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ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

EXECUTIVE HEAD OF THE UNION OF **INDIA: AN OVERVIEW**

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ABSTRACT

The President of India is holding a very prestigious position as a first citizen of India. The Central executive, which is composed of the President and the Council of Ministers, which is chaired by the Prime Minister, is responsible for matters pertaining to Articles 52 to 78 of the Constitution. It is of the parliamentary type in so far as the Council of Ministers is responsible to the Lok Sabha. The President is the head of the State and the Formal Executive. All Executive action at the Centre is expressed to be taken in his name². The Constitution formally vests many functions in the President but he has no function to discharge in his discretion, or in his individual judgment. He acts on ministerial advice and, therefore, the Prime Minister and the Council of Ministers constitute the real and effective executive. The structure of the Central Executive closely resembles the British model which functions on the basis of unwritten conventions. In India, however, some of these conventions have been written in the Constitution, for e.g., provisions regarding appointment, tenure and collective responsibility of the Ministers. But some matters are left to conventions, as for example, the Cabinet, and the concept of Minister's responsibility for the acts of his subordinates. The Indian Constitution has provided various provisions regarding the qualification, election, powers and functions etc., of the President of India. This Article is an attempt to provide for the ease of the readers an overview of the executive head of the Union in accordance with the provisions of the Indian Constitution.

Keywords: Executive, Head, Union, President, Indian Constitution.

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² According to Art.53(1): “the executive power of the Union shall be vested in the President and shall be exercised by him directly or through officers subordinate to him in accordance with this Constitution”.

POSITION OF EXECUTIVE HEAD OF THE UNION OF INDIA: AN OVERVIEW

INTRODUCTION:

In the Preamble to the Constitution, India is declared to be a “Sovereign Socialist Secular Democratic Republic”. Being a republic, there can be no hereditary monarch as the head of State in India, hence the institution of the President. The President is elected not directly by the people, but by the method of indirect election. The procedure for indirect election would be, by an electoral college³, in accordance with the system of proportional representation by means of the single transferable vote.

As far as practicable, there shall be uniformity of representation of the different States at the election, according to the population and the total number of elected members of the Legislative Assembly of each State, and parity shall also be maintained between the States as a whole and the Union (Art.55). The second condition seeks to ensure that the votes of the States, in the aggregate, in the electoral college for the election of the President, shall be equal to that of the people of the country as a whole. In this way, the President shall be a representative of the nation as well as a representative of the people in the different States. It also gives recognition to the status of the States in the federal system.

Qualification for Election as President:

In order to be qualified for election as President, a person must-

- a) Be a citizen of India;
- b) Have completed the age of thirty-five years;
- c) Be qualified for election as a member of the House of the people; and
- d) Not hold any office of profit under the Government of India or the Government of any State or under any local or other authority subject to the control of any of the said Government. (Art.58)

But a sitting President or Vice-President of the Union or the Governor of any State or a Minister either for the Union or for any State is not disqualified for election as President. (Art.58).

³ The electoral college shall consist of –
The elected members of both Houses of Parliament;
The elected members of the Legislative Assemblies of the States; and
The elected members of the legislative assemblies of Union Territories of Delhi and Pondicherry (Art 54).

Term of Office of President:

The President's term of office is five years from the date on which he enters upon his office; but he is eligible for re-election (Arts.56-57).

The President's office may terminate within term of five years in either of two ways-

- i. By resignation in writing under his hand addressed to the Vice-President of India,
- ii. By removal for violation of the Constitution, by the process of impeachment (Art.56). The only ground for impeachment specified in Art.61(1) is 'violation of the Constitution'.

Conditions of President's Office:

The President shall not be a member of either House of Parliament or of a House of the Legislature of any State, and if a member of either House of Parliament or of a House of the Legislature of any State be elected as President, he shall be deemed to have vacated his seat in that House on the date on which he enters upon his office as President. The President shall not hold any other office of profit. [Art.59(1)].

Emoluments and Allowances of President:

The President shall be entitled without payment of rent to the use of his official residence and shall also be entitled to such emoluments, allowances and privileges as may be determined by Parliament by law. By passing the President's Emoluments and Pension (Amendment) Act, 2008, Parliament has amended the President's Emoluments and Pension Act, 1951 (30 of 1951) and raised the emoluments to Rs.1,50,000/- per mensem with effect from 01-01-2006. Presently, salary of the President of India is Rs. 5 lakh/month (non-taxable). Apart from this the President of India also gets several allowances. Some of the allowances have been listed below.

