

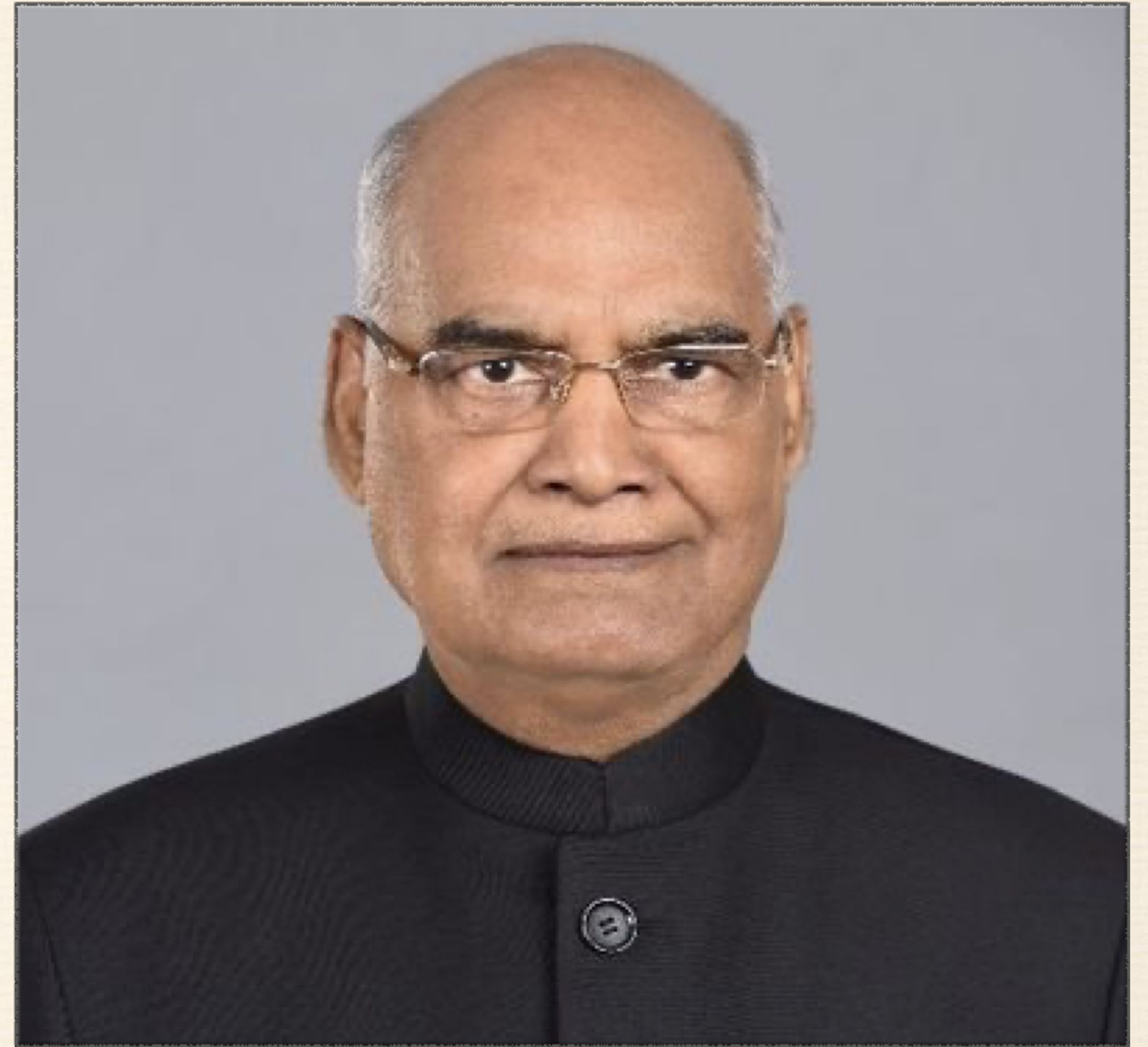
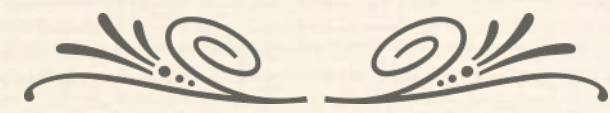


# The system of state bodies of India

*PRERAK PATEL 20LL8A*



# The head of the state





# President

- . Ram Nath Kovind (born 1 October 1945) is an Indian lawyer and politician serving as the 14th and current president of India since his inauguration in 2017.
- . He is also the first person from Uttar Pradesh to serve as President of India.
- . Prior to his presidency, he served as the 26th governor of Bihar from 2015 to 2017 and as a member of Parliament, Rajya Sabha from 1994 to 2006.
- . Before entering politics, he was a lawyer for 16 years and practiced in the Delhi High Court and the Supreme Court of India until 1993.



# Articles 52 & 53

. **52. The President of India.**—There shall be a President of India.

. **53. Executive power of the Union.**—(1) The executive power of the Union shall be vested in the President and shall be exercised by him either directly or through officers subordinate to him in accordance with this Constitution.

