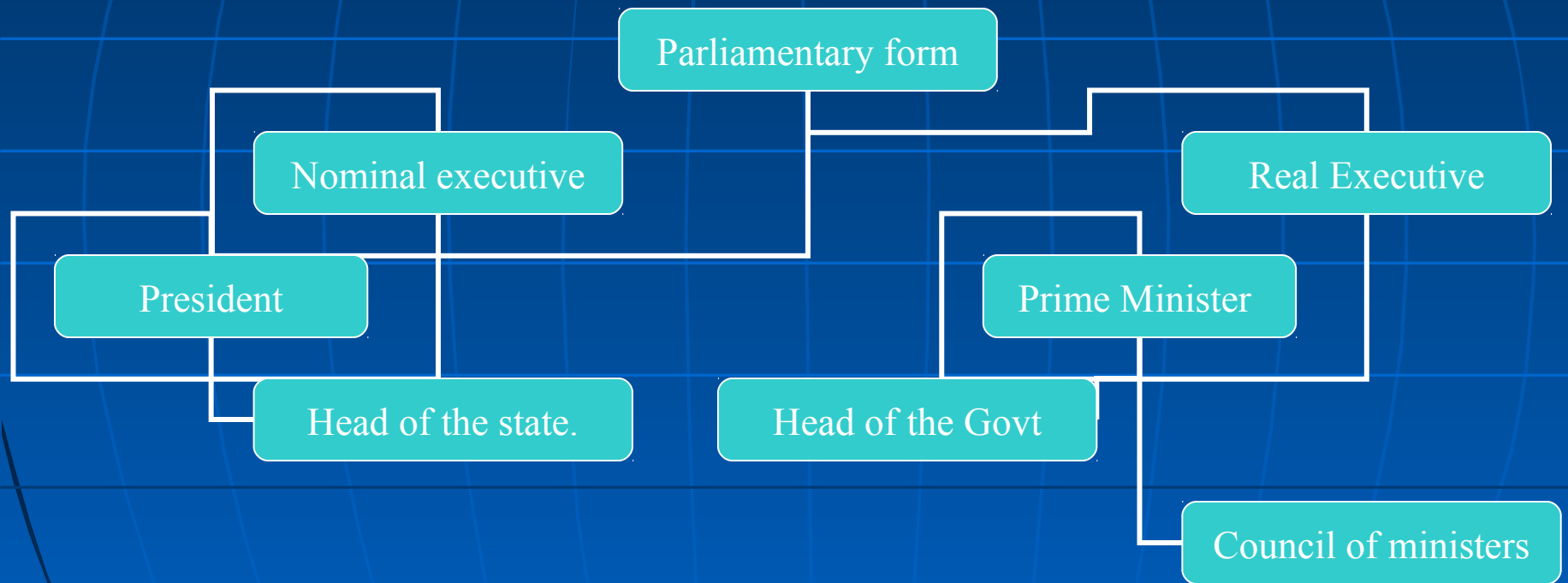


Political Science

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 - (The President)
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Union Executive



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.

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

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.

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.

Oath of office

- **Chief Justice administers the oath of office to the president.**
- I --- solemnly affirm/ swear in the name of God that I will faithfully execute the office of president of India and will preserve protect and defend the constitution of India.

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

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.

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

Legislative Powers

- No bill can become law without his/her assent.

He may return a bill to the parliament for reconsideration of certain provisions.

He has the right to seek advice from Supreme court.

He may suggest some changes.

But if the bill is again passed and sent to the president , he/she is bound to give his assent.

Ordinance making Power

- Art 123 if the president feels that a law is urgently required but the parliament is not in session, he can promulgate an ordinance.
- Ordinance remains in force till not more than six weeks from the commencement of the next session.
- If it is ratified by the parliament it becomes a law .otherwise it ceases to exist

Executive Powers

- All the executive powers of the union are vested in the president.
- But he exercises them on the written advice of the Cabinet.
- All the executive and administrative decisions are taken in his name.

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

Military Powers

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

Diplomatic Powers

- The foreign policy is conducted in his name.
- All international treaties and agreements are signed in his name.
- Appoints Ambassadors and High commissioners.
- Foreign ambassadors/ High Commissioners are accredited and received by the President

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.

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

Emergency under Art 352

- If the security of India or any part thereof is threatened by war, external aggression, or internal **armed** rebellion or disturbances, the president can issue a proclamation of emergency, on the basis of **written advice** tendered by the cabinet.

The highlighted words added by 44th amendment 1978

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.

Imposition of Emergency

- 26th oct 1962, Chinese aggression
Revoked on 10th Jan 1968

PM J. L. Nehru Pres:- Radhakrishnan

3rd Dec 1971 Bangladesh war

Revoked on 21st March ,

P.M Indira Gandhi Pres :- V.V.Giri

25th june 1975 Internal Disturbance

Revoked on 21st March 1977

P.M. Indira Gandhi Pres:- Fakhruddin
Ali Ahmad

Emergency under Art 356

- Failure of Constitutional machinery in a state (Presidents rule)
- If on a receipt of a report from the governor , the president is satisfied that a situation has arisen in which the govt. of a state cannot be carried on in accordance with the constitution, he may proclaim Constitutional emergency in the state.

Effects of Emergency Under Art 356

- It is to be placed before parliament approved by both the houses within a period of two months.
- It will ordinarily last for six months.
- Can be extended by another six months.
- Only if election commission reports that the elections cannot be conducted
- Can never be allowed for more than three years.

Consequences of Emergency under Art 356

- The state council of ministers is dismissed.
- The state Legislative assembly is dissolved or kept under suspended animation.
- The President may assume all or any functions of the state.(vest in parliament).
- The president governs the state instead of an elected Chief Minister, but administratively the state governor is delegated executive authority on behalf of the central government

Imposition of President's

Rule

- First time : Punjab 20-06-1951-17-04-1952
- Longest duration Punjab
11th May 1987 to 25th Feb 1992
- In J & K 19th Jan 1990- 9th Oct 1996.
- Punjab 9,
- Kerela 9,
- Indhira Gandhi 33 times
Jan 24, 1966- March 24, 1977
- Second tenure 17 times
Jan 14, 1980-oct 31, 1984

Imposition of Governors Rule/President's Rule In J&K

- March 26, 1977- July 9, 1977.
- March 6, 1984- November 7, 1986
- Jan19,1990- October 09, 1996
- Oct 18, 2002- November 02, 2002.
- July 11.2008- January 05, 2009

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** .

Financial Emergency Art 360

- If the president is satisfied that a situation has arisen whereby the financial stability or credit of India is threatened , he may proclaim a financial emergency under Art 360.
- It shall be laid before the parliament and approved by both the houses within a period of two months.

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 256)

Effects of Financial emergency

- Authority of Union shall extend to giving directions to any state to observe such cannons of financial propriety as my be specified in the directions.
- It may also include a provision requiring all money bills to be reserved for the consideration of the president.
- The salaries and allowances of all or any class of persons serving in the state including the judges of the Supreme Court and High Court.

Land Mark S/C Judgment against arbitrary imposition of Art 356

- **S.R. Bommai v/s union of India**
- The 9 member constitution bench held that Presidents power under Art 356 to dismiss a state Govt, and imposition of President's rule is subject to Judicial review.
- The power is a constitutional power and not an absolute power.