Accommodation: Rashtrapati Bhavan is the official residential place of the President of India. Rashtrapati Bhavan is situated at raising hills at the heart of New Delhi⁴.

Medical facilities: The president of India is one of the most important officials in India. The President of India is entitled to free medical services for their whole life.

⁴ Rashtrapati Bhawan is an attraction to many visitors every year. Rashtrapati Bhavan has 340 rooms. The Rashtrapati Bhavan has a floor area of **2,00,000 square feet**.

Security: Since the president of India is one of the most important officials of national security is one of the main areas⁵. The emoluments and allowances of the President shall not be diminished during his term of office [Art.59(3)].

Post Retirement: There are numerous perks that the President of India is entitled to after retirement⁶.

Powers and Duties of the President:

The Constitution says that the “executive power of the Union shall be vested in the President” [Art.53]. The President of India shall thus be the head of the ‘executive power’ of the Union. The ‘executive power’ primarily means the execution of the laws enacted by the Legislature, but the business of the Executive in a modern State is not as simple as it was in the days of Aristotle. Owing to the manifold expansion of the functions of the State, all residuary functions have practically passed into the hands of the Executive. The executive power may, therefore, be shortly defined as ‘the power of carrying on the business of government’ or ‘the administration of the affairs of the State’, excepting functions which are vested by the Constitution in any other authority.

Constitutional Limitations on President’s Powers:

Before a brief discussion about the different powers of the Indian President, it is necessary to note the constitutional limitations under which he is to exercise his executive powers. Firstly, he must exercise these powers according to the Constitution [Art 53(1)]. Thus Art 75(1) explicitly requires that Minister (other than the Prime Minister) can be appointed by the President only on the advice of the Prime Minister. There will be a violation of this provision if the President appoints a person as Minister from outside the list submitted by the Prime Minister. If the President violates any of the mandatory provisions of the Constitution, he will be liable to be removed by the process of

⁵ The President of India is entitled to a Black Mercedes Benz S600 (W221) Pullman Guard which is custom-built. President also has a heavily armoured stretch limousine for official visits. The motorcade will also include the former presidential car, a black Mercedes-Benz W140, and an armoured limousine.

⁶ Some of the post retirement benefits are,

- The President of India will get Rs. 1.5 lakh/month as a pension (at current rates).
- The spouses of Presidents will get secretarial assistance of Rs. 30,000 per month.
- One furnished rent-free bungalow (Type VIII).
- Two free landlines and a mobile phone.
- Five personal staff including a private secretary.
- Staff expenses of Rs.60,000 a year.
- Free Travel with a companion by train or air.

impeachment. Secondly, the executive powers shall be exercised by the President of India in accordance with the advice of his Council of Ministers [Art 74(1)].

The various powers that are included within the comprehensive expression 'executive power' in a modern State have been classified by political scientists under the following heads:

- Administrative power, i.e., the execution of the laws and the administration of the departments of government.
- Legislative power, i.e., the summoning, prorogation, etc., of the legislature, initiation of and assent to legislation and the like.
- Judicial power, i.e., granting of pardons, reprieves, etc., to persons convicted of crime.
- Military power, i.e., the command of the armed forces and the conduct of war.

Administrative Powers:

In the matter of administration, not being a real head of the Executive like the American President, the Indian President shall not have any administrative function to discharge nor shall he have that power of control and supervision over the Departments of the Government as the American President possesses. But though the various departments of Government of the Union will be carried on under the control and responsibility of the respective Ministers in charge, the President will remain the formal head of the administration, and as such all executive action of the Union must be expressed to be taken in the name of the President. Though he may not be the 'real' head of the administration, all officers of the Union shall be his 'subordinates'[Art.53(1)] and he shall have a right to be informed of the affairs of the Union [Art 78(b)]. The administrative power also includes the power to appoint and remove the high dignitaries of the State⁷.

Case Laws Related to Executive Powers of the Union:

S.R Bommai v. Union of India⁸ is a landmark decision of the Supreme Court of India, where the Court discussed at length provisions of Article 356 of the Constitution of India and related issues.

