

Polity and constitution



- FOR UPSC/IAS
- RAS/HCS/UPPSC/MPPSC

- FREE TEST SERIES ON WEBSITE
 - DAILY QUIZ
 - VIDEO CLASSES/ LECTURES
 - READING MATERIAL/ PDF's
- DIRECT COORDINATION IN TELEGRAM

CENTRAL GOVERNMENT

- PRESIDENT
- VICE PRESIDENT
- PRIME MINISTER
- CENTRAL COUNCIL OF MINISTERS
- CABINET COMMITTEES
- PARLIAMENT
- PARLIAMENTARY COMMITTEES
- SUPREME COURT

PRESIDENT

- articles 52 to 78 in Part V of the Constitution deal with the Union executive.
- The Union executive consists of the President, the Vice-President, the Prime Minister, the council of ministers and the attorney general of India.
- The President is the head of the Indian State. He is the first citizen of India and acts as the symbol of unity, integrity and solidarity of the nation.
- **Election** :The President is elected not directly by the people but by members of
- electoral college consisting of:
 - 1. the elected members of both the Houses of Parliament;
 - 2. the elected members of the legislative assemblies of the states; and
 - 3. the elected members of the legislative assemblies of the Union Territories of Delhi and Puducherry1.
- Thus, the nominated members of both of Houses of Parliament, the nominated members of the state legislative assemblies, the members (both elected and nominated) of the state legislative councils) and the nominated members of the Legislative Assemblies of Delhi and Puducherry do not participate in the election of the President.
- The President's election is held in accordance with the system of proportional representation by means of the single transferable vote and the voting is by secret ballot. This system ensures that the successful candidate is returned by the absolute majority of votes. A candidate, in order to be declared elected to the office of President, must secure a fixed quota of votes.

president

- 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
- . All doubts and disputes in connection with election of the President are inquired into and decided by the Supreme Court whose decision is final. The election of a person as President cannot be challenged on the ground that the electoral college was incomplete . If the election of a person as President is declared void by the Supreme Court, acts done by him before the date of such declaration of the Supreme Court are not invalidated and continue to remain in force
- the Constitution makers chose the indirect election due to the following reasons:
 1. The indirect election of the President is in harmony with the parliamentary system of government envisaged in the Constitution. Under this system, the President is only a nominal executive and the real powers are vested in the council of ministers headed by the prime minister. It would have been anomalous to have the President elected directly by the people and not give him any real power.
 2. The direct election of the President would have been very costly and time and energy-consuming due to the vast size of the electorate.
- The present system makes the President a representative of the Union and the states equally

president

- **Qualifications for Election**
- 1. He should be a citizen of India.
- 2. He should have completed 35 years of age.
- 3. He should be qualified for election as a member of the Lok Sabha.
- 4. He should not hold any office of profit under the Union government or any state government or any local authority or any other public authority.
- A sitting President or Vice-President of the Union, the Governor of any state and a minister of the Union or any state is not deemed to hold any office of profit and hence qualified as a presidential candidate.
- the nomination of a candidate for election to the office of President must be subscribed by at least 50 electors as proposers and 50 electors as seconders. Every candidate has to make a security deposit of Rs 15,000 in the Reserve Bank of India. The security deposit is liable to be deprived in case the candidate fails to secure one-sixth of the votes polled.
- **Oath or Affirmation** The oath of office to the President is administered by the Chief Justice of India and in his absence, the seniormost judge of the Supreme Court available. Any other person acting as President or discharging the functions of the President also undertakes the similar oath or affirmation.

president

- **Conditions of President's Office**
- He should not be a member of either House of Parliament or a House of the state legislature. If any such person is elected as President, he is deemed to have vacated his seat in that House on the date on which he enters upon his office as President.
- 2. He should not hold any other office of profit.
- 3. He is entitled, without payment of rent, to the use of his official residence
- 4. He is entitled to such emoluments, allowances and privileges as may be determined by Parliament.
- 5. His emoluments and allowances cannot be diminished during his term of office
- He enjoys personal immunity from legal liability for his official acts. During his term of office, he is immune from any criminal proceedings, even in respect of his personal acts. He cannot be arrested or imprisoned. However, after giving two months' notice, civil proceedings can be instituted against him during his term of office in respect of his personal acts.
- **TERM, IMPEACHMENT AND VACANCY**
- The President holds office for a term of five years from the date on which he enters upon his office. However, he can resign from his office at any time by addressing the resignation letter to the Vice-President. Further, he can also be removed from the office before completion of his term by the process of impeachment.
- The President can hold office beyond his term of five years until his successor assumes charge. He is also eligible for re-election to that office. He may be elected for any number of terms

