

President of India

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Introduction:

- The constitution of India Provided for a Parliamentary system of Government, wherein we find two types of executive – nominal and real.
- The Union executive is constituted of the President, Vice-president, Prime Minister and the Council of Ministers and the Attorney general of India.
- Art. 52 to 78 in part V of the Constitution deals with the Union government.
- 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 of the President:

- President is elected not directly by the people but by an electoral college consisting of –
 - a. The elected members of both the houses of the Parliament;
 - b. The elected members of the Legislative Assemblies of the states;&
 - c. The elected members of the Union territories of Delhi and Puducherry.
- However, the nominated members of these bodies do not participate in the election of the President.

Election.....

- The constitution provides that there shall be uniformity in the scale of representation of different states as well as parity between the states as a whole and the Union at the election of the president.
- To achieve this, the number of votes which each elected member of the Legislative Assembly of each state and the Parliament is entitled to cast at such election shall be determined in the following manner:

Election.....

- Value of the vote of an MLA is equal to - Total population of the State divided by total number of elected MLAs in the State Assembly multiplied by 1000.
- Value of the vote of an MP is equal to – total value of votes of all MLAs of all States which is divided by the total number of elected members of the Parliament

Election

- The presidents election is held in accordance with the system of proportional representation by means of single transferable vote and the voting is by secret ballot.
- A candidate in order to be declared elected to the office of president, must secure a fixed quota of votes.
- Electoral quota is equal to total number of valid votes polled which has to be divided by two and adding one to the quotient.

Election

- Each member of the electoral college is given only one ballot paper but he can indicate his preference like first , second , third, etc.
- In the first phase, the preference votes are counted. In case a candidate secures the required quota in this phase, he is declared to be elected.
- Otherwise, the process of transfer of votes is set in motion.
- The ballots of the candidate securing the least number of first preference votes are cancelled and his second preference votes are to be transferred to the first preference vote of other candidates. This process continues till a candidate secures the required quota.
- All disputes relating to the presidential election are to be decided by the Supreme Court and its decision is final.

Qualifications:

- Following qualifications are to be fulfilled by a candidate to Presidential elections –
 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 any government.
- Further, the nomination of a candidate must be subscribed by at least 50 electors as proposers and another 50 electors as seconders.
- Every candidate has to make a security deposit of Rs 15000 in the RBI.

Oath of Office:

- Before assuming office, the president has to make an oath or affirmation.
- In his oath the president swears-
 1. To faithfully execute the office,
 2. To preserve, protect and defend the constitution and the law; and
 3. To devote himself to the service and well being of the people of India
- The oath of office to the president is administered by the chief justice of India

Term of Office:

- The president holds office for a term of 5 years.
- 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.
- He is also eligible for re-election.
- So far only Dr. Rajendra Prasad was re-elected to the office.

Impeachment:

- The president can be removed from office by a process of impeachment for violation of the constitution.
- Impeachment process can be initiated by either house of the Parliament.
- These charges should be signed by one fourth members of the House 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 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 resolution by two thirds majority, then the president stands removed from his office. No president has been impeached so far.

Vacancy in the Presidents office:

- A vacancy in the President's office can occur under the following circumstances -
 1. On the expiry of his tenure of 5 years,
 2. By his resignation,
 3. On his removal by Impeachment process,
 4. By his death,
 5. When he is disqualified to hold office or when his election is declared void.
- When the vacancy arises the vice-president acts as the president for a maximum period of six months.

Powers and functions of the president:

- Powers and functions of the president may be listed as follows –
 1. Executive powers,
 2. Legislative powers,
 3. Financial powers,
 4. Judicial powers
 5. Diplomatic powers,
 6. Military powers,
 7. Emergency powers, etc.

1. Executive powers:

- The executive powers and functions of the president are –
 1. All executive actions of the government of India are formally taken in his name.
 2. He appoints Prime Minister and other ministers. They hold office during his pleasure.
 3. He can make rules for more convenient transaction of business of the Union Government.
 4. He appoints the Attorney general of India and determines his remuneration.

Executive powers

5. He appoints the Comptroller & Auditor General of India, the Chief Election Commissioner and other commissioners, the chairman and members of the UPSC, the Governors of the States, the Chairman and members of the Finance Commission and so on,.
6. He can seek any information relating to the administrative affairs of the Union, and the proposals for legislation from the Prime Minister.
7. He can appoint a commission to investigate into the conditions of SCs & STs and other backward classes
8. He can appoint inter-state council to promote centre-state and inter-state cooperation.
9. He directly administers the union territories through administrators appointed by him.

2. Legislative Powers:

- The president is an integral part of the Parliament of India and exercises the following legislative powers.
 1. He can summon or prorogue the Parliament and dissolve the Lok Sabha.
 2. He can also summon of both the Houses of the Parliament the joint sitting of both the Houses of the Parliament which is presided over by the speaker of the Lok Sabha.
 3. He delivers the inaugural address to the first session of the Parliament each year.
 4. He can appoint the pro tem speaker to Lok Sabha.

Legislative Powers ...

5. He can nominate 12 members to Rajya Sabha from amongst persons of special Knowledge and experience.
6. He can nominate two members to the Lok Sabha from the Anglo-Indian community.
7. His prior permission is needed to introduce certain types of bills in the Parliament.
8. He can promulgate ordinances when the Parliament is not in session.
9. He lays the reports of the C&G, UPSC, Finance Commission, before the Parliament.

Legislative powers ...

10. He can veto a bill passed by both the houses of the Parliament.
11. He can exercise absolute veto over bills passed by the State legislatures.

3. Financial Powers:

- The financial powers and functions of the president are –
 1. Money bills can be introduced in the Parliament only with his prior recommendation.
 2. He causes to be laid before the Parliament the annual financial statement(Union Budget).
 3. No demand for a grant can be made except on his recommendations.
 4. He can make advances out of the Contingency fund of India to meet any unforeseen expenditures.
 5. he constitutes a finance commission after every five years to recommend the distribution of revenues between the centre and the states.

4. Judicial Powers:

- The judicial powers and functions of the president are:
 1. He appoints the judges of the Supreme court and High courts,
 2. He can seek advise from the Supreme court on any question of law or fact. However, the advice tendered by the Supreme court is not binding on the President.
 3. He can grant pardon, reprieve and remission of punishment or suspend the sentence of any person convicted of an offence.

5. Diplomatic Powers:

- The international treaties and agreements are negotiated and concluded on behalf of the president.
- He appoints diplomatic personnel to foreign countries and also receives diplomats from other countries.
- He represents India in International forums and affairs either personally or through representatives.

6. Military Powers:

- He is the supreme commander of the defense forces in India.
- In that capacity appoints the chiefs of army, navy and air forces.
- He can declare war or conclude peace subject to the approval of the parliament.

7. Emergency Powers:

- President of India has been conferred with certain extra-ordinary powers in order to cope up with the emergencies.
- He can declare three types of emergencies like –
 1. National emergency(Art. 352),
 2. State Emergency(Art. 356) &
 3. Financial Emergency(Art. 360)

Position of the President:

- In our parliamentary system of government the president has only the nominal role to play and the real executives are the prime minister and the council of ministry.
- The president has to exercise his powers and functions with the aid and advice rendered by the council of ministry.
- Under the Indian constitution the president enjoys the same position as the King under the English constitution.
- He is the ceremonial head of the state but not of the executive.
- He represents the nation but does not rule the nation. He is the symbol of the nation.