

# The System of state Bodies of India

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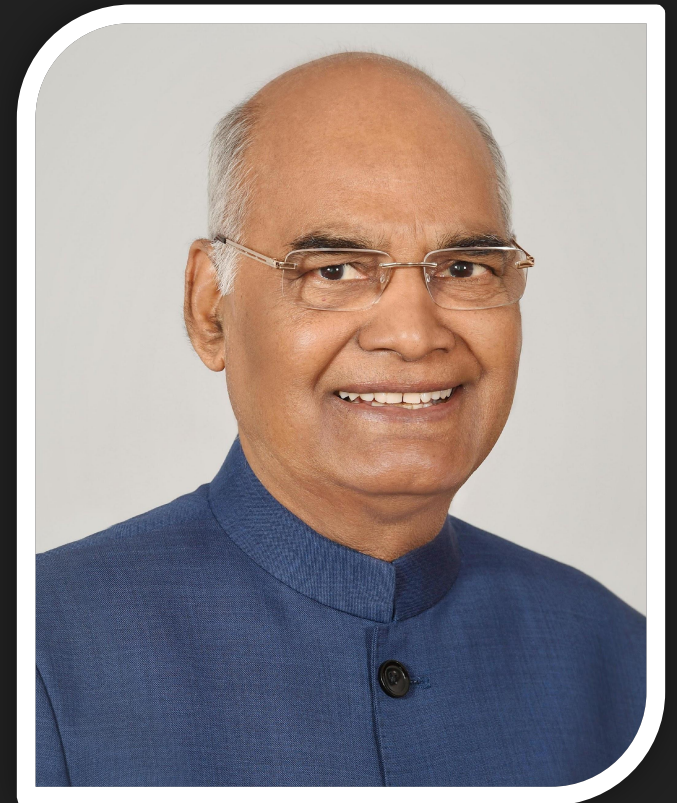
# Plan..

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# The head of the state.

## Ram Nath Kovind

( born 1 October 1945) is an Indian politician serving as the 14<sup>th</sup> and current President of India since 25 July 2017. He is also the first person from Uttar Pradesh to serve as President of India. Prior to his presidency, he served as the 26<sup>th</sup> 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.



- Article 58 of the Constitution sets the principle qualifications one must meet to be eligible to the office of the president. A President must be:.
- A citizen of India.  
Of 35 years of age or above  
qualified to become a member of the Lok Sabha  
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. Certain office-holders, however, are permitted to stand as presidential candidates. These are:  
The current Vice President.  
The Governor of any State.  
A Minister of the Union or of any State (Including Prime Minister and Chief Ministers).  
In the event that the vice president, a state governor or a minister is elected president, they are considered to have vacated their previous office on the date they begin serving as president.[18]



# Election process

The President of India is indirectly elected by an electoral college consisting of the elected members of both houses of parliament, the elected members of the Legislative assemblies of the 28 states and the elected members of the legislative assemblies of the Union Territories of Delhi, Puducherry and Jammu and Kashmir[citation needed]. As of 2021, the electoral college comprises 776 MPs and 4,120 MLAs. The system assigns varying numbers of votes to these electoral college members, such that the total weight of MPs and those of MLAs is roughly equal and that the voting power of states and territories are proportional to their population. Overall the members of the electoral college were eligible to cast 1,098,903 votes, yielding a threshold for a majority of 549,452 votes.

The nomination of a candidate for election to the office of the President must be subscribed by at least 50 electors as proposers and 50 electors as seconders. The election is held by means of a secret ballot under the Instant-runoff voting system. The manner of election of President is provided by Article 55 of the Constitution.

The returning officer for the election will be , the Secretary General of Rajya sabha

- ❑ The 2022 Indian presidential election will be the 16<sup>th</sup> presidential election to be held in India. Ram Nath Kovind is expected to be the incumbent president at the time of the election. Article 56(1) of the Constitution of India provides that the President of India shall remain in office for a period of five years. Consequent to the expiry of the term of President Kovind, an election to fill in the office is expected to be scheduled.
- ❑ Manner of election of President.-
  - (1) 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;© 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-clause (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.Explanation.- n this article, the expression “population” means the population 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 2000 have been published, be construed as a reference to the 1971 census.