⁷ Under the Indian Constitution, the President shall have the power to appoint- The Prime Minister of India, other Ministers of the Union, the Attorney-General for India, the Comptroller and Auditor-General of India, the Judges of the Supreme Court, the Judges of the High Courts of the States, the Governor of a State, a Commission to investigate interference with water-supplies, the Finance Commission, the Union Public Service Commission and Joint Commissions for a Group of States, the Chief Election Commissioner and other members of the Election Commission, a Special Officer for the Scheduled Castes and Tribes, a Commission to report on the administration of Scheduled Areas, a Commission to investigate into the condition of backward classes, a Commission on Official Language, special Officer for linguistic minorities.

⁸ 1994 AIR 1918, 1994 SCC (3)1

This case had huge impact on Centre-State Relations.

In 1989, the Indian National Congress (INC) government at the centre dismissed the Janata Dal government in Karnataka under Article 356, citing “breakdown of constitutional machinery” in the State. S.R. Bommai, the then Chief Minister of Karnataka, challenged the dismissal in the Supreme Court, arguing that it was unconstitutional and politically motivated.

The case raised several questions regarding the scope of the President’s power to dismiss a state government under Article 356, including whether the decision to dismiss was subject to judicial review and whether the President’s decision could be challenged on the ground of mala fides or bad faith.

Judgement: The Supreme Court ruled that the President’s ability to dissolve a state government under Article 356 was subject to judicial review and could only be utilized in extraordinary situations, such as when the state’s constitutional system had completely broken down. The Court further ruled that mala fides or poor faith might be used as a defence to the President’s dismissal of a state government. The Court also established guidelines for the use of the President’s authority to dissolve a state government, including the necessity for the President to have evidence of a constitutional crisis in the state before him and the requirement that the President give the state government a chance to argue its case before making a decision.

Rameshwar Prasad and Others v. Union of India and Another⁹.

President’s Rule was enacted in Bihar in 2005 when the state legislature was dissolved. The President then enacted an ordinance to modify the requirements for candidates running in the state’s by-elections. Rameshwar Prasad and others contested the edict, claiming the President had exceeded his constitutional authority by enacting it. The law suit presented various issues, including whether the President’s authority to promulgate ordinances under Article 123 of the Constitution is unlimited and if the ordinance was constitutionally permissible.

Judgement: The Supreme Court ruled that the President’s authority to enact ordinances was not unassailable and was open to judicial review. The Court further determined that the disputed ordinance did not fall under the purview of the Constitution because it was passed primarily for political reasons and not to address an emergency or unforeseen circumstance. The Court further

⁹ Writ Petition No.257 OF 2005.

ruled that the President's authority to issue ordinances was meant to be used in emergency situations when quick action was required but there was not enough time to call a meeting of the Parliament. The Court established rules for the President's use of his or her authority to issue ordinances, including the necessity that the ordinance addresses an urgent problem, not further a political agenda, and be constitutionally permissible.

In the case of *Sardar Kapur Singh v. Union of India*¹⁰ the petitioner was a member of the Indian Civil Services and was employed as Deputy Commissioner in Punjab. It was found that the petitioner had misappropriated a sum of Rs. 16,000/- and that he had knowingly permitted a certain contractor to cheat the Government to the extent of Rs. 30,000/-. A copy of this report was supplied to the petitioner and he was required to provide cause why he should not be dismissed from service.

The petitioner complained to the President of India that he had not been afforded a reasonable opportunity of being heard and requested that he should be permitted to call certain witnesses whom he wanted to produce before the Commissioner but who were not permitted to be produced. The president declined to reopen the case & after ascertaining the views of the Union Public Service Commission, passed an order, of dismissal. The petitioner challenged the validity of this order on the ground that the constitutional rights guaranteed to him by Arts. 311 and 314 had been violated. It was held that as the petitioner in the present case had an ample opportunity of defending himself at the first stage his request for another similar inquiry at the second stage could not possibly be entertained and was rightly rejected by the President of India.

