house on entering upon office of President).
- Not hold any other office of profit.
- Entitled, without payment of rent, to the use of his official residence (the Rashtrapati Bhavan).
- Emoluments and allowances (determined by Parliament) cannot be diminished during his term.



TERM OF OFFICE

- 5 years from entering upon his office.

Termination before 5 years in two ways

1. By resignation in writing to Vice-President.
2. By removal ONLY for violation of the Constitution, by the process of impeachment (Art. 56).



IMPEACHMENT PROCEDURE

- The impeachment charges can be initiated by either House of Parliament. These charges should be signed by **1/4th members of the House** (that framed the charges), and a **14 days' notice** should be given to the President.
- After the impeachment resolution is passed by a majority of two-thirds of the total membership of that House, it is sent to the other House, which should investigate the charges.
- The President has the right to appear and to be represented at such investigation. If the other House also sustains the charges and passes the impeachment resolution by a majority of two-thirds of the total membership, then the President stands removed from his office from the date on which the resolution is so passed.



ELECTION PROCEDURE



The President of India is elected by **indirect election**, i.e. by an **electoral college**, in accordance with the **system of proportional representation** by means of a **single transferable vote**, and the voting is by **secret ballot**.

ELECTORAL COLLEGE

- Elected members of the both the Houses of Parliament.
- Elected members of Legislative Assemblies of States.
- Elected members of legislative assemblies of the Union Territories of Delhi and Puducherry.



NOT INCLUDED IN COLLEGE

- Nominated members of Lok Sabha, Rajya Sabha & Legislative Assemblies of State & Legislative Assembly of Delhi & Puducherry.
- Elected and Nominated members of the Legislative Councils of States.



MANNER OF ELECTIONS

- Each member of the electoral college is given only one ballot paper.
- The voter, while casting his vote, is required to indicate his preferences by marking 1,2,3,4, etc. against the names of candidates.
- This means that the voter can indicate as many preferences as there are candidates in the fray.
- In the first phase, the first preference votes are counted.
- In case a candidate secures the required quota in this phase, he is declared elected.
- Otherwise, the process of transfer of votes is set in motion.
- The ballot of the candidate securing the least number of first preference votes are cancelled and his second preference votes are transferred to the first preference votes of other candidates.
- This process continues till a candidate secures the required quota.
- Parliament regulate matters relating to elections of president and Vice President.



REQUIREMENT FOR NOMINATION FOR OFFICE OF PRESIDENT

- 50 electors as proposers and 50 electors as seconders (elector= member of electoral College).

President is a representative of the nation as well as people in different States

- Uniformity of representation of the different States at the election, according to the population and number of elected MLAs of each State.

Value of the vote of an MLA

- $(\text{Total Population of the State}) / (\text{Total number of elected members in the Legislative Assembly} \times 1000)$.
- Parity shall also be maintained between the States as a whole and the Union.

Value of the vote of an MP

- $(\text{Total number of votes assigned to the elected members of all the State Assemblies}) / (\text{Total number of elected members of both Houses of the Parliament})$.
- Successful candidate wins by an absolute majority of votes. He must secure a fixed quota of votes. The quota of votes is determined by dividing the total number of valid votes polled by the number of candidates to be elected plus one and adding one to the quotient.

Electoral Quota

- $[\text{Total Number of valid votes polled} / ((1+1)=2)] + 1$

VACANCY IN THE OFFICE OF PRESIDENT



CONDITION OF VACANCY

- On Expiry of his Term of Five years.
- By his Death, Resignation, Remove by impeachment, Otherwise, for e.g. he become disqualified to hold office.
- Illness or Absence from India.



WHO SHALL ACT AS PRESIDENT

- Election must be conducted before expiry of the term. If somehow election is delayed, the outgoing President continues to hold the office, until his successor assumes the office.
- Vice President assumes the office until a new President is elected. Elections are to be held within six months of occurrence of the vacancy.
- Vice President assumes the office until the President resumes his duties.

Note: In case the office of President is vacant, Vice-President assumes the office. And in case office of Vice-President is also vacant, the chief justice of India (or if his office is also vacant. The senior most judge of Supreme Court available) shall act as the President of India

POWER AND FUNCTIONS OF THE PRESIDENT

EXECUTIVE POWERS

- Article 53(1) provides that executive powers can be exercised by the President either directly or through officers subordinated (Council of Minister – Article 74) to him.
- All executive actions formally taken in his name and can make rules manner in which orders are made and executed in his name.
- Appoints PM and other ministers (both hold office during his pleasure).
- Appoints attorney general of India and determines his remuneration. He holds office during the pleasure of the President.
- Appoints CAG, the chief election commissioner and other election commissioners, the chairman and members of UPSC, the governors of states, the chairman and members of finance commission.
- Can seek any information relating to the administration of affairs of the Union, and proposals for legislation from PM.
- Can require PM to submit, for consideration of the council of ministers, any matter on which a decision has been taken by a minister but, which has not been considered by the council.
- Can appoint a commission to investigate into the conditions of SCs, STs and other backward classes.
- Can appoint an inter-state council.
- Directly administers UTs through administrators appointed by him.



