

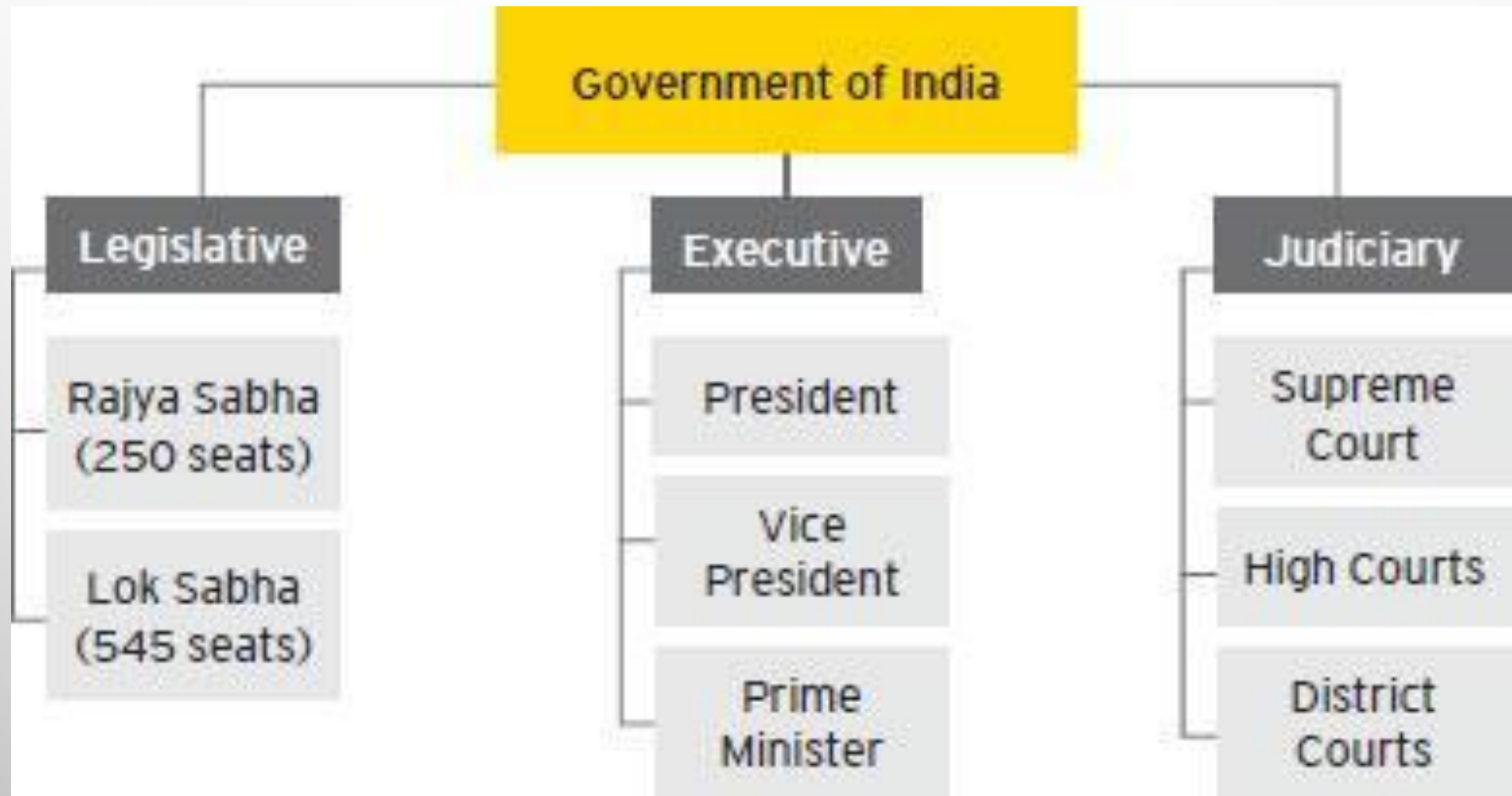
# PROJECT 2

DEV PARMAR

20LL8(A)

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# HEAD OF THE STATE

- RAM NATH KOVIND IS AN INDIAN LAWYER AND POLITICIAN SERVING AS THE 14TH AND CURRENT PRESIDENT OF INDIA SINCE HIS INAUGURATION IN 2017.
- NO PERSON SHALL BE ELIGIBLE FOR ELECTION AS PRESIDENT UNLESS HE IS A CITIZEN OF INDIA HAS COMPLETED THE AGE OF THIRTY-FIVE YEARS, AND IS QUALIFIED FOR ELECTION AS A MEMBER OF THE HOUSE OF THE PEOPLE.
- A PERSON SHALL NOT BE ELIGIBLE FOR ELECTION AS PRESIDENT IF HE HOLDS 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 GOVERNMENTS.