Legislative Powers:

The President being an integral part of Parliament enjoys many legislative powers. These powers are given below: The President summons, and prorogues the Houses of Parliament. He may summon the Parliament at least twice a year, and the gap between two sessions cannot be more than six months. The President has the power to dissolve the Lok Sabha even before the expiry of its term on the recommendation of the Prime Minister. In normal course he/she dissolves Lok Sabha after five years. The President nominates twelve members to Rajya Sabha from amongst persons having special knowledge in the field of literature, science, art and social service. The President may also nominate two members of Anglo-Indian community to the Lok Sabha in case

¹⁰ 1960 AIR 493, 1960 SCR (2) 569.

that community is not adequately represented in the House. The President can call a joint sitting of the two Houses of Parliament in case of a disagreement between Lok Sabha and Rajya Sabha on a non-money bill. So far thrice such joint sittings have been summoned.

The President has the right to address and send messages to Parliament. The President addresses both Houses of Parliament jointly at the first session after every general election as well as commencement of the first session every year. These addresses contain policies of the government of the day. Every bill passed by Parliament is sent to the President for his/her assent. The President may give his/her assent, or return it once for the reconsideration of the Parliament. If passed again the President has to give her assent. Without his/her assent no bill can become a law. The President may promulgate an ordinance when the Parliament is not in session. The ordinance so issued has the force of law. The ordinance so promulgated should be laid before both Houses of Parliament when they reassemble. If it is neither rejected by the Parliament nor withdrawn by the President, it automatically lapses six weeks after the commencement of the next session of Parliament. Generally, a bill is moved by the Government to enact a law in place of the ordinance.

In the case of *Krishna Kumar Singh & Anr. v. State of Bihar & Ors.*, the Supreme Court held that the re promulgation of Ordinances was unconstitutional. According to Article 213 and Article 123, the President/Governor could promulgate Ordinances. However, it was declared that the powers conferred on them were not immune from judicial review. It was also held that re-promulgation of Ordinances without placing these Ordinances before the legislature is a subversion of the democratic legislative process.

Financial Powers:

All money bills are introduced in the Lok Sabha only with the prior approval of the President. The President has the control over Contingency Fund of India. It enables her to advance money for the purpose of meeting unforeseen expenses. Annual budget and railway budget are introduced in the Lok Sabha on the recommendation of the President. If the Government in the middle of the financial year feels that more money is required than estimated in the annual budget, it can present supplementary demands. Money bills are never returned for reconsiderations. The President appoints the Finance Commission after every five years. It makes recommendations to the President on some specific financial matters, especially the distribution of Central taxes between the Union and the States. The President also receives the reports of the Comptroller and Auditor-General of India, and has it laid in the Parliament.

Contingency Fund of India:

It is a fund kept by the Union Government to meet any unforeseen expenditure for which money is immediately needed. The President has full control over this Fund. The President permits withdrawals from this Fund.

Judicial Powers:

The President appoints Chief Justice and other judges of the Supreme Court. The President also appoints Chief Justices and other judges of the High Courts. The President appoints law officers of the Union Government including the Attorney-General of India. The President, as head of state, can pardon a criminal or reduce the punishment or suspend, commute or remit the sentence of a criminal convicted by the Supreme Court or High Courts for an offence against the federal laws. The President can pardon a person convicted by a Court Martial. His/her power of pardon includes granting of pardon even to a person awarded death sentence. But, the President performs this function on the advice of Law Ministry.

In *Kehar Singh and Anr. v. Union of India*¹¹, Kehar Singh, who was an Assistant in the Directorate General of Supply and Disposal, New Delhi, was accused of conspiracy in the killing of the then Prime Minister, Smt. Indira Gandhi. Later, he was convicted and was sentenced to death. After his mercy petition was rejected by both the courts his son presented a petition to President who rejected it. Later the Supreme Court held that:

“It is appropriate that in the matter of life and personal liberty another degree of protection should be extended by entrusting power further to some higher authority to consider the option of commutation. The power so entrusted is a power belonging to the people and lies with the highest dignitary of the State.”

It was held that the order of the President could not be put under judicial review.

