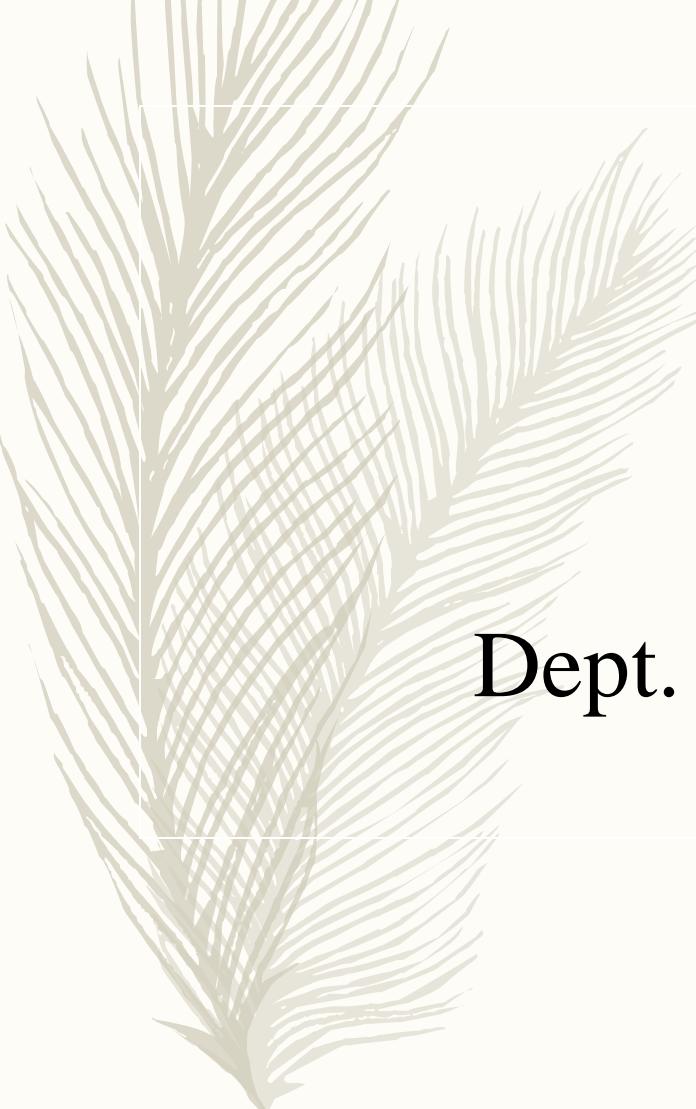




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UNION EXECUTIVE : ARTICLE 52 - 78 (PART V OF INDIAN CONSTITUTION)

- The Executive is the branch of Government accountable for the **implementation of laws and policies** legislated by the legislature
- **Union Executive consist of:**
 - President
 - Vice President
 - Prime Minister
 - Council of Ministers
 - Attorney General of India

