CONSTITUITION OF INDIA

UNIT-3

**President Powers and Functions**

The President is the constitutional head of our country.

**Powers:**

1. The president can summon and prorogue the house of parliament
2. Has the power to dissolve the Lok sabha on the advice of the council of ministers.
3. The president addresses a joint sitting of both Houses of Parliament at the beginning of the first session after every general Election to the Lok Sabha&beginning of the first session of each year.
4. Bill passed by the parliament cannot become a law without the president’s signature.
5. President appoints –two Anglo Indian members to Lok Sabha and 12 members to Rajya Sabha.
6. President is empowered to issue ordinances when parliament is not in session.

**Functions:**

**Executive :**

The president is the head of the Union Executive.

1.President is the administrative head of the country.

2.The president appoints the Prime Minister.

3.prime minister’s duty is to keep the president informed of the decision of council of ministers.

4.President appoints judges of the supreme court and high courts.

**Judicial:**

1.President has the power to grant pardon or reduce the sentence of a person convicted of an offence.

2. President is not answerable to any court.

**Financial:**

1.The budget is laid before the parliament in the name of the president.

2.Bills like Money Bills –introduced with president’s permission.

**Military:**

1.The president is the supreme commander of the armed forces.

2.he can declare war or conclude peace.

**Diplomatic:**

1.The president represents India at International forums,and sends ,receives ambassadors .

2.International treaties and agreements are concluded in the President’s name.

**Emergency:**

1.The president has certain powers to deal with situations of emergency.

2.He can declare a state of Emergency when,

a.the nation is threatened by external aggression or armed rebellion.

b.breakdown of government machinery in any state.In such situations,the president takes control of the administration of the state.It is known as **President’s Rule**

c.if there is a threat to the financial stability of the country

**Prime Minister**

**Powers and functions:**

1. Assigns different ranks and portfolios to the ministers.
2. Can transfer a minister from one department to another ,if necessary ,may even ask a minister to resign.
3. Chief advisor to the President.
4. President appoints and dismisses ministers on the advice of the Prime Minister.
5. Appointments of Judges to the supreme court and High court are made on the advice of the prime minister.
6. The prime Minister represents the country at international forums such as those sponsored by the United Nations, the non Aligned summits Wherein he puts forward the views of the entire nation.
7. Prime Minister to keep the president informed of the decisions aken by the Council of Ministers.
8. He should check the various ministries work in coordinated manner so that the administration functions smoothly.
9. Prime Minister is responsible for the lapses and failures of the government.

**Union judiciary(Supreme court):**

The Judiciary in India is independent of legislative and executive control.it interprets and safeguards the Constituition.It also protects the fundamental Rights of the citizens and settles disputes.

The supreme court is the highest court of India.Below the supreme court are the High courts in the different states.below the High Courts are the subordinate courts.

**The Supreme Court:**

**Composition**

The supreme court comprises the Chief Justice of India and a maximum of 30 other judges.This number can be changed by an Act of Parliament.

**Appointment**

The Chief Justice is appointed by the President on the advice of the Council of Ministers and in consultation with the other judges of the supreme court and the high courts.

**Eligibility**

To be eligible to become a judge of the supreme Court,a person.

a.must be a citizen of India

b.must be an advocate practising in the High Court for at least ten years

c.must be a High Court judge for at least five years.

d.must be an eminent jurist in the opinion of the president.

**Term**

a.A judge of the supreme court holds office till he/she attains the age of 65 years

b.The Judge may resign from office by sending a resignation to the president of India.

c.The judge can be removed from office on grounds of misuse of office, proven misbehaviour or incapacity.It is called **impeachment**

**Salary and Allowances**

a.The chief Justice of the Supreme court draws a salary of 2.8 lakh per month.

b.The other judges of the supreme court draw a salary of 2.5 lakh per month.

**Powers**

a.The supreme court hears and gives rulings on both civil and criminal cases as well as those concerning the constituition of India.

b.it enjoys the following jurisdiction-original,appellate,advisory and revisory.

**Original Jurisdiction**

a. There are certain cases decided only by the Supreme Court.

b. It has to originate in the supreme court and are known as original cases.

**Apellate Jurisdiction**

a.This cases are those which are appeals against the judgements of the High courts.

b.The highest judicial authority,the supreme court has the power to review the decisions of the High Courts and give its own judgements.