The President enjoys certain immunities. He is above the law and no criminal proceedings can be initiated against him/her. The office of the President is of high dignity and eminence, not of real powers. The powers formally vested in him/her are actually exercised not by his/her, but by the Union Council of Ministers, in his/her name. If the President tries to act against the wishes of the ministers, the President may create a constitutional crisis. The President may even face impeachment and may have to quit. Thus, the President has no alternative but to act in accordance

¹¹ 1989 AIR 653, 1988 SCR Supl.(3) 1102

with the advice of the Prime Minister, who after all is head of the real executive. The Prime Minister is in regular touch with the President. The Council of Ministers is responsible to Lok Sabha, and can be removed on its adverse vote only. In practice the ministers do not hold office during the pleasure of the President.

The Constitution, 42nd Amendment Act has made it obligatory for the President to act only on the advice of the Council of Ministers. The President cannot act independently. His/her powers are formal. It is the Council of Ministers headed by the Prime Minister which is the real executive. In accordance with the 44th Amendment Act of the Constitution, the President can send back a bill passed by the Parliament for reconsideration only once. If the bill is again passed by the Parliament, the President has to give his assent to the bill. In the Constituent Assembly, Dr. B.R. Ambedkar had rightly said, "The President occupies the same position as the King in the British Constitution". But in reality the President of India is not a mere rubber stamp. The Constitution lays down that the President has to preserve, protect and defend the Constitution.

The President can ask a newly appointed Prime Minister to seek a vote of confidence in the Lok Sabha within a stipulated period of time. All the administration of the country is carried on in her name. The President can ask for any information from any minister. All the decisions of the Cabinet are communicated to the President. The President is furnished with all the information relating to administration. It is in this context that the utility of the office of the President comes to be fully realized when the President gives suggestions, encourages and even warns the government. It is in this context, the President emerges as an advisor, a friend and even a critic. By way of conclusion, we may describe the position of the President in the words of Dr. B.R. Ambedkar. According to him/her, the President is the Head of State but not the

Diplomatic Powers:

All international treaties and agreements are negotiated and concluded on behalf of the President. However, in practice, such negotiations are usually carried out by the Prime Minister along with his Cabinet (especially the Foreign). Also, such treaties are subject to the approval of the Parliament. The President represents India in international forums and affairs where such a function is chiefly ceremonial. The President may also send and receive diplomats, i.e. the officers from the Indian Foreign Service. The President is the first citizen of the country.

Military Powers:

Supreme commander of Defense forces of India. He appoints chiefs of Army, Navy and Air force. He can declare war or conclude peace.

Emergency Powers: The President of India has three types of Emergency Powers:

1. National Emergency - Art.352

Proclamation of Emergency due to War, External Aggression or Internal Disturbance. Under such a situation, the President will have the authority to frame laws for any part of country. The Fundamental Rights of the citizens are also suspended.

2. State Emergency – Art.356

Proclamation of Emergency due to failure of Constitutional Machinery in a State. In such a situation President's rule is imposed on a State and the Legislative Assembly of that State is dissolved. All the legislative powers of the State go to the Parliament.

3. Financial Emergency – Art.360

Proclamation of Financial Emergency: In such a situation, the President may decrease the pay and allowances of the government employees.

Privileges and Immunities of the President:

The President of India enjoys certain privileges and immunities which include the following:

1. The President is not answerable to any court of law for the exercise of his functions.
2. The President can neither be arrested nor any criminal proceedings be instituted against him in any court of law during his tenure.
3. The President cannot be asked to be present in any court of law during his tenure.
4. A prior notice of two months' time is to be served before instituting a civil case against him.

Vacancy in the Office of the President:

A vacancy in the office of the President may be caused in any of the following ways-

- i) On the expiry of his term of five years.
- ii) By his death
- iii) By his resignation
- iv) On his removal by impeach
- v) Otherwise, e.g., on the setting aside of his election as President [Art.65(1)].

Whenever the office of the President falls vacant either due to death or resignation or impeachment, the Vice-President officiates for a period not more than six months. The Constitution has made it obligatory that in such cases (of vacancy in the office of President) election for a new President must be held within six months. The newly elected President then holds office for his full term of five years. Thus, when President Fakhruddin Ali Ahmad died in 1977, Vice-President B. D. Jatti officiated and the new President (Sanjeeva Reddy) was elected within six months.

