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## Polity Study Material: President of India

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### The President

#### The Executive

The Constitution provides for a parliamentary executive which consists of the President. The Vice President and the Council of Ministers, with the Prime Minister at its head.

#### Election

The President is elected by an electoral college composed of elected members of both Houses of Parliament and elected members of State Legislative Assemblies by a system of proportional representation by means of 8 single transferable vote; the voting shall be by secret ballot. Tenure of Office: The President holds office for a period of five years from the day on which he enters upon his office, He is eligible for re-election.

#### Qualifications for Election as President

1. He should be a citizen of India.
2. He should not be less than 35 years of age.
3. He should be qualified for election as, a member of Lok Sabha.
4. He should not hold any office of profit under the Government.
5. He should not be a member of either House of Parliament or State Legislature

### Powers

#### Executive Powers

1. The President is the executive head of the Sovereign, Socialist, Secular. Democratic Republic of India.
2. He is ex-officio Supreme Commander of the defence forces. He can declare war and make peace
3. He makes all important appointments such as those of Governors, Chief Justice, Prime Minister and Ministers.
4. He governs the Union Territories directly through Lieutenant Governors.

#### Legislative Powers

1. Any Bill passed by the Parliament must receive his assent before it becomes an Act, except in the case of Money Bills on which prior assent is necessary.
2. President can issue Ordinances when the Parliament is not in session.
3. He can nominate 12 members to the Rajya Sabha and 2 Anglo-Indian members to the Lok Sabha.
4. He can address either House of Parliament.
5. He can dissolve the Lok Sabha and order fresh elections.

## Financial Powers

1. No Money Bill can be introduced in Parliament without his prior assent.
2. He can appoint a Finance Commission after every five years.

## Judicial Powers

1. He can grant pardon, reprieve or remission of punishment or commute death sentence.
2. He is not answerable to any court of law.
3. He appoints Judges of Supreme Court and High Courts.

## Emergency Powers

The President can suspend the whole Constitution or some articles of it under emergency conditions arising out of:

1. threat to the security of India or any part thereof by war, external aggression or armed rebellion
2. failure of constitutional machinery in a State
3. financial emergency  
Discretionary Powers:
  - a. If after the general election, no single party is able to secure a majority or post election splits reduce the majority to minority, the President can use his own discretion to determine which party has the best chances of forming a Government. Similar is the case in the case of death of a Prime Minister.
  - b. In case President comes to a conclusion that none-of the parties represented in the Parliament is to a position to form a stable Government, he can dissolve the Lok Sabha and order fresh elections.
  - c. When an advice is sent by the Council of Ministers to the President for approval, he can once return the same to the Council of Ministers for reconsideration under Art. 74 (1) of the Constitution. However, once an advice is reconsidered by the Council of Ministers and returned to the President of approval, he cannot refuse to it in accordance with it.

## Impeachment

The President may be removed from office by impeachment for the violation of the Constitution. The charge for this may be preferred in either House of Parliament. The

Resolution for impeachment must be passed by a two thirds majority of the total membership of the House. The other House will investigate the charge. If the investigating House passed by a two-thirds majority of the total membership, a resolution that the charge preferred against the President has been sustained, it will have the effect of removing the President from his office. Salary and Allowances: The President is entitled to an official rent free residence and draws a salary of & 50,000 per month besides various allowances. He is entitled to pension of ₹ 30,000 per month.