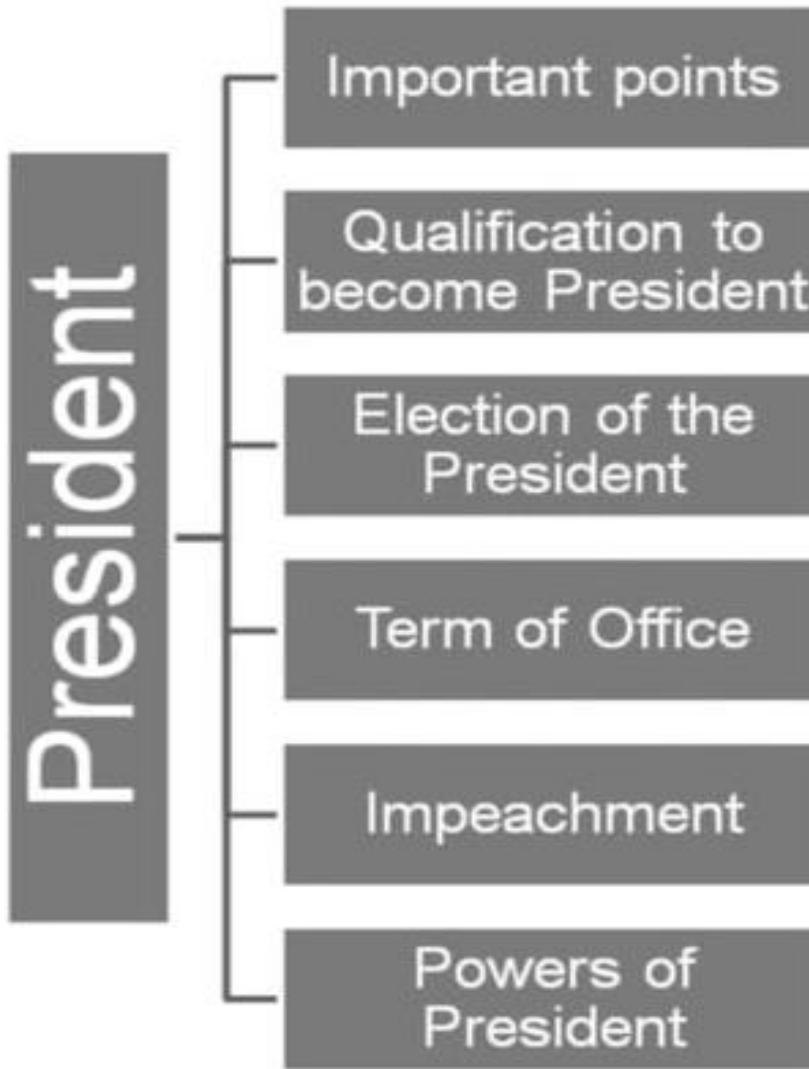
PARLIAMENTARY FORM OF GOVERNMENT



- It is the system of government in which there is a close relationship between the executive and the legislative
- The **head of the state** is usually a different person than the **head of the government**
- A Monarch or a President is usually the head of the state
- The functions of the head of the state is chiefly **formal** or ceremonial
- The council of ministers or the cabinet exercises the **real executive powers** and authority to run the Government



UNION EXECUTIVE: THE PRESIDENT



IMPORTANT POINTS

- Article 52 says “There shall be a President of India”
 - The President is the First Citizen of India
 - The President is the Supreme Commander of Defense Forces
 - Article 53 vests the **executive powers** of Union to President
 - But **76th amendment act 1976** it is mandatory for President to accept advice of Council of Ministers
 - Some important Presidents:
 - 1st President: Dr. Rajendra Prasad (1952 – 1962)
 - 1st Woman President : Prathiba Patil (12th President)

QUALIFICATIONS TO BECOME PRESIDENT OF INDIA

- He/She must be a **citizen of India**
- Must have completed the age of **35 years** of age
- Must be qualified to become member of **Lok Sabha**
- Must not hold any office of Profit
- Note: An acting President, Vice President, Ministers of Union or state, Governors of State is not deemed to be office of Profit and hence they qualify for election of President
- To stand in the election You must have **50 electors as Proposers and 50 electors as seconders**
- The deposit amount is **15,000 Rs** in RBI