In case the President's office falls vacant and the Vice-President is not available (or Vice-President acting as President dies or resigns in less than six months), the Chief Justice of India is required to officiate till the new President is elected. This provision was made in 1969 by the Parliament to enable Chief Justice Hidayatullah to officiate when President Zakir Hussain had died, and Vice-President V. V. Giri resigned. If a President is temporarily unable to discharge his duties, due to illness or otherwise, the Vice-President may discharge the functions of the President without officiating as the President. The Constitution has vested the President with vast powers. Broadly the powers of the President can be classified as Executive, Legislative, Financial and Judicial Powers.

Removal of the President:

The President can only be removed from office through a process called impeachment. The Constitution lays down a detailed procedure for the impeachment of the President. He can only be impeached 'for violation of the Constitution'. The following procedure is intentionally kept very difficult so that no President should be removed on flimsy ground. The resolution to impeach the President can be moved in either House of Parliament. Such a resolution can be moved only after a notice has been given by at least one-fourth of the total number of members of the House. Such a resolution charging the President for violation of the Constitution must be passed by a majority of not less than two-third of the total membership of that House before it goes to the other House for investigation. The charges levelled against the President are investigated by the second House.

President has the right to be heard or defended when the charges against him are being investigated. The President may defend himself in person or through his counsel. If the charges are accepted by a two-third majority of the total membership of the second House, the impeachment succeeds. The President thus stands removed from the office from the date on which the resolution is passed. This procedure of impeachment is even more difficult than the one

adopted in America where only simple majority is required in the House of Representatives to initiate the proceedings.

Impeachment:

An impeachment is a quasi-judicial procedure leading to the removal of a high public official, say, the President as in India, on the grounds of the violation of the Constitution.

Procedure for Impeachment of the President:

An impeachment is a quasi-judicial procedure in Parliament. Either House may prefer the charge of violation of the Constitution before the other House which shall then either investigate the charge itself or cause the charge to be investigated.

But the charge cannot be preferred by a House unless-

- a) A resolution containing the proposal is moved after a 14 days' notice in writing signed by not less than $\frac{1}{4}$ of the total number of members of that House; and
- b) The resolution is then passed by a majority of not less than $\frac{2}{3}$ of the total membership of the House.

The President shall have a right to appear and to be represented at such investigation. Since the Constitution provides the mode and ground for removing the President, he cannot be removed otherwise than by impeachment, in accordance with the terms of Arts. 56 and 61.

CONCLUSION:

The office of the President is of high dignity and eminence, not of real powers. The powers formally vested in him/her are actually exercised not by his/her, but by the Union Council of Ministers, in his/her name. If the President tries to act against the wishes of the ministers, the President may create a constitutional crisis. The President may even face impeachment and may have to quit. Thus, the President has no alternative but to act in accordance with the advice of the Prime Minister, who after all is head of the real executive.

The Prime Minister is in regular touch with the President. The Council of Ministers is responsible to Lok Sabha, and can be removed on its adverse vote only. In practice the ministers do not hold

office during the pleasure of the President. The President cannot act independently¹². His/her powers are formal. It is the Council of Ministers headed by the Prime Minister which is the real executive. In accordance with the 44th Amendment Act of the Constitution, the President can send back a bill passed by the Parliament for reconsideration only once. If the bill is again passed by the Parliament, the President has to give his assent to the bill.

In the Constituent Assembly, Dr. B.R. Ambedkar had rightly said, “The President occupies the same position as the King in the British Constitution”. But in reality the President of India is not a mere rubber stamp. The Constitution lays down that the President has to preserve, protect and defend the Constitution. The President can ask a newly appointed Prime Minister to seek a vote of confidence in the Lok Sabha within a stipulated period of time. All the administration of the country is carried on in her name. The President can ask for any information from any minister. All the decisions of the Cabinet are communicated to the President. The President is furnished with all the information relating to administration. It is in this context that the utility of the office of the President comes to be fully realized when the President gives suggestions, encourages and even warns the government. It is in this context, the President emerges as an advisor, a friend and even a critic. It may be apt to conclude the position of the President in the words of Dr. B.R. Ambedkar. According to him, the President is the Head of State but not the executive. The President represents the nation but does not rule over the nation. The President is the symbol of nation. His/her place in the administration is that of a ceremonial head.

¹² 42nd Amendment Act, 1976 of the Indian Constitution has made it obligatory for the President to act only on the advice of the Council of Ministers.