



Government of Tamilnadu

Department of Employment and Training

Course : TNPSC Group II Exam
Subject : Indian Polity
Topic : **Union Executive**

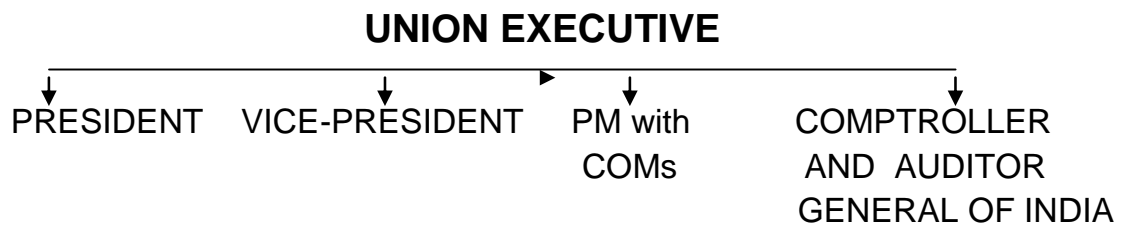
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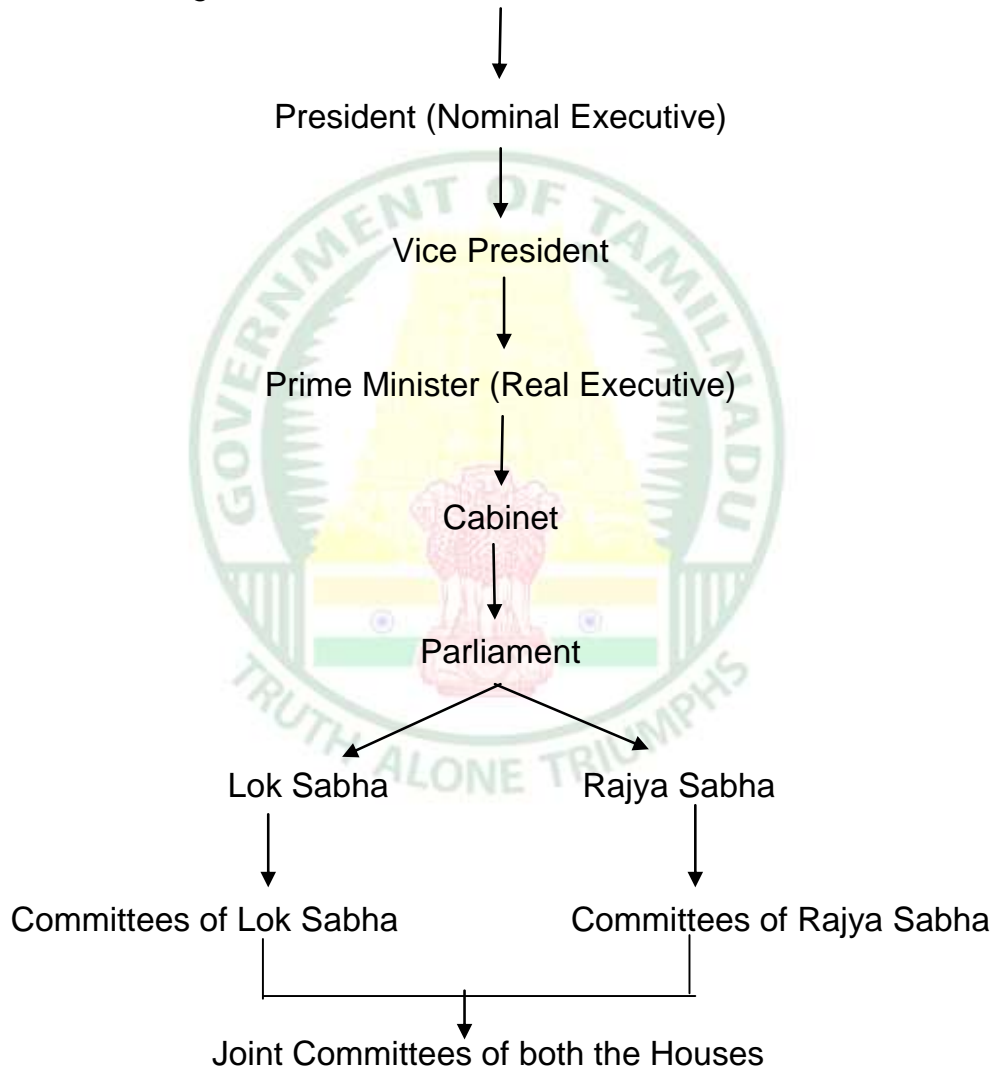
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UNION EXECUTIVE