president

- **Impeachment of President**
- The President can be removed from office by a process of impeachment for 'violation of the Constitution'. However, the Constitution does not define the meaning of it
- The impeachment charges can be initiated by either House of Parliament. These charges should be signed by one-fourth members, 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.
- Thus, an impeachment is a quasi-judicial procedure in the Parliament.
- (a) the nominated members of either House of Parliament can participate in the impeachment of the President though they do not participate in his election;
- **(b) the elected members of the** legislative assemblies of states and the Union Territories of Delhi and Puducherry do not participate in the impeachment of the President though they do participate in the election

president

- A vacancy in the President's office can occur in any of the following ways:
 - 1. On the expiry of his tenure of five years.
 - 2. By his resignation.
 - 3. On his removal by the process of impeachment.
 - 4. By his death
 - 5, when he becomes disqualified to hold office or when his election is declared void.
- If the office falls vacant by resignation, removal, death or otherwise, then election to fill the vacancy should be held within six months from the date the occurrence of such a vacancy. The newly-elected President remains in office for a full term of five years from the date he assumes charge of his office.
- When a vacancy occurs in the office of the President due to his resignation, removal, death or otherwise, the Vice-President acts as the President until a new President is elected. Further, 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
- In case the office of Vice-President is vacant, the Chief Justice of India (or
- if his office is also vacant, the seniormost judge of the Supreme Court

Executive Powers

All executive actions of the Government of India are formally taken in his name.

He can make rules specifying the manner in which the orders and other instruments made and executed in his name shall be authenticated.

- He can make rules for more convenient transaction of business of the Union government, and for allocation of the said business among the ministers.
- He appoints the prime minister and the other ministers. They hold office during his pleasure.

He appoints the attorney general of India and determines his remuneration. The attorney general holds office during the pleasure of the President.
- He appoints the comptroller and auditor general of India, the chief election commissioner and other election commissioners, the chairman and states, the chairman and members of finance commission, and so on.
- (g) He can seek any information relating to the administration of affairs of the Union, and proposals for legislation from the prime minister.
- (h) He can require the Prime Minister 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.
- (i) He can appoint a commission to investigate into the conditions of SCs, STs and other backward classes.
- (j) He can appoint an inter-state council to promote Centre–state and interstate cooperation.
- (k) He directly administers the union territories through administrators appointed by him.
- (l) He can declare any area as scheduled area and has powers with respect to the administration of scheduled areas and tribal areas.

Legislative Powers

- He can summon or prorogue the Parliament and dissolve the Lok Sabha.
- He can also summon a joint sitting of both the Houses of Parliament, which is presided over by the Speaker of the Lok Sabha.
- (b) He can address the Parliament at the commencement of the first session
 - after each general election and the first session of each year.
- (c) He can send messages to the Houses of Parliament, whether with respect to a bill pending in the Parliament or otherwise.
- (d) He 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, he can also appoint any member of the Rajya Sabha to preside over its proceedings when the offices of both the Chairman and the Deputy Chairman fall vacant.
- (e) He nominates 12 members of the Rajya Sabha from amongst persons having special knowledge or practical experience in literature, science, art and social service.
- (f) He can nominate two members to the Lok Sabha from the Anglo-Indian Community.
- (g) He decides on questions as to disqualifications of members of the Parliament, in consultation with the Election Commission.
- (h) His prior recommendation or permission is needed to introduce certain types of bills in the Parliament.

Legislative powers

- (i) When a bill is sent to the President after it has been passed by the Parliament, he can:
- (i) give his assent to the bill, or
 - (ii) withhold his assent to the bill, or
 - (iii) return the bill for reconsideration of the Parliament.
 - However, if the bill is passed again by the Parliament, with or without amendments, the President has to give his assent to the bill.
 - (j) When a bill passed by a state legislature is reserved by the governor for consideration of the President, the President can:
 - (i) give his assent to the bill, or
 - (ii) withhold his assent to the bill, or
 - (iii) direct the governor to return the bill (if it is not a money bill) for reconsideration of the state legislature. It should be noted here that it is 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.
 - (k) He can promulgate ordinances when the Parliament is not in session.
 - These ordinances must be approved by the Parliament within six weeks from its reassembly. He can also withdraw an ordinance at any time.
 - (l) He lays the reports of the Comptroller and Auditor General, Union Public Service Commission, Finance Commission, and others, before the Parliament.
 - (m) He 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