## □ Functions :

- The President is responsible for implementing and enforcing the laws written by Congress and, to that end, appoints the heads of the federal agencies, including the Cabinet. The Vice President is also part of the Executive Branch, ready to assume the Presidency should the need arise.

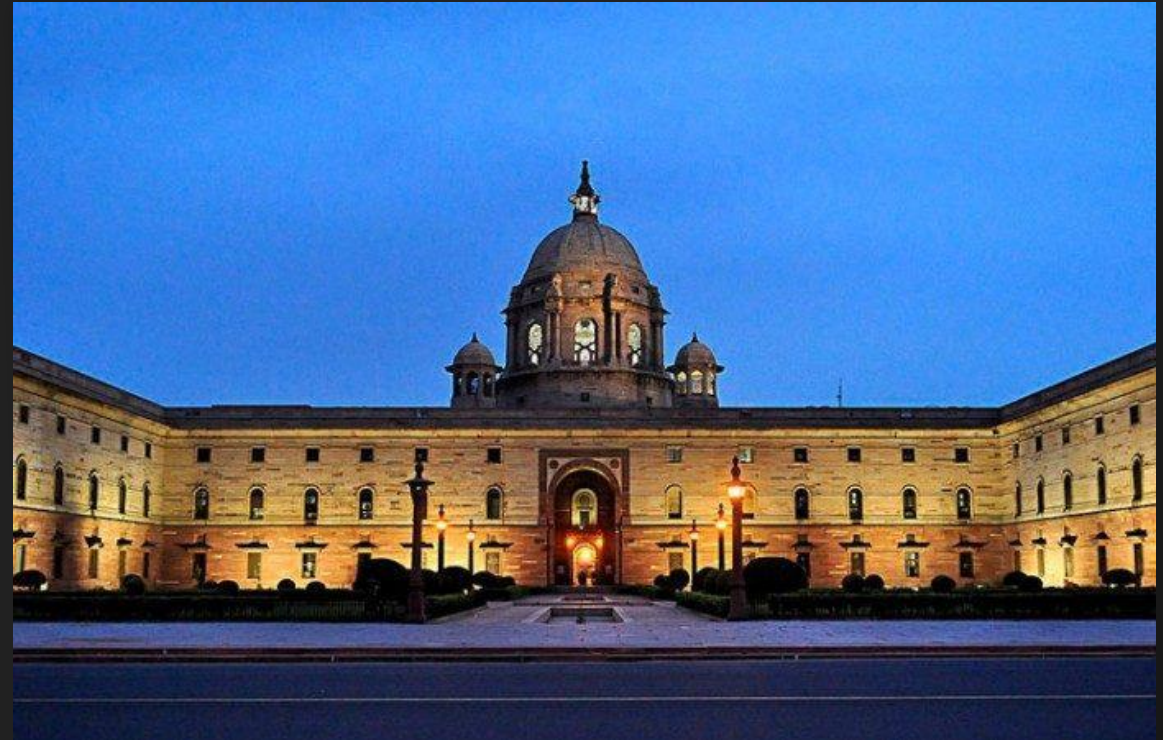
## □ Termination:

- President can be removed by the supreme court per Article 71(1) for committing electoral malpractices and upon ceasing to possess the requisite qualifications to be president. President cannot remove judges once appointed by him without impeachment process per Article 124.



# Legislative Power

- India has a Parliamentary form of government that is based on the British system; thus, India has two Houses of Parliament. In India, the President holds the same position as the Queen or King of England, and he is thus the nominal or titular Head of State. Despite being the executive head of the state, the President also has many legislative powers that are important for the country's legislation.