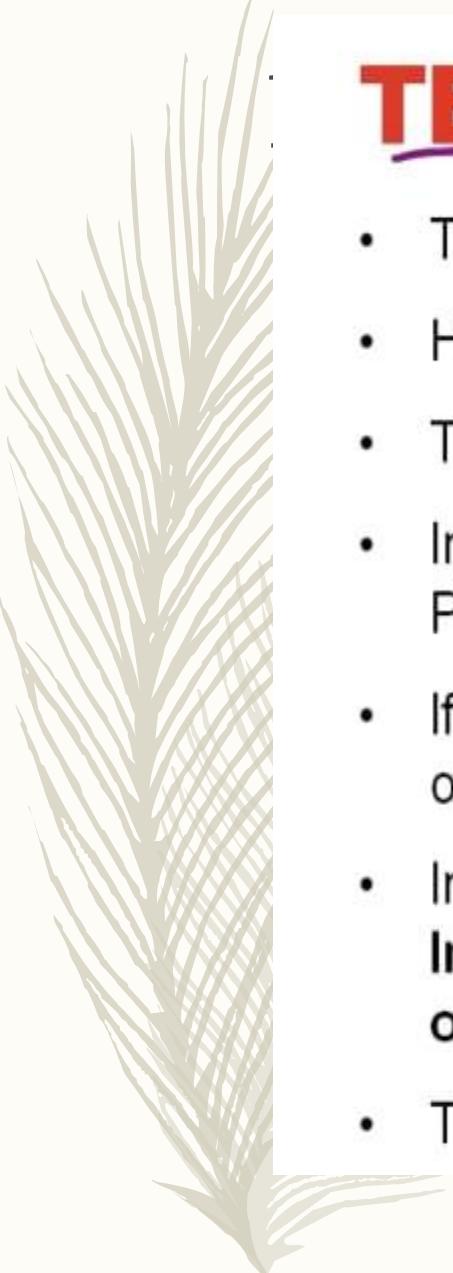
ELECTION OF THE PRESIDENT

- The President of India is elected indirectly by the “Electoral College”
- The Electoral College consist of :
 - The Elected members of Lok Sabha and Rajya Sabha
 - The elected members of “ Legislative Assemblies of States”
 - The elected members of “Legislative Assemblies of UT of Delhi and Puducherry”
- The nominated members of Parliament and Members of Legislative Council do not vote in election of President

ELECTION OF THE PRESIDENT

- The election occurs through “Proportional Representation by Single transferable vote” through secret ballot system
- The total voting strength of Parliament is equal to the total voting strength of all the Legislative assemblies of the states
- All doubts and disputes are decided by “The Supreme Court of India”
- Some important facts about Presidential elections:
 - The first unanimously elected President: Neelam Sanjeeva Reddy
 - The President who won with highest margin: K. R Narayanan(10th President)
 - The first president who won without Party support (independent) : V.Giri





TERM OF OFFICE

- The **term** of office of President is **5 Years**
- He can **resign** anytime during his term by writing to the **Vice President**
- The President can hold the office until his successor arrives
- In case if President **dies or resigns**, the **Vice President will act as the President of India**
- If President is sick or unable to perform his duty the Vice President will only perform his duty but not act as President
- In case **both** President and VP vacate their office : **The Chief Justice of India will act as President (if CJI is not there then Seniormost judge of Supreme Court)**
- The President can be removed from his office by “**Impeachment**”

IMPEACHMENT OF PRESIDENT

- Article 61 deals with Impeachment of President
- He can removed on only one ground of violating the constitution
- A resolution can introduced in either house of Parliament (Lok Sabha or Rajya Sabha)
- At the time of introduction at least 25% of the members of house must be supporting it
- 14 days notice period is given to the president
- The resolution then has to be passed by $\frac{2}{3}$ rd of total strength of that house
- Then the resolution will move to the 2nd house (Investing house)

IMPEACHMENT OF PRESIDENT

- The other house then can constitute a committee or the whole house can look into the allegation
- The President has the right to defend himself or with the help of an attorney of his choice
- If the other house then passes a resolution by 2/3rd majority of strength of the house the President is impeached



POWERS OF PRESIDENT



- Executive Powers
- Legislative Powers
- Financial Powers
- Judicial Powers
- Military Powers
- Emergency Powers

EXECUTIVE POWERS

- All the decisions of the Executive are taken in the name of the President
- He appoints a number of People:
 - Prime Minister
 - Other minister on the advice of the PM
 - The Chief Justice and Judges of Supreme court and all high courts
 - Governors of State
 - CAG (Comptroller and Auditor General of India)
 - Chief Election Commissioner
 - Attorney General of India
 - Chairman of UPSC
- He directly administers the Union Territory through Lt. Governor, Commissioner or Administrators