. (2) Without prejudice to the generality of the foregoing provision, the supreme command of the Defence Forces of the Union shall be vested in the President and the exercise thereof shall be regulated by law.

. (3) Nothing in this article shall—

. (a) be deemed to transfer to the President any functions conferred by any existing law on the Government of any State or other authority; or

. (b) prevent Parliament from conferring by law functions on authorities other than the President.



# Qualifications to become president of India

- . According to Article 58 of the Constitution, 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.



# Article 58

- . **58. Qualifications for election as President.—**(1) No person shall be eligible for election as President unless he—
  - . (a) is a citizen of India,
  - . (b) has completed the age of thirty-five years, and
  - . (c) is qualified for election as a member of the House of the People.
- . (2) 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.
- . Explanation.—For the purposes of this article, a person shall not be deemed to hold any office of profit by reason only that he is the President or Vice-President of the Union or the Governor 1\*\*\* of any State or is a Minister either for the Union or for any State.



# Manner of election and term of office

- . The manner of election of President is provided by Article 55 of the constitution. Each elector casts a different number of votes. The general principle is that the total number of votes cast by Members of parliament equals the total number of votes cast by State Legislators.
- . The President shall hold office for a term of five years from the date on which he enters upon his office.



# Article 55

- 55. Manner of election of President.**—<sup>(1)</sup> As far as practicable, there shall be uniformity in the scale of representation of the different States at the election of the President.
- (2) For the purpose of securing such uniformity among the States inter se as well as parity between the States as a whole and the Union, the number of votes which each elected member of Parliament and of the Legislative Assembly of each State is entitled to cast at such election shall be determined in the following manner:—
- (a) every elected member of the Legislative Assembly of a State shall have as many votes as there are multiples of one thousand in the quotient obtained by dividing the population of the State by the total number of the elected members of the Assembly;
  - (b) if, after taking the said multiples of one thousand, the remainder is not less than five hundred, then the vote of each member referred to in sub-clause (a) shall be further increased by one;
  - (c) each elected member of either House of Parliament shall have such number of votes as may be obtained by dividing the total number of votes assigned to the members of the Legislative Assemblies of the States under sub-clauses (a) and (b) by the total number of the elected members of both Houses of Parliament, fractions exceeding one-half being counted as one and other fractions being disregarded.
- (3) The election of the President shall be held in accordance with the system of proportional representation by means of the single transferable vote and the voting at such election shall be by secret ballot.
- 1[Explanation.—In this article, the expression “population” means the population as ascertained at the last preceding census of which the relevant figures have been published:
- Provided that the reference in this Explanation to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2[2026] have been published, be construed as a reference to the 1971 census.]



# Article 56

- . **56. Term of office of President.**—(1) The President shall hold office for a term of five years from the date on which he enters upon his office:
  - . Provided that—
    - . (a) the President may, by writing under his hand addressed to the Vice-President, resign his office;
    - . (b) the President may, for violation of the Constitution, be removed from office by impeachment in the manner provided in article 61;
    - . (c) the President shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.
  - . (2) Any resignation addressed to the Vice-President under clause (a) of the proviso to clause (1) shall forthwith be communicated by him to the Speaker of the House of the People.



# Functions

- . 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.



# Article 72

## 72. Power of President to grant pardons, etc., and to suspend, remit or commute sentences in certain

cases.—(1) The President shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence—

- (a) in all cases where the punishment or sentence is by a Court Martial;
- (b) in all cases where the punishment or sentence is for an offence against any law relating to a matter to which the executive power of the Union extends;
- (c) in all cases where the sentence is a sentence of death.
- (2) Nothing in sub-clause (a) of clause (1) shall affect the power conferred by law on any officer of the Armed Forces of the Union to suspend, remit or commute a sentence passed by a Court Martial.
- (3) Nothing in sub-clause (c) of clause (1) shall affect the power to suspend, remit or commute a sentence of death exercisable by the Governor 1\*\*\* of a State under any law for the time being in force.



# Termination of his office

- . 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.



# Article 61

## **61. Procedure for impeachment of the President.—**<sup>(1)</sup>

When a President is to be impeached for violation of the Constitution, the charge shall be preferred by either House of Parliament.

(2) No such charge shall be preferred unless—

(a) the proposal to prefer such charge is contained in a resolution which has been moved after at least fourteen days' notice in writing signed by not less than one-fourth of the total number of members of the House has been given of their intention to move the resolution, and

(b) such resolution has been passed by a majority of not less than

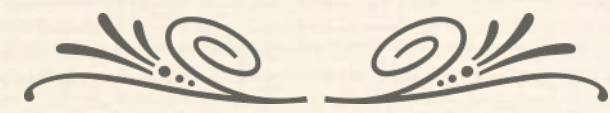
two-thirds of the total membership of the House.

(3) When a charge has been so preferred by either House of Parliament, the other House shall investigate the charge or cause the charge to be investigated and the President shall have the right to appear and to be represented at such investigation.