## □ Constitutional Position Of President

The President's primary responsibility, as stated in his oath of office, is to preserve, protect, and defend the Indian constitution (Article 60 of the Indian constitution). The President serves as the common head of all autonomous constitutional entities. All of his actions, recommendations (Article 3, Article 111, Article 274, and so on), and supervisory powers (Article 74(2), Article 78 c, Article 108, Article 111, and so on) over India's executive and legislative entities must be used to uphold the constitution.

Article 53 delegates powers to the President to carry out the business of government or state affairs, with the exception of functions delegated to any other authority by the Constitution.

If the President violates any of the Constitution's mandatory provisions, he can be removed through the impeachment process.

## □ Legislative Powers Of President

He has the authority to summon or prorogue Parliament as well as dissolve the Lok Sabha.

He can also call a joint session of both Houses of Parliament, which is presided over by the Lok Sabha Speaker.

He has the right to address Parliament at the start of the first session following each general election, as well as the first session of each year.

He has the authority to send messages to the Houses of Parliament, whether related to a pending bill in the Parliament or otherwise.

When the offices of both the Speaker and the Deputy Speaker become vacant, he has the authority to appoint any member of the Lok Sabha to preside over its proceedings.





# Executive Power of president

- Part V of the Constitution (Articles 52 to 78) deal with the Union executive. The Union executive is made up of the President, Vice President, Prime Minister, Council of Ministers, and the Attorney General of India. The Union's executive power is vested in the President, who exercises it either directly or through officers' subordinate to him in accordance with the Constitution.



## **Executive Powers Of President**

**All executive actions taken by the Indian government are formally taken in his name.**

**He has the authority to make rules governing how orders and other instruments made and executed in his name must be authenticated.**

**He has the authority to make rules for the more efficient transaction of Union government business, as well as the allocation of said business among ministers.**

**He appoints the prime minister and other cabinet members. They serve during his pleasure.**

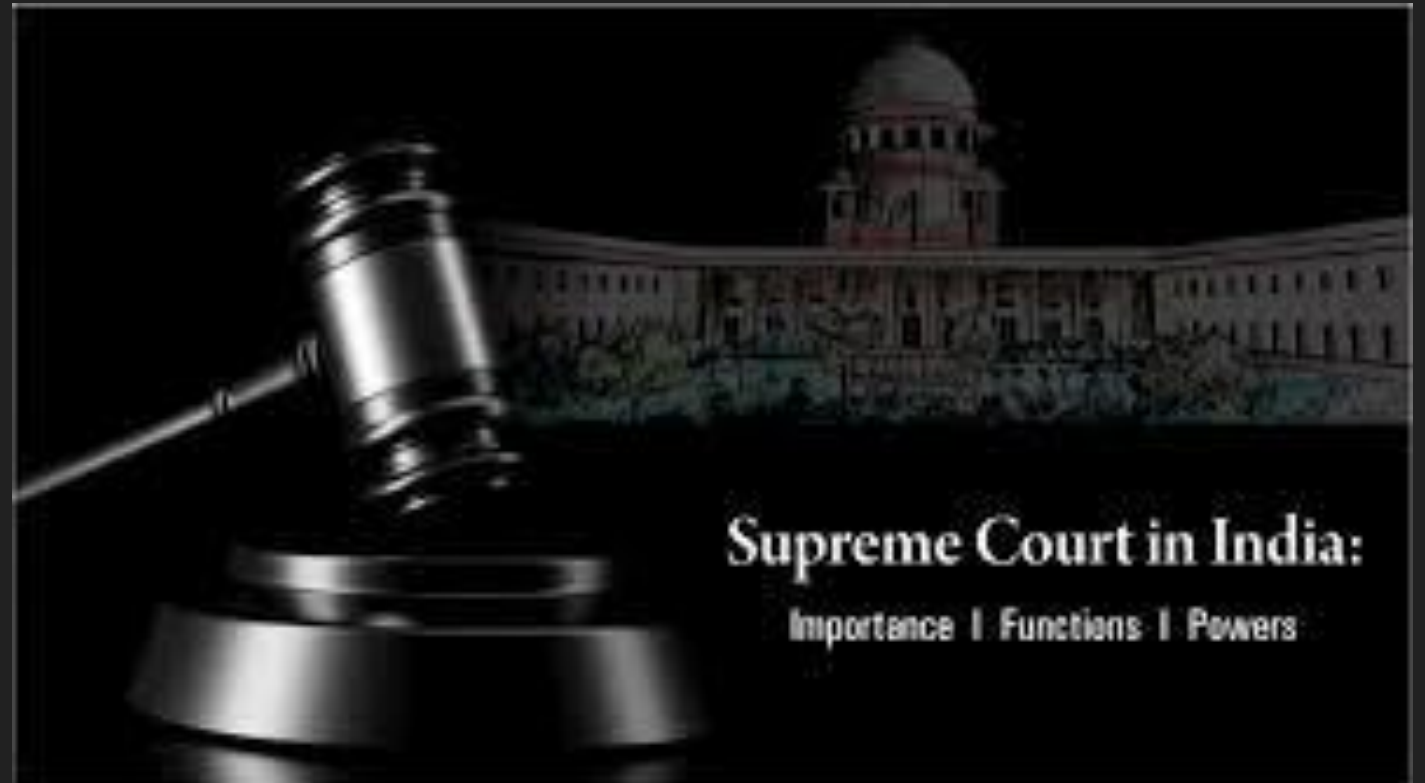
**He appoints the Attorney General of India and sets his salary. The Attorney General serves during the pleasure of the President.**