LEGISLATIVE POWERS

- He summons, Prorogues the sessions of both the houses and can dissolve the Lok Sabha
- He addresses the joint session of the Parliament at the beginning of the Year
- He nominates 2 members in Lok Sabha and 12 members in the Rajya Sabha
- He can Promulgate Ordinance when the Parliament is not in Session
 - If the Ordinance is not passes in the Parliament within six weeks of session beginning then it becomes null and void



FINANCIAL POWERS

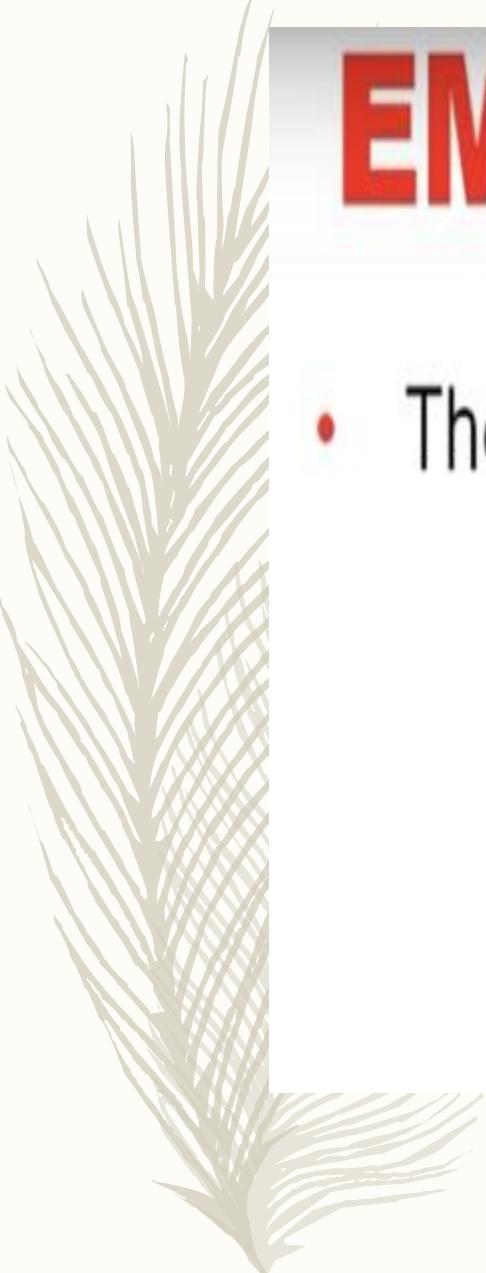
- No money bill can be introduced without prior recommendation of the President
- He can make advances out of contingency fund of India to meet unforeseen expenditure
- He constitutes the finance commission after every 5 years

JUDICIAL POWERS

- He appoints the Chief Justice and the Judges of Supreme Court and High Courts
- He can ask advice from the Supreme Court regarding a question of law but the advice is not binding on him
- He can grant Pardon, reprieve, respite and remission of punishment, or suspend, remit or commute the sentence of a person convicted of any offence:
 - In any case where punishment is made by a court martial
 - In any case when offense is against Union Law
 - In any case in which sentence of death is granted

MILITARY POWERS

- He is the supreme commander of the defense force of India
- Hence, he appoints the Chief of Army, Navy and Air Force of India
- He can declare war or Conclude Peace subject to the approval of the Parliament



EMERGENCY POWERS

- The President can proclaim three kinds of Emergency:
 - National Emergency (Article 352)
 - State Emergency / President's Rule (Article 356)
 - Financial Emergency (Article 360)

NATIONAL EMERGENCY (ARTICLE 352)

- It is proclaimed on grounds of security threats to the country by war, external aggression or armed rebellion
- It has been proclaimed 3 times till now:
 - 1962
 - 1971
 - 1975