- THE PRESIDENT IS INDIRECTLY ELECTED BY AN ELECTORAL COLLEGE COMPRISING BOTH HOUSES OF THE PARLIAMENT OF INDIA AND THE LEGISLATIVE ASSEMBLIES OF EACH OF INDIA'S STATES AND TERRITORIES, WHO THEMSELVES ARE ALL DIRECTLY ELECTED
- ALTHOUGH ARTICLE 53 OF THE CONSTITUTION OF INDIA STATES THAT THE PRESIDENT CAN EXERCISE HIS POWERS DIRECTLY OR BY SUBORDINATE AUTHORITY, WITH FEW EXCEPTIONS, ALL OF THE EXECUTIVE POWERS VESTED IN THE PRESIDENT ARE, IN PRACTICE, EXERCISED BY THE PRIME MINISTER (A SUBORDINATE AUTHORITY) WITH THE HELP OF THE COUNCIL OF MINISTERS.

- THE PRESIDENT IS THE SUPREME COMMANDER OF THE INDIAN ARMED FORCES. THE PRESIDENT CAN DECLARE WAR OR CONCLUDE PEACE, ON THE ADVICE OF THE UNION COUNCIL OF MINISTERS HEADED BY THE PRIME MINISTER. ALL IMPORTANT TREATIES AND CONTRACTS ARE MADE IN THE PRESIDENT'S NAME.
- THE PRESIDENT MAY ALSO BE REMOVED BEFORE THE EXPIRY OF THE TERM THROUGH IMPEACHMENT FOR VIOLATING THE CONSTITUTION OF INDIA BY THE PARLIAMENT OF INDIA. THE PROCESS MAY START IN EITHER OF THE TWO HOUSES OF THE PARLIAMENT. THE HOUSE INITIATES THE PROCESS BY LEVELLING THE CHARGES AGAINST THE PRESIDENT.

# LEGISLATIVE POWER

- LEGISLATIVE POWER IS CONSTITUTIONALLY VESTED IN THE PARLIAMENT OF INDIA OF WHICH THE PRESIDENT IS THE HEAD, TO FACILITATE THE LAWMAKING PROCESS PER THE CONSTITUTION (ARTICLE 78, ARTICLE 86, ETC.). THE PRESIDENT SUMMONS BOTH THE HOUSES (LOK SABHA AND RAJYA SABHA) OF THE PARLIAMENT AND PROROGUES THEM. HE CAN DISSOLVE THE LOK SABHA.
- THE PARLIAMENT MAKES LAWS ON ALL SUBJECTS LISTED IN THE UNION LIST. IT CAN ALSO MAKE LAWS ON SUBJECTS LISTED UNDER THE CONCURRENT LIST. ... IN CASES WHEN AN EMERGENCY HAS BEEN DECLARED, THE UNION PARLIAMENT CAN ALSO MAKE LAWS ON SUBJECTS THAT FALL WITHIN THE STATE LIST.

- **IN A DEMOCRACY GENERALLY, THE FOLLOWING ARE THE FUNCTIONS OF LEGISLATURE:**

- (1) LAW MAKING
- (2) CONTROL OVER THE BUDGET
- (3) CONTROL OVER EXECUTIVE
- (4) JUDICIAL
- (5) ELECTORAL
- (6) AMENDMENT OF THE CONSTITUTION
- (7) A MINOR OF PUBLIC OPINION
- (8) RIGHT OF THE LEGISLATURE TO REMOVE THE JUDGES



- AS PER ARTICLE 53, THE EXECUTIVE POWER OF THE COUNTRY IS VESTED IN THE PRESIDENT AND IS EXERCISED BY THE PRESIDENT EITHER DIRECTLY OR THROUGH OFFICERS SUBORDINATE TO HIM IN ACCORDANCE WITH THE CONSTITUTION. WHEN PARLIAMENT THINKS FIT IT MAY ACCORD ADDITIONAL EXECUTIVE POWERS TO THE PRESIDENT PER ARTICLE 70 WHICH MAY BE FURTHER DELEGATED BY THE PRESIDENT TO THE GOVERNORS OF STATES PER ARTICLE 160. UNION CABINET WITH PRIME MINISTER AS ITS HEAD, SHOULD AID AND ADVISE THE PRESIDENT IN PERFORMING HIS FUNCTIONS..
- AS PER ARTICLE 142, IT IS THE DUTY OF THE PRESIDENT TO ENFORCE THE DECREES OF THE SUPREME COURT.

