

# Indian Constitution AND President OF India

## Important Articles Related to President & President Election in India

The President is the symbol of solidarity, unity, and integrity of the nation. Below is the list of all the important articles related to the president of India which are frequently asked in the UPSC exam and other government exams.

Article	Description
Article 52	There shall be a President of India.
Article 53	Executive Power of the Union
Article 54	Election of President
Article 55	Manner of election of President
Article 56	Term of office of President
Article 57	Eligibility for re-election
Article 58	Qualifications for election as President
Article 59	Conditions of President's office
Article 60	Oath or affirmation by the President
Article 61	Procedure for impeachment of the President
Article 62	Time of holding election to fill vacancy in the office of president and the term of office or person elected to fill casual vacancy
Article 70	Discharge of President's functions in other contingencies
Article 71	Matters relating to, or connected with, the election of a President or Vice-President
Article 72	Power of President to grant pardons, etc., and to suspend, remit or commute sentences in certain cases
Article 74	Council of Ministers to aid and advise President
Article 75	Other provisions as to Ministers
Article 87	Special address by the President
Article 123	Power of President to promulgate Ordinances during recess of Parliament
Article 143	Power of President to consult Supreme Court
Article 352	National Emergency
Article 356	President's rule
Article 360	Financial Emergency

## qualifications of the President :

A candidate has to meet some qualifications to be elected as the president. Those qualifications of the President are:

- He should be an Indian Citizen
- His age should be a minimum of 35 years
- He should qualify the conditions to be elected as a member of the Lok Sabha
- He should not hold any office of profit under the central government, state government, or any public authority

## conditions of the President's office:

There are a few conditions for the candidate running for the President's elections:

- He cannot be a member of Lok Sabha and Rajya Sabha. If he has been a member of either of the house, he should vacate the seat on his first day as President in the office
- He should not hold any office of profit
- For his residence, Rashtrapati Bhavan is provided to him without the payment of rent
- Parliament decides his emoluments, allowances and privileges
- Parliament cannot diminish his emoluments and allowances during his term of office
- He is given immunity from any criminal proceedings, even in respect of his personal acts
- Arrest or imprisonment of the President cannot take place. Only civil proceedings can be initiated for his personal acts that too after giving two months' of prior notice.

## Impeachment Process of the President of India:

The impeachment process of the President of India is a quasi-judicial process. Article 61 describes the process of impeachment of the President of India:

- The President can be removed from office by the process of impeachment only on the grounds of violation of the constitution.
  - The impeachment process can be started from any house of the parliament by levelling charges against him.
  - All the members of the parliament (elected + nominated) takes part in the impeachment process.
  - The notice bearing the charges against the president must be signed by at least a quarter of the members of the house.
  - Then, the notice is sent to the president of India and within 14 days the process of impeachment starts.
  - The resolution to impeach the president must be passed by a special majority (two-thirds) in the originating house.
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- Next, it is sent to the other house for consideration. The other house acts as the investigating horse. A select committee is formed to investigate the charges labelled against the president.

- During the process, the President of India has the right to defend himself through authorised counsel. He can choose to defend himself or appoint any person/lawyer or attorney general of India to do so.
- After the investigation by the select committee, if the other house also passes the resolution by a two-thirds majority, the President of India stands impeached .

## Executive Powers of President :

For every executive action that the Indian government takes, is to be taken in his name

- He may/may not make rules to simplify the transaction of business of the central government
- He appoints the attorney general of India and determines his remuneration
- He appoints the following people:
  - Comptroller and Auditor General of India (CAG)
  - Chief Election Commissioner and other Election Commissioners
  - Chairman and members of the Union Public Service Commission
  - State Governors
  - Finance Commission of India chairman and members
- He seeks administrative information from the Union government
- He requires PM to submit, for consideration of the council of ministers, any matter on which a decision has been taken by a minister but, which has not been considered by the council
- He appoints National Commissions of:
  - Scheduled Castes (Read about National Commission for Scheduled Castes in the linked article.)
  - Scheduled Tribes Read about (National Commission for Scheduled Tribes in the linked article.)
  - Other Backward Classes (Read about National Commission for Backward Classes in the linked article.)
- He appoints inter-state council
- He appoints administrators of union territories
- He can declare any area as a scheduled area and has powers with respect to the administration of scheduled areas and tribal areas

## Legislative Powers of President

- He summons or prorogues Parliament and dissolve the Lok Sabha
- He summons a joint sitting of Lok Sabha and Rajya Sabha in case of deadlock
- He addresses the Indian Parliament at the commencement of the first session after every general election
- He appoints speaker, deputy speaker of Lok Sabha, and chairman/deputy chairman of Rajya Sabha when the seats fall vacant (to know the difference between Lok Sabha and Rajya Sabha check the linked article.)
- He nominates 12 members of the Rajya Sabha
- He can nominate two members to the Lok Sabha from the Anglo-Indian Community
- He consults the Election Commission of India on questions of disqualifications of MPs.
- He recommends/ permits the introduction of certain types of bills (to read on how a bill is passed in the Indian Parliament, check the linked article.)
- He promulgates ordinances

- He lays the following reports before the Parliament:
  - Comptroller and Auditor General
  - Union Public Service Commission
  - Finance Commission, etc.

## Financial Powers of President

- To introduce the money bill, his prior recommendation is a must
- He causes Union Budget to be laid before the Parliament
- To make a demand for grants, his recommendation is a pre-requisite
- Contingency Fund of India is under his control
- He constitutes the Finance Commission every five years

## Judicial Powers of President

- Appointment of Chief Justice and Supreme Court/High Court Judges are on him
- He takes advice from the Supreme Court, however, the advice is not binding on him
- He has pardoning power: Under article 72, he has been conferred with power to grant pardon against punishment for an offence against union law, punishment by a martial court, or death sentence.

**Note:** Pardoning powers of the president includes the following types:

- **Pardon** with the grant of pardon convicts both conviction and sentence completely absolved
- **Commutation** with this nature of the punishment of the convict can be changed
- **Remission** reduces the term of the imprisonment
- **Respite** awards lesser punishment than original punishment by looking at the special condition of a convict
- **Reprieve** stays the execution of the awarded sentence for a temporary period

## Diplomatic Powers of President

- International Treaties and agreements that are approved by the Parliament are negotiated and concluded in his name
- He is the representative of India in international forums and affairs

## Military Powers of President

He is the commander of the defence forces of India. He appoints:

- Chief of the Army
- Chief of the Navy
- Chief of the Air Force

## Emergency Powers of President

He deals with three types of emergencies given in the Indian Constitution:

- National Emergency (Article 352)
- President's Rule (Article 356 & 365)
- Financial Emergency (Article 360)

### [Ordinance Making Power of the President](#)

Article 123 deals with the ordinance making power of the President. The President has many legislative powers and this power is one of them. He promulgates an ordinance on the recommendation of the union cabinet. To read more on Ordinance Making Power of the President, check the linked article.

### [Veto Power of the President](#)

When a bill is introduced in the Parliament, Parliament can pass the bill and before the bill becomes an act, it has to be presented to the Indian President for his approval.

- It is on the President of India to either reject the bill, return the bill or withhold his assent to the bill.
- The choice of the President over the bill is called his veto power.
- The Veto Power of the President of India is guided by Article 111 of the Indian Constitution.
- To continue reading Veto Power, check the linked article.