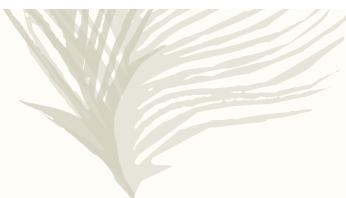


STATE EMERGENCY / PRESIDENT'S RULE

- Article 356
- Emergency proclaimed due to failure of constitutional Machinery in a State

FINANCIAL EMERGENCY (ARTICLE 360)

- It is proclaimed by the President when he feels that the financial stability of the country or the credit of India or any part is threatened
- It has not been proclaimed till now



Vice President

Important Points

Qualification to become Vice President

Election of Vice President

Oath

Term of Office

Vacation of seats

Powers of President

IMPORTANT POINTS

- Article 63 says that “ There shall be a Vice President of India”
- He holds the 2nd highest Office in the country
- The Vice President is also the Ex Officio Chairman of Rajya Sabha

QUALIFICATIONS TO BECOME VICE PRESIDENT

- Should be a Citizen of India
- Should have completed **35 years** of Age
- Should be **qualified** to become a **member of Rajya Sabha**
- Should not hold any office of Profit
- Should not be member of either house of Parliament or State Legislature



ELECTION OF VICE PRESIDENT

- In this voting is done by Electoral College consisting of:
 - All members of Lok Sabha
 - All members of Rajya Sabha
 - Members of State Assemblies do not participate in election of VP
 - Voting is done through **Proportional Representation through single transferable vote**
- 
- } Elected and Nominated

OATH

- The Vice President takes Oath in front of President or some person appointed by him



TERM OF OFFICE (ARTICLE 67)

- The normal term of Office of VP is 5 years
- He can resign anytime before his term ends by writing to the President of India
- Can be elected for any number of turns

VACATION OF SEAT OF VP

- When the normal term of 5 years gets over. However he may hold the office until the next VP comes into office
- If he resigns by writing to President
- If he is removed by :
 - The resolution to remove VP can only be introduced in Rajya Sabha
 - 14 days notice is given to VP
 - It then must be passed by Effective Majority in Rajya Sabha
 - It then must be agreed by Lok Sabha by again Effective majority

POWERS OF VICE PRESIDENT

- He is the ex officio chairman of Rajya Sabha
- Presides the sessions of Rajya Sabha
- Performs the duties of President in his absence
- When performing duties of President he does not perform his duties as Chairman of Rajya Sabha, that function is performed by the Vice Chairman of Rajya Sabha

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UNION EXECUTIVE: PRIME MINISTER & COUNCIL OF MINISTERS

- The Prime Minister and the Council of Ministers collectively is the Government
- They are the real Policy Makers
- They are collectively responsible towards the Lok Sabha
- As soon as they lose the confidence of the Lok Sabha the Government Dissolves

Prime Minister

Appointment of PM

Term of Office

The Council of Ministers

Powers of Prime Minister



PRIME MINISTER: APPOINTMENT

- Article 75 says that President shall appoint a Prime Minister and council of Ministers on the advice of the Prime Minister
- He is the real executive head of the country
- According to convention the President appoints the leader of Party getting majority in Lok Sabha
- If no party gets clear majority the President may use his discretion to appoint the PM
- But in any case the PM must prove his confidence in the LOK SABHA

TERM OF OFFICE

- The Prime Minister holds the office during the Pleasure of the President
- He holds the office till he enjoys the confidence of the Lok Sabha
- He cannot be removed by the President till he hold the confidence of the house

COUNCIL OF MINISTERS

- The council of ministers are appointed by President on the advice of the Prime Minister
- According to **Article 75** there is a **collective responsibility** of council of ministers **to the Lok Sabha**
- The Prime ministers decides the Portfolios of the ministers, he can shuffle their Portfolios
- The PM can ask the Minister to resign or advice the President to remove the minister
- When the PM resigns the whole Council of Ministers dissolves