- **TWO PARTS OF EXECUTIVE: POLITICAL EXECUTIVE & PERMANENT EXECUTIVE**
- **(I) THE POLITICAL EXECUTIVE (MINISTERS):**
- IT CONSISTS OF THE EXECUTIVE HEAD OF THE STATE AND OTHER HEADS OF THE EXECUTIVE DEPARTMENTS IS MINISTERS. MINISTERS ARE POLITICAL LEADERS. THEY ARE MOSTLY ELECTED REPRESENTATIVE OF THE PEOPLE AND RESPONSIBLE FOR ALL THEIR DECISIONS AND POLICIES BEFORE THE PUBLIC. POLITICAL EXECUTIVE WORK FOR A FIXED TENURE OF ABOUT 5 YEARS.
- **(II) THE NON-POLITICAL PERMANENT EXECUTIVE (CIVIL SERVANTS):**
- IT CONSISTS OF THE CIVIL SERVANTS (BUREAUCRACY) FROM THE LOWEST TO THE HIGHEST LEVELS. IT CARRIES OUT THE DAY TO DAY ADMINISTRATION BY WORKING IN THE GOVERNMENT DEPARTMENTS. THE CIVIL SERVANTS ARE POLITICALLY NEUTRAL. THEY DO NOT OWE ALLEGIANCE TO ANY POLITICAL PARTY.

- **FUNCTIONS OF THE EXECUTIVE:**

- 1. ENFORCEMENT OF LAWS**

- 2. APPOINTMENT-MAKING FUNCTIONS**

- 3. TREATY-MAKING FUNCTIONS**

- 4. DEFENCE, WAR AND PEACE FUNCTIONS**

- 5. FOREIGN POLICY-MAKING AND THE CONDUCT OF FOREIGN RELATIONS**

# JUDICIAL POWER

- THE PRIMARY DUTY OF THE PRESIDENT IS TO PRESERVE, PROTECT AND DEFEND THE CONSTITUTION AND THE LAW OF INDIA PER ARTICLE 60. THE PRESIDENT APPOINTS THE CHIEF JUSTICE OF INDIA AND OTHER JUDGES ON THE ADVICE OF THE CHIEF JUSTICE. THE PRESIDENT MAY DISMISS A JUDGE WITH A TWO-THIRDS VOTE OF THE TWO HOUSES OF THE PARLIAMENT.
- THE INDIAN GOVERNMENT'S CHIEF LEGAL ADVISER, ATTORNEY GENERAL OF INDIA, IS APPOINTED BY THE PRESIDENT OF INDIA UNDER ARTICLE 76(1) AND HOLDS OFFICE DURING THE PLEASURE OF THE PRESIDENT. IF THE PRESIDENT CONSIDERS A QUESTION OF LAW OR A MATTER OF PUBLIC IMPORTANCE HAS ARISEN, HE CAN ALSO ASK FOR THE ADVISORY OPINION OF THE SUPREME COURT PER ARTICLE 143. PER ARTICLE 88, THE PRESIDENT CAN ASK THE ATTORNEY GENERAL TO ATTEND THE PARLIAMENTARY PROCEEDINGS AND REPORT TO HIM ANY UNLAWFUL FUNCTIONING IF ANY.

- THE INDIAN JUDICIAL SYSTEM FOLLOWS THE COMMON LAW SYSTEM BASED ON RECORDED JUDICIAL PRECEDENTS AS INHERITED FROM THE BRITISH COLONIAL LEGACY. THE COURT SYSTEM OF INDIA COMPRISES THE SUPREME COURT OF INDIA, THE HIGH COURTS AND SUBORDINATE COURTS AT DISTRICT, MUNICIPAL AND VILLAGE LEVELS.

Thank you!