# Judicial Power of president

- The President of India appoints the Chief Justice and Supreme Court/High Court Judges. The Supreme Court provides him with advice, but it is not binding on him. He has pardoning power: Under Article 72, he has the authority to grant a pardon against punishment for a violation of Union law, a martial court sentence, or a death sentence



## ❑ Judicial Powers of the President – Constitutional Provisions

Article 72 of the Constitution empowers the President to grant pardons to persons who have been tried and convicted of any offense.

The pardoning power of the president is independent of Judiciary; it is executive power. But, the President while exercising this power, does not sit as a court of appeal.

Article 60 has a section about the Presidential Oath, which states that the President must protect, safeguard, and defend the Indian Constitution and the law.

Article 217(3) contains provisions related to the appointment of a High Court Judge.

Article 143 of the Constitution authorizes the president to seek the opinion of the Supreme court.

## ■ Basic Judicial Powers of the President

### Preservation of law

According to Article 60, the president's principal responsibility is to preserve, safeguard, and defend the Indian Constitution and the law.

### Appointment of Judges

On the advice of the Chief Justice, the President appoints the Chief Justice and other justices. In the case of *Union of India v Jyoti Parkash Mitter*, this was confirmed. In this case, the Supreme Court had to interpret Article 217(3) of the Constitution, which states that the President shall settle any dispute about the age of a High Court Judge after consulting with the Chief Justice of India. Because the Constitution places such a high value on the independence of High Court judges, this provision was interpreted to suggest that the President must personally consider and decide the question of a High Court judge's age.

As a result, the President's function of determining the age of a High Court Judge under Article 217(3) was ruled to be judicial in this case. According to the Supreme Court: "Normally, judicial power must be exercised by the authority in whom that power is vested. But under Article 217(3) power to decide the question as to the age of a Judge of the High Court has to be exercised after consultation with the Chief Justice of India."

# Conclusion..

- The Office of Head of State is a very important one as these duties are vital to maintaining the nation's political unity and guaranteeing the constitutional powers. But the significance of the Office is far greater than that and can in no way be combined with the responsibilities of any other high office or function. One of the paramount functions of the Office is to influence political thought and institutional direction in the national interest. In this regard the President serves as a mediator in times of national crisis and should be instrumental in preparing the nation to co-operate with the government's policies and programmes. This leaves no room for the Head of State to be regarded as a 'rubber stamp' because his sphere of influence has far reaching implications. Another important aspect of the Office is the fact that the Head of State being independent of political parties, represents the nation as a whole. This neutrality is crucial to the integrity of the Office and can be a sensitive issue at the community level of service.

# References..

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