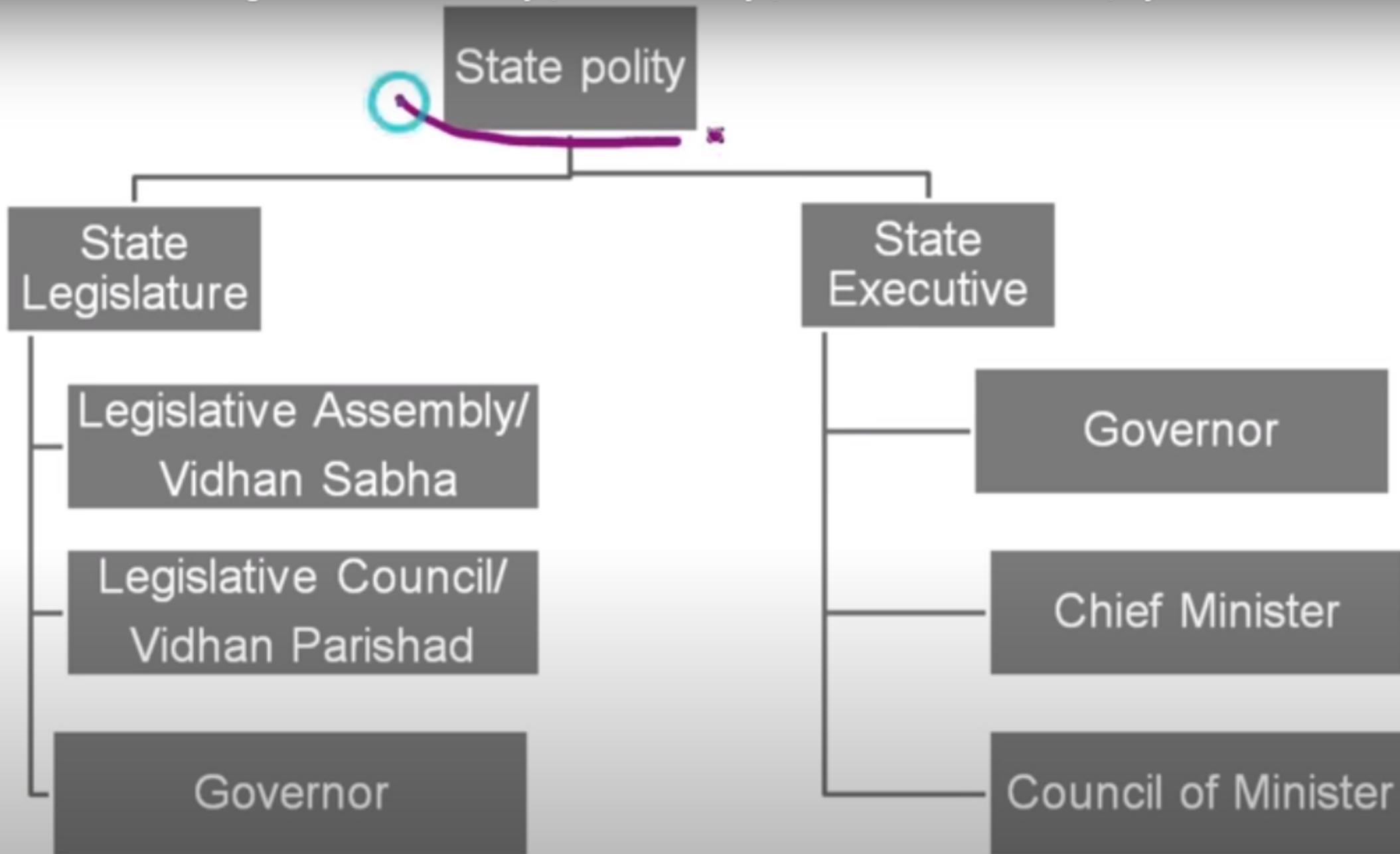
POWERS OF PRIME MINISTER

- He is the ex officio chairman of NITI Ayog, National Development Council, National Integration Council and Inter-state council
- The President Prorogues and summons the Parliament in consultation with PM
- The PM advice President in choosing council of Ministers
- The PM advices and coordinates the work of council of ministers
- The PM can ask President to Proclaim Emergency in situations
- The PM advises the President in appointing CAG, Chairman of UPSC, Attorney General, Election commission etc