(4) If as a result of the investigation a resolution is passed by a majority of not less than two-thirds of the total membership of the House by which the charge was investigated or caused to be investigated, declaring that the charge preferred against the President has been sustained, such resolution shall have the effect of removing the President from his office as from the date on which the resolution is so passed.



# Legislative power





# Parliament

- . The Parliament of India is the supreme legislative body of the Republic of India.
- . It is a bicameral legislature composed of the President of India and two houses: the Rajya Sabha and the Lok Sabha.



# Articles 79 & 80

**79. Constitution of Parliament.**—There shall be a Parliament for the Union which shall consist of the President and two Houses to be known respectively as the Council of States and the House of the People.

**80. Composition of the Council of States.**—<sup>(1)</sup> 1<sup>[2\*\*\*</sup> The Council of States] shall consist of—

- (a) twelve members to be nominated by the President in accordance with the provisions of clause (3); and
- (b) not more than two hundred and thirty-eight representatives of the States 3[and of the Union territories].

(2) The allocation of seats in the Council of States to be filled by representatives of the States 3[and of the Union territories] shall be in accordance with the provisions in that behalf contained in the Fourth Schedule.

(3) The members to be nominated by the President under sub-clause (a) of clause (1) shall consist of persons having special knowledge or practical experience in respect of such matters as the following, namely:—Literature, science, art and social service.

(4) The representatives of each State 1\*\*\* in the Council of States shall be elected by the elected members of the Legislative Assembly of the State in accordance with the system of proportional representation by means of the single transferable vote.

(5) The representatives of the 2[Union territories] in the Council of States shall be chosen in such manner as Parliament may by law prescribe



# Eligibility criteria to become member of parliament

- . A person must satisfy all following conditions to be qualified to become a member of parliament of the Lok Sabha;
- . Must be a citizen of India.
- . Must not be less than 25 years of age.
- . Must be a voter for any parliamentary constituency in India.
- . Candidate of a recognised political party needs one proposer from his/her constituency for his/her nomination.
- . An independent candidate needs ten proposers.
- . Candidates are required to make a security deposit of ₹25,000 (US\$330).



# Articles 84 & 8

**84. Qualification for membership of Parliament.—**<sup>A</sup>  
person shall not be qualified to be chosen to fill a seat in Parliament unless he—

- 3[(a) is a citizen of India, and makes and subscribes before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule;]
- (b) is, in the case of a seat in the Council of States, not less than thirty years of age and, in the case of a seat in the House of the People, not less than twenty-five years of age; and
- (c) possesses such other qualifications as may be prescribed in that behalf by or under any law made by Parliament.

**85. Sessions of Parliament, prorogation and**

**dissolution.**—(1) The President shall from time to time summon each House of Parliament to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

- (2) The President may from time to time— (a) prorogue the Houses or either House; (b) ~~dissolve the House of the People.~~



# Manner of election

- . Members of the Lok Sabha are elected by an adult universal suffrage and a first-past-the-post system to represent their respective constituencies, and they hold their seats for five years or until the body is dissolved by the President on the advice of the council of ministers.

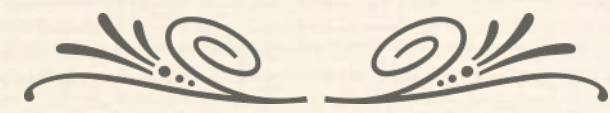


# Functions

- . The main function of both the Houses is to make laws.
- . Every Bill has to be passed by both the Houses and assented to by the President before it becomes law.
- . The subjects over which Parliament can legislate are the subjects mentioned under the Union List in the Seventh Schedule of the Constitution of India.



# Executive power





# Government and council of ministers

- . The Union Council of Ministers exercises executive authority in the Republic of India.
- . It consists of Cabinet Ministers, Minister of State and Ministers of State (Independent Charge).
- . The council is led by the Prime Minister of India.



# Article 74

- . 74. Council of Ministers to aid and advise President.—1[(1) There shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President who shall, in the exercise of his functions, act in accordance with such advice:]
- . 2[Provided that the President may require the Council of Ministers to reconsider such advice, either generally or otherwise, and the President shall act in accordance with the advice tendered after such reconsideration.]
- . (2) The question whether any, and if so what, advice was tendered by Ministers to the President shall not be inquired into in any court.



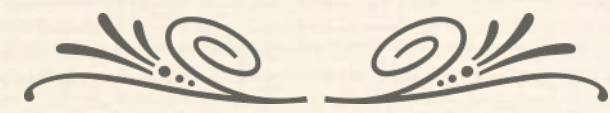
# Functions

Following are the functions of the Council of Ministers of India:

1. All the departments of the Government are under the control of the Ministers and it is their responsibility to run the administration in a good manner.
2. They maintain order and peace in the state.
3. They play a big role in the making of the law of the state.
4. They introduce Bills, participate in the discussion and cast their vote.
5. The budget of the states is prepared by the Council of Ministers.
6. They review the work of planning and Planning Commission.
7. The cabinet also controls the foreign tours of the President and other ministers



# Judicial power





# Courts system

- . 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  
For Your Attention