

President of India

- Art 52 states that there shall be a President of India.
- Art 53 the Executive power of the Union shall be vested in the President and shall be exercised by him either directly or through officers(ministers) subordinate to him in accordance with this constitution.

President Nominal Head

- All the executive and other powers are vested in the president But they are exercised by the council of Ministers headed by Prime Minister.
- President is bound to act on the advice of the PM and his council of Ministers.

Qualification for the office of President

- A citizen of India
- Not less than 35 years of age.
- Should be qualified for election as member of the Lok sabha.
- Should not hold any office of Profit.

Election of President Art 54

- Indirectly elected by an electoral college.
- Electoral college consists of
 - Elected members of Lok sabha
 - Elected members of Rajya Sabha
 - Elected members of legislative assemblies of all states & UTs
- System of Proportional Representation by means of Single

Tenure of President

- Elected for Five years.
- Eligible for re-election
- May resign before the expiry of his term.
- Send his resignation to Vice-president.,
- Who is required to communicate it to the speaker of Lok Sabha.

Impeachment stage 1

- It can be initiated by not less than $1/4^{\text{th}}$ of the total membership of any of the house.
- The members gives 14 days notice to president informing him/her of the intention of impeachment.
- After 14 days a resolution is passed by $2/3^{\text{rd}}$ members.

Impeachment stage 2

- The president may defend himself either personally or through counsel.
- If in the other house the charges are proved the president shall stand impeached.
- Such a resolution must be adopted by not less than $2/3^{\text{rd}}$ majority of total membership of the other house.

Powers of President

- Legislative powers
- Executive powers
- Appointment making powers
- Military powers
- Diplomatic powers
- Emergency powers

Legislative Powers

- Summons, Prorogues and dissolve the house.
- Address the first session after each general election. And the commencement of each year.
- Nominate 12 members to R/S and 2 to L/S

Powers of President

- Executive Powers:-
- President is head of the Union executive.
- All the executive powers are vested in the president.
- But the president exercises all the powers on the advice of PM and his council of Ministers.

Appointment making Powers

- The Prime Minister is appointed by the president.
- Appoints all other ministers on the advice of Prime minister.
 - The attorney General.
 - The comptroller and auditor general
 - The election commissioner/commissioner.
 - The Chairman UPSC.
 - The governors of states
 - The chairman finance commission
 - The Chief justice and judges of SC, and high court
 - Ambassadors, High commissioners 17

Judicial Powers

- Right to grant Pardon, Reprieve, Respite, Remission, Suspension, Commutation of a sentence by any court of law.
- He can grant pardon in case a convict is awarded the death sentence by a federal court or court martial.

Military Powers

- Supreme commander of the armed forces.
- Appoints Chief of Staffs
- Declare war and make peace.
- Head of the national defense committee.

Emergency Powers

- Art 352-360 in Part 18 of the const. contain the emergency powers of president to meet extraordinary or abnormal situation.
- National Emergency Art 352
- Constitutional breakdown Art 356
- Financial Emergency Art 360

Validity of Emergency

- The proclamation of emergency shall be submitted to the parliament for its approval.
- It must be approved **within one month** by a special majority in both houses.
- Otherwise it shall cease to operate.
- Duration will ordinary be six months .
- **Parliament can revoke it by a resolution passed by 1/10th**

Effects of Emergency

- Federal provisions are suspended (State list)
- Directions are given to states in matter of State list.
- Parliament acquires power to legislate even on the subjects contained in State list.
- Country virtually becomes a unitary state.
- The tenure of Lok Sabha can be extended upto six months if it otherwise expires.

Emergency Provisions and centre State Relations

The power of the union to issue
directions to the state government

Art 256, Under this Art Union Govt.
is empowered to issue directions to
the state govts.

Non-Compliance of Central
Directives is tantamount to the
failure of Constitutional machinery
and may invite imposition of
Presidents rule under **Art 365** .

Centre State relation

Improving commissions

- **Sarkaria Commission** (headed by Justice Ranjit singh Sarkaria) in 1983.
- The commission submitted its report in 1988
- It pointed out that Art 356 can be used only in the event of political crisis, internal subversion, physical breakdown or non compliance to union directives (Art 356)