LEGISLATIVE POWERS

- Can summon or prorogue the Parliament and dissolve the Lok Sabha.
- Can also summon a joint sitting of both the Houses.
- Can address the Parliament at the commencement of the first session after each general election and the first session of each year.
- Can send messages to the Houses of Parliament regarding pending bill or otherwise.
- Can appoint any member of the Lok Sabha to preside over its proceedings when the offices of both the Speaker and the Deputy Speaker fall vacant. Similarly, any member of the Rajya Sabha when the offices of both the Chairman and the Deputy Chairman fall vacant.
- Nominates 12 members of the Rajya Sabha and 2 to Lok Sabha.
- His prior recommendation or permission needed to introduce certain types of bills in the Parliament. For example, a bill involving expenditure from the Consolidated Fund of India, or a bill for the alteration of boundaries of states or creation of a new state.
- For bill sent to the President after passed by the Parliament, he can: give assent/withhold assent/ return bill (if not money bill).



- On returning for reconsideration of the Parliament, if the bill is passed again by the Parliament, with or without amendments, the President has to give his assent to the bill.

- For bill passed by State legislature (reserved by the governor for consideration of the President), the President can: give assent/withhold assent/direct governor to return bill (if not money bill).

- On returning the bill for reconsideration of the state legislature, not obligatory for the President to give his assent even if the bill is again passed by the state legislature and sent again to him for his consideration.

- Can promulgate ordinances on subjects where Parliament has legislative power(Art 123) provided parliament not in session, immediate action is required, parliament approve within 6 week of reassembly.

- President may withdraw an ordinance at any time.
- Promulgation and withdrawal subject to Council of Ministers approval.
- May have retrospective effect and may modify or repeal any act of Parliament, or even another ordinance.
- May also amend or alter a tax law, but not amend Constitution.
- A statement explaining the circumstances that had necessitated immediate legislation by ordinance should also be placed before the House.
- Such power not found in most of the democratic Constitutions including USA and UK.

- Lays the reports of CAG, UPSC, FC and others, before the Parliament.

- Can make regulations for the peace, progress and good government of the Andaman and Nicobar Islands, Lakshadweep, Dadra and Nagar Haveli and Daman and Diu. In the case of Puducherry also, the President can legislate by making regulations but only when the assembly is suspended or dissolved.

FINANCIAL POWERS

- Prior recommendation for introduction of money bills in Parliament.
- Causes to be laid annual financial statement before the Parliament.
- No demand for a grant can be made except on his recommendation.
- Can make advances out of the contingency fund of India for unforeseen expenditure constitutes.
- Finance commission after every five years.



JUDICIAL POWERS

- Appoints the Chief Justice & judges of Supreme Court and High Courts.
- Can seek advice from the Supreme Court on question of law or fact.
- Can grant pardon, reprieve, respite and remission of punishment, or suspend, remit or commute the sentence of any person convicted of any offence (by a court martial or against a Union law or sentence of death).
 - **Pardon:** Removes both the sentence and conviction.
 - **Reprieve:** Stay of the execution of a sentence (especially that of death) for a temporary period.
 - **Respite:** Denotes awarding a lesser sentence in place of one originally awarded due to some special fact (physical disability or pregnancy). Remission: reducing the period of sentence without changing its character.
 - **Commutation:** Denotes the substitution of one form of punishment for a lighter form.



MILITARY POWERS

- Supreme commander of the defence forces and appoints the chiefs of the Army, Navy and Air Force.
- Can declare war or conclude peace, subject to approval of Parliament.



DIPLOMATIC POWERS

- International treaties and agreements are negotiated and concluded on behalf of the President subject to the approval of Parliament.
- Represents India in international forums and affairs.
- Sends and receives diplomats like ambassadors, high commissioners, and so on.



EMERGENCY POWERS

- The Constitution confers extra ordinary powers on the President to deal with National Emergency (Article 352); President's Rule (Article 356 & 365); Financial Emergency (Article 360).



