

**Union (Article 52-151)**

**THE PRESIDENT**

- Executive Head of the State and the first citizen of India.
- The 42nd Amendment of the Constitution has made it obligatory on the part of the President to accept the advice of the Council of Ministers. However, the 44th Amendment Act amended the word 'obligatory' and added that 'the President can send the advice for reconsideration'.

**Qualifications:** Must be a citizen of India; of 35 years in age; eligible to be a member of the Lok Sabha and must not hold any office of profit.

**Election:** Indirectly elected through Electoral College consisting of elected members of both the Houses of the Parliament and elected members of the Legislative Assemblies of the States and elected members of the Legislative Assemblies of Union Territories of Delhi and Puducherry.

- Members of the Legislative Councils have no right to vote in the Presidential election.
- The Supreme Court decides all disputes regarding the President's election.

**Tenure:** The term is 5 years though there is no upper limit on the number of times a person can become the President (Article 57). He can give resignation to the Vice-President before the full-term.

- The salary of the President is ₹ 5,00,000 per month.
- In case, the office of the President falls vacant due to death, resignation or removal, the Vice-President acts as the President.
- If he is not available then Chief Justice of India, if not then the senior most Judge of the Supreme Court shall act as the President of India.
- The first President who died in the office was Dr Zakir Hussain. Fakhruddin Ali Ahmed was the second president to die in office.
- Justice M Hidayatullah was the first Chief Justice of India to be appointed as the President (July 1969-August 1969).

**Impeachment Procedure**

- It is a quasi-judicial procedure. The President can be impeached only on the grounds of violation of the Constitution. (Article 61)
- The impeachment procedure can be initiated in either House of the Parliament.

### **Powers of President**

- He is the formal head of the administration.
- The President shall have the power to appoint and remove high authorities like the Prime Minister, other Ministers of the Union, Judges, Governors of States and appoints Chiefs of Army, Navy and Air Force.
- He nominates 12 members of the Rajya Sabha from persons of literature, art, science and social work and 2 members in the Lok Sabha of the Anglo-Indian Community.

**Note:** Parliament has passed (126th) Amendment Bill in December 2019, doing away with the provision of Anglo-Indians.

- Declares wars and concludes peace subject to the approval of the Parliament.
- The President has the Veto power.
- **Under Article 72**, the President has the power to grant pardons, reprieves, respites or remission of punishment or to suspend, remit or commute the sentence of any person convicted with death sentence.
- **Under Article 123**, the President can promulgate Ordinances, when the Parliament is not in session.

### **Types of Vetoes**

**Absolute Veto** Withholding the assent to the Bill

**Qualified Veto** Can be overridden by the Legislature with a higher majority.

**Suspensive Veto** Can be overridden by the Legislature with an ordinary majority.

**Pocket Veto** Delay in giving assent to the Bill. The Veto Power has been exercised only twice (a) by Dr Rajendra Prasad and (b) by R.Venkata raman. The President of India is vested with three vetoes: absolute veto, suspensive veto and pocket veto. There is no qualified veto in the case of Indian President.

### **Emergency Powers**

- To declare a National Emergency. (Article 352)
- To impose President Rule in a State. (Article 356)
- To declare a Financial Emergency. (Article 360)

### **VICE-PRESIDENT**

- **Article 63** of the Constitution stipulates a Vice-President for India.

## De Facto IAS

### GS Notes for Judiciary

---

- He is elected by both the Houses of Parliament.
- The Vice-President is the Ex-officio Chairman of the Council of States (Rajya Sabha) as mentioned in the **Article 64**.
- Present salary of the Vice-President is ` 4,00,000 per month.
- The first Vice-President of India was Dr S Radhakrishnan.
- The first and only Vice-President who died in office, was Shri Krishna Kant (1997-2002).

<b>Important Links for Judiciary Free Resources</b> (Click on Each to Open Respective Pages)	
<a href="#">Subject Wise Mains PYQ Solution</a>	<a href="#">Essay for Judiciary</a>
<a href="#">Subject Wise Notes</a>	<a href="#">Legal Doctrines</a>
<a href="#">Landmark Judgements</a>	<a href="#">GS Notes</a>
<a href="#">Weekly Current Affair</a>	<a href="#">Subject Wise Prelims PYQ Solution</a>
<a href="#">Free Answer Writing Course</a>	<a href="#">Judgement Writing</a>
<a href="#">Telegram Link</a>	<a href="#">Youtube Link</a>

### COUNCIL OF MINISTERS

- Article 74 of the Constitution states that there shall be a Council of Ministers, with the **Prime Minister** at its head, to aid and advise the President.
- It is composed of all Union Ministers— the Prime Minister, Cabinet Ministers, Ministers of State and Deputy Ministers.
- The other Ministers shall be appointed by the President on the advice of the Prime Minister under Article 75(1).
- A Minister must be a member of either House of Parliament or be elected within 6 months of assuming office under Article 75(5).
- The Council of Ministers is **collectively responsible** to the Lok Sabha, It means the Lok Sabha can remove the Council of Ministers from office by passing a No-confidence Motion. [Article 75 (3)].

## De Facto IAS

### GS Notes for Judiciary

---

- Ministers are also responsible for their departments and can be removed from the office by the President on the advice of the Prime Minister. This is essentially an individual responsibility under Article 75 (2).