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STATE LEGISLATURE: LEGISLATIVE ASSEMBLY



STATE LEGISLATURE

- The function of the state legislature is same as that of the Parliament in the Centre
 - In some states there is Bicameral Legislature in State while in others there is unicameral Legislature
 - Six states having Bicameral Legislature are:
 - Andhra Pradesh Bihar
 - Telangana Karnataka
 - Maharashtra Uttar Pradesh
 - Union Territories of Delhi, Pondicherry also have LA



Unicameral Legislature:

- Only Legislative Assembly/ Vidhan Sabha

Bicameral Legislature:

- Legislative Assembly / Vidhan Sabha
- Legislative Council / Vidhan Parishad

- A general limit of strength of Assembly: (Depends on population)
 - Maximum strength is 500
 - Minimum number is 60
- But there are some exceptions, as some of the small states have very few population so they have less than 60 seats in LA
 - Ex. Sikkim, Meghalaya
- There is reservation of SCs and STs in the Vidhan Sabha
- 1 member can be nominated by the Governor of the Anglo Indian community if not been adequately represented

VIDHAN SABHA / LEGISLATIVE ASSEMBLY

- Election for MLAs is same as Election of MPs
- There is a Speaker and Deputy Speaker who have similar powers as Lok Sabha
- Governor in State plays similar role to the President in the Parliament



STATE LEGISLATURE: LEGISLATIVE COUNCIL/ VIDHAN PARISHAD

VIDHAN PARISHAD

- The Vidhan Parishad is the second house in the states which have bicameral Legislature
- The term of office of members of LC is 6 years and 1/3rd retire every years
- Six states having Bicameral Legislature are:
 - Andhra Pradesh Bihar
 - Telangana Karnataka
 - Maharashtra Uttar Pradesh
- Apart from above 6 J&K also has Bicameral Legislature but according to special provisions by Article 370

CREATION / ABOLITION OF L.C

- Concerned Legislative Assembly will pass a resolution by special majority to request to establish a Legislative Council in that state under article 368
- The Parliament then can make or abolish Legislative Council by same process of constitutional amendment

VIDHAN PARISHAD COMPOSITION

- The maximum strength shall not exceed 1/3rd of the total strength of Vidhan Sabha
- Minimum is 40
 - 1/3rd elected by the MLAs of the state
 - 1/3rd to be elected by the members of Local Bodies (Panchayat/ Municipal Corporation)
 - 1/12th elected by the teachers not below the rank of secondary school
 - 1/12th elected by the graduates of the states
 - 1/6th Nominated by the Governor having special skill or experience in the field of Arts, Science, Literature etc

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GOVERNOR





GOVERNOR

- The Governor is the executive head of the State Executive
- He acts on the advice of the Council of Ministers of the State (Selected from Legislative Assembly and Council)
- All executive actions are taken on his name

GOVERNOR: APPOINTMENT AND TERM

- The President appoints the Governor for a term of 5 years
- But the Governor holds the office on the pleasure of President
- The President can remove him from the office or transfer him to another state whenever he feels necessary
- In case he dies or resigns from his office, the CJ of High Court of the State acts as Governor of the State

WHAT IS THE ROLE OF THE GOVERNOR?