VETO POWER

ABSOLUTE VETO

- Power of the President to withhold his assent to a bill passed by the Parliament.
- Usually exercised with respect to private members bill or when cabinet resigns & new cabinet advises not to give assent.



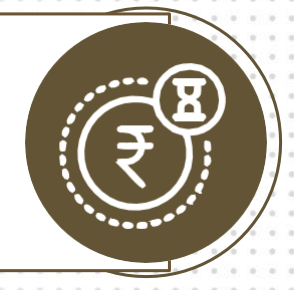
SUSPENSIVE VETO

- The President exercises this veto when he returns a bill for reconsideration of the Parliament.
- But veto is overridden by a re-passage of the bill by the same ordinary majority (and not a higher majority as required for Qualified Veto in U.S.A.).
- Not possess this veto in the case of Money bills.



POCKET VETO

- Neither ratifies nor rejects or returns the bill, but simply keeps the bill pending for an indefinite period.
- Constitution does not prescribe any time limit within which he has to take the decision with respect to a bill presented to him for his assent. In USA, the President has 10 days.



NOTE: no veto power with President for Constitutional Amendment Bill. The 24th Constitutional Amendment Act of 1971 made it obligatory for the President to give his assent to a constitutional amendment bill.

CONSTITUTIONAL POSITION OF THE PRESIDENT

- 42nd Constitutional Amendment Act of 1976 made the President bound by the advice of the council of ministers headed by the Prime Minister.
- 44th Constitutional Amendment Act of 1978 authorised the President may return a matter once for reconsideration of his ministers, but the reconsidered advice shall be binding.
- President can act on his discretion (that is, without the advice of the ministers) under the following situations:
 - (i) Appointment of Prime Minister when no party has a clear majority in the Lok Sabha or when the Prime Minister in office dies suddenly and there is no obvious successor.
 - (ii) Dismissal of the council of ministers when it cannot prove the confidence of the Lok Sabha.
 - (iii) Dissolution of the Lok Sabha if the council of ministers has lost its majority.



VICE PRESIDENT



Qualifications

- Citizen of India.
- 35 years of age.
- Qualified for election as a member of the Rajya Sabha.
- Not hold any office of profit under the Union government or any state government or any local authority or any other public authority.

NOTE:

- 1. Sitting President or Vice-President of the Union, the governor of any state and a minister for the Union or any state is not deemed to hold any office of profit.**
- 2. MPs and MLAs are also eligible but if elected as Vice-President then he is deemed to have vacated his seat in that House without separate resignation.**
- 3. The nomination of a candidate for election of Vice-President must be proposed by 20 electors and seconded by 20 electors as well.**



ELECTION

- Indirect election.
- Elected by the members of an electoral college consisting of the elected and nominated members of both Houses of Parliament.
- System of proportional representation by means of the single transferable vote and the voting is by secret ballot.



TERM OF OFFICE

- Five years but can hold office beyond his term of five years until his successor assumes charge.
- Can resign from his office by addressing the resignation letter to the President.
- Also eligible for re-election to that office. He may be elected for any number of terms.



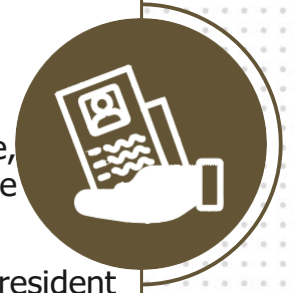
VACANCY IN OFFICE

- On the expiry of his tenure of five years. (election to fill the vacancy must be held before the expiration of the term)
- By his resignation.
- On his removal.
- By his death.
- Otherwise, for example, when he becomes disqualified to hold office or when his election is declared void.
- In last 4 conditions, election to fill the vacancy should be held as soon as possible after the occurrence of the vacancy. The newly elected Vice-President remains in office for a full term of five years from the date he assumes charge of his office.



POWERS AND FUNCTIONS

- Ex-officio Chairman of Rajya Sabha (powers and functions are similar to those of the Speaker of Lok Sabha).
- Acts as President (only for a maximum period of six months) when a vacancy occurs in the office of the President due to his resignation, removal, death or otherwise.
- When the sitting President is unable to discharge his functions due to absence, illness or any other cause, the Vice-President discharges his functions until the President resumes his office.
- While acting as President or discharging the functions of President, the Vice-President does not perform the duties of the office of the chairman of Rajya Sabha. During this period, those duties are performed by the Deputy Chairman of Rajya Sabha.



REMOVAL

- Formal impeachment is not required.
- Can be removed by a resolution of the Rajya Sabha passed by an effective majority and agreed to by the Lok Sabha. But, at least 14 days' advance notice required.
- No ground mentioned in the Constitution for his removal.