#### PRIME MINISTER

- The Prime Minister is the head of the Government and the head of the Council of Ministers.
- The Prime Minister is appointed by the President on the basis of his being the leader of the majority party in the Lok Sabha.
- If no party gets an **absolute majority** in the Lok Sabha or a Prime Minister resigns or dies, the President can use his own discretion in the choice of the Prime Minister.
- Article 78 stipulates that it is the duty of the Prime Minister (a) to communicate to the President all the decisions taken by the Cabinet and (b) to furnish such information relating to the administration of the Union or any Legislation as the President may call for. The Prime Minister serves in the office for five years though he can be re-appointed.
- When the Lok Sabha is dissolved, He can continue in office upon the request of the President until a new government is formed.
- If the Government is defeated in the Lok Sabha, the Prime Minister and the entire cabinet must resign, however, if defeated in the Rajya Sabha, resignation is not obligatory.

#### Snippets

- **Jawaharlal Nehru** was the first Prime Minister and the longest serving Prime Minister so far.
- The first and the 'only' acting Prime Minister was **Gulzarilal Nanda**.
- **Lal Bahadur Shastri** was the first PM who died abroad, while in office at Tashkent. Gulzarilal Nanda has acted twice as the acting Prime Minister.
- **Chaudhary Charan Singh** was the only PM who did not face Parliament, while being in office.
- The youngest Prime Minister was **Rajeev Gandhi** and the oldest Prime Minister was **Morarji Desai**
- **The AB Vajpayee** (May 1996–June 1996) government had the shortest tenure (13 days).


#### UNION LEGISLATURE

- The Legislature of the Union is called the Parliament and consists of the Rajya Sabha (Council of States), the Lok Sabha (House of the People) and the President (Article 79).
- The business of Parliament is transacted either in Hindi or in English. However, the Presiding Officers of the two Houses may permit any member to address the House in his/her mother tongue too.

#### Rajya Sabha (Council of States)

- Rajya Sabha is the Upper House of the Parliament. First sitting of the Rajya Sabha was held on 3rd April, 1952.

- The maximum permissible strength of the Rajya Sabha is 250. Of these, 238 members are elected indirectly from the States and Union Territories, and 12 are nominated by the President for their expertise in art, literature, science, sports and social services (Article 80).
- Currently, the strength of the Rajya Sabha is 245. Of these, 229 members are elected from States and 4 members represent Union Territories while 12 members are nominated by the President.
- The Rajya Sabha is a **Permanent House** and is not subject to dissolution and members enjoy a tenure of six years. However, one-third of the members retire every second years (Article 83).
- It shares legislative powers with the Lok Sabha, except in the case of Money Bill where the Lok Sabha has overriding powers.



## Free Resources for Judiciary

[www.DeFactoJudiciary.in](http://www.DeFactoJudiciary.in)

**Mains(PYQ) Solution**

**Legal Doctrines**

**Subject Wise Notes**

**Weekly Current Affair**

**Concept Notes**

**Prelims(MCQ) Solution**

**Judgement Writing**

**Free Answer Writing Course**

### **Lok Sabha (People's House)**

- The Lok Sabha is the Lower House of the Parliament and its first sitting took place on 13th May, 1952. The current Lok Sabha is the 17th constituted Lok Sabha.
- Three Sessions of the Lok Sabha are held every year, namely Budget Session (February to May); Monsoon Session (July to September); and Winter Session (November to December).

**Members: 530** from States, **20** from Union Territories and **2** nominated by the President, from the Anglo Indian Community (now abolished).

## De Facto IAS

### GS Notes for Judiciary

---

**Election:** The representatives of the states are directly elected by the people of the states on the basis of adult suffrage.

**Qualifications:** Article 84 provides for the eligibility for membership of the Parliament. The conditions are

- a. citizen of India;
- b. Not less than 25 years of age for the Lok Sabha and 30 years of age for the Rajya Sabha; and
- c. possess such other qualifications as may be prescribed by the Parliament.

**Bills** It may be classified as Ordinary, Money, Financial and Constitutional Amendments

- **The Ordinary Bills** can be introduced in either House of the Parliament, but **Money Bill** can be initiated only in the House of the People i.e. Lok Sabha.
- After a Money Bill has been passed by the Lok Sabha, it is sent to the Rajya Sabha for deliberations. The Rajya Sabha is given 14 days to make recommendations, which can be accepted or not by the Lok Sabha.
- Article 111 stipulates that a Money Bill cannot be returned to the House by the President for reconsideration.

#### **Speaker of the Lok Sabha**

- As soon as a new Lok Sabha is constituted, the President appoints a Speaker pro-tem, who is generally the senior most member of the House. (It is a temporary office that ceases to exist after a new speaker is elected by the house.)
- Speaker is the head of Lok Sabha. He/She is elected from amongst the members of Lok Sabha. The Speaker of the Lok Sabha conducts the business in the House. A Deputy Speaker is also elected to officiate in the absence of the Speaker.

#### **Important Facts about Speaker**

- **GV Mavlankar** was the first Speaker of the Lok Sabha (1952-1956)
- **MA Ayyangar** was the first Deputy Speaker (1952-1956).
- **Dr Balram Jakhur** was the longest serving Speaker (1980-1989).
- **GMC Balayogi** is the first Speaker to die in the office (1998-2002)
- **Meira Kumar** is the first woman speaker of the Lok Sabha (2009-2013).