- He is the link between the Centre and the State
 - He sends the report of the affairs of the State to ~~the~~ President
 - Even though he is the nominal head of the State, he can exercise some powers over State Executive:
 - Pocket Veto
 - Suspension Veto
 - Send a bill to President for his recommendation
 - Discretionary powers

QUALIFICATION

- * • Should be a citizen of India
- Should have completed 35 years of Age
- Should not hold any office of Profit
- Should not be a member of either house of Parliament or State Legislature



OATH OF OFFICE

- He takes office before the Chief Justice of High Court of the State

POWERS OF GOVERNOR

- *
 - Executive Powers
 - Legislative Powers
 - Judiciary Powers
 - Financial Powers
 - Emergency Powers
 - Discretionary Powers

EXECUTIVE POWER

- The power of Governor in state executive is similar to that of Power of President in the Centre *
- All the decisions of the Executive are taken in the name of the Governor
- He appoints:
 - The Chief Minister and the Council of Ministers
 - Chairman and members of State Public Service Commission
 - Advocate General of the State
 - State Election Commissioner
 - Judges of Courts below High Court: District Courts



LEGISLATIVE POWER

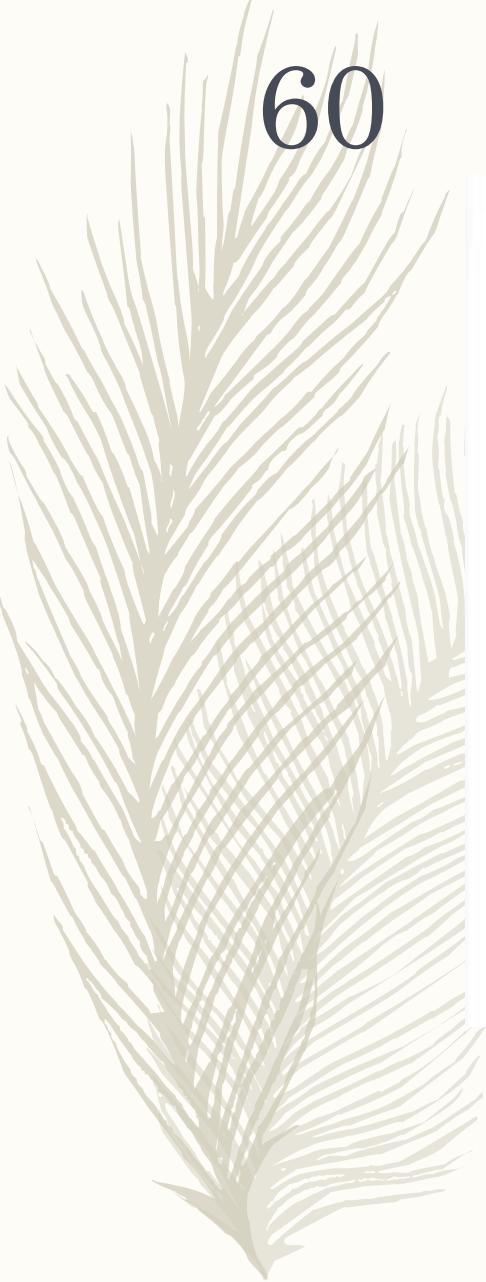
- Summons, Prorogues and Dissolve the State Legislature
- Appoints 1/6th member of Legislative Council
- Nominates one member of Anglo Indian Community to Legislative Assembly
- Powers Regarding Promulgating Ordinances
 - He can promulgate Ordinances only with regards to State List and Concurrent List
- When a bill is passed by Legislative Assembly the Governor can:
 - Give his assent to the bill
 - Hold the bill
 - Send the bill for reconsideration
 - Reserve the bill for President's advice

JUDICIARY POWERS

- Appoints the Judges below High Court Level
- The President consults the Governor while appointing Chief Justice and Judges of High Court of that state
- He can grant pardon, remission or reprieve of offence against state laws
 - But he **cannot grant pardon** in case of **Death Sentence**

FINANCIAL POWERS

- Money bill can be introduced only on Prior recommendation of the Governor
- He makes sure that annual budget is presented in LA



EMERGENCY POWERS

- The President applies "State Emergency" or "President's Rule" only when the Governor feels that the Constitutional Machinery in the state is not working properly

DISCRETIONARY POWERS

- • Selection of a Chief Minister
- • Dismissal of the Ministry
- • Dissolution of Legislative Assembly
- • Asking President for President's rule

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