

UNIT – III UNION GOVERNMENT

3.1 Powers and functions of the President of India

The primary duty of the President is to preserve, protect and defend the constitution and the law of India as made part of his oath (Article 60 of Indian constitution). The President is the common head of all independent constitutional entities. All his actions, recommendations (Article 3, Article 111, Article 274, etc.) and supervisory powers (Article 74(2), Article 78 c, Article 108, Article 111, etc.) over the executive and legislative entities of India shall be used in accordance to uphold the constitution. There is no bar on the actions of the President to contest in the court of law. The President of India is the Head of State. The system of government of India is a cabinet form of government. The Indian President is, therefore, a constitutional head like the King or Queen of Britain—that is, all executive powers are constitutionally vested in him, although those are actually exercised and executed by the cabinet.

The powers of a President are

- Executive Power
- Legislative Power
- Financial Power
- Judicial Power
- Diplomatic Power
- Military Power
- Emergency Power

Executive Powers of President

1. For every executive action that the Indian government takes, is to be taken in his name
2. He may/may not make rules to simplify the transaction of business of the central government
3. He appoints the attorney general of India and determines his remuneration
4. He appoints the following people:
 1. Comptroller and Auditor General of India (CAG)
 2. Chief Election Commissioner and other Election Commissioners
 3. Chairman and members of the Union Public Service Commission
 4. State Governors
 5. Finance Commission of India chairman and members
5. He seeks administrative information from the Union government
6. 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

7. He appoints National Commissions of:
 1. Scheduled Castes (Read about National Commission for Scheduled Castes in the linked article.)
 2. Scheduled Tribes Read about (National Commission for Scheduled Tribes in the linked article.)
 3. Other Backward Classes
8. He appoints inter-state council
9. He appoints administrators of union territories
10. 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

1. He summons or prorogues Parliament and dissolve the Lok Sabha
2. He summons a joint sitting of Lok Sabha and Rajya Sabha in case of deadlock
3. He addresses the Indian Parliament at the commencement of the first session after every general election
4. He appoints speaker, deputy speaker of Lok Sabha, and chairman/deputy chairman of Rajya Sabha when the seats fall vacant.
5. He nominates 12 members of the Rajya Sabha
6. He can nominate two members to the Lok Sabha from the Anglo-Indian Community
7. He consults the Election Commission of India on questions of disqualifications of MPs.
8. 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.)
9. He promulgates ordinances
10. He lays the following reports before the Parliament:
 1. Comptroller and Auditor General
 2. Union Public Service Commission
 3. Finance Commission, etc.

Financial Powers of President

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

Judicial Powers of President

1. Appointment of Chief Justice and Supreme Court/High Court Judges are on him
2. He takes advice from the Supreme Court, however, the advice is not binding on him
3. 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

1. International Treaties and agreements that are approved by the Parliament are negotiated and concluded in his name
2. 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:

1. Chief of the Army
2. Chief of the Navy
3. Chief of the Air Force

Emergency Powers of President

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

1. National Emergency (Article 352)
2. President's Rule (Article 356 & 365)
3. 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.

Functions of President

The important functions of the president are as follows-

Chief of State

This is an administrative task that requires the president to address, solace, and, without a doubt, he drives the country in the midst of stress, misery, or war. During FDR's four terms, he was called upon to answer stupendous public difficulties and by uprightness of his fireside visits and different endeavors he performed incredibly well. As Chief of State, the economy and its prosperity and future possibility are generally vital.

Chief Executive

The president is liable for one of the three parts of government and as such should work with the regulative branch and follow the legal arm. Additionally, the individual in question should work with his bureau and authoritative authorities to plan and carry out significant approaches and techniques effectively. Regular CEO obligations.

Legislative Power

The president ought to have great relations with Congress and work with her party and the resistance to have bills and financial plans passed that benefit the country. In the event that he accepts any bill that doesn't meet that objective, he might reject it and work with the law making body on a trade-off that does.

Chief Diplomat

Like the Chief of State's inside job, the president's outer job as Chief Diplomat is to work with different countries and their chiefs on issues of significance to the United States and different nations. The president additionally, similar to any great CEO depends on his bureau, the assembly, and diplomats, among others in effectively carrying out the international strategy.

Commander-in-Chief

The president is a definitive chief compared with military choices. Typically, obviously, his most elevated military counsels assume a significant part however it is his obligation to both select the best and insightfully pay attention to their recommendation.