Organisational Structure of Union Government



PRESIDENT

1. Article 52-78 in Part V of the constitution, deals with Union Executive.
2. The President is the head of the Indian State.
3. He is the first Citizen of India.

4. He should not hold any office of profit under the Government.
5. He must be supported by atleast 50 elector as proposer and 50 electors as seconders.
6. Security deposit - Rs.25,000, Lost deposit if the person got less than $\frac{1}{6}^{\text{th}}$ of vote.

PART V: The Union CHAPTER I - The Executive

Article 52	The President of India.
Article 54	Election of President.
Article 55	Manner of Election of President.
Article 61	Procedure for impeachment of the President.
Article 72	Power of President to grant pardons, to suspend, remit or commute sentences in certain cases.

Election: (Article 54 and 55)

Qualifications: (Article 58)

1. He should be a Citizen of India.
2. He must have completed the age of 35 years.
3. He should be qualified to become the member of the Lok Sabha.

1. Indirect Election.
2. Not directly elected by the people, but by the members of electoral college. The Electoral college consists of
 - ❖ Elected members of both the Houses of parliament.
 - ❖ Elected members of legislative assemblies of the state.
 - ❖ Elected members of the legislative assemblies of Union territories of Delhi and Puducherry.
 - ❖ Nominated members should not in the came under electoral college.

3. Value of vote of an MLA.

$$= \frac{\text{Total Population of State}}{\text{Total Number of Elected members in the State Legislative Assemblies}} \times \frac{1}{1000}$$

4. Value of vote of an MP

$$= \frac{\text{Total value of votes of all MLA's of all states}}{\text{Total numbers of elected members of parliament}}$$

❖ In his absence senior most Judge of the Supreme Court available.

5. Electoral Quota

$$\frac{\text{Total Number of Valid Votes Polled}}{1+1=(2)} + 1$$

Salary :

❖ Salary and privileges are determined by Parliament.

6. Secret ballot, system of proportional representation by means of single transferable vote.

Resignation :

❖ Address his Resignation letter to Vice-President of India .

7. All doubts and disputes in connection with election of President are inquired into and decided by Supreme Court, whose decision is final.

❖ Vice-President communicate it to the Speaker of Lok Sabha about his resignation.

Removal:

❖ Impeachment for violation of constitution.

Term of Office: (Article 56)

1. The president hold office for a term of 5 years.
2. He can hold office beyond his term until his successor assumes charge.
3. He is eligible for re-election to that office.
4. He may be elected for any number of times.

Vacancy:

1. In case the office falls vacant due to death, resignation or removal, the Vice-President act as President. (If he is not available then Chief Justice, if not then senior - most judge of Supreme Court).
2. The election is to be held within six months of vacancy.

Oath of Office: (Article 60)

❖ Oath is administered by Chief Justice of India.

Impeachment of the President (Art. 61)

- Under Art.61 of the Constitution, The President of India can be impeached for the violation of the Constitution, which is solely to be decided by the Parliament.
- The impeachment procedure is quasi-judicial in nature. Impeachment can be initiated in either house. Originating House passes Resolution to this effect by a 2/3rd majority of the strength of the House (resolution supported by not less than 25%) of the members of the House.
- It will be moved only after a prior notice of 14 days to the President).
- The other House sets up a Committee to investigate the charges against the President.
- The President can defend himself by taking service of the Attorney General of India or any other lawyer of his choice.
- If the second house also passes the resolution with the same 2/3rd majority of the strength of the house, the President stands impeached.
- So Far no President Impeached.
- Nominated members of either House of Parliament can participate in the impeachment of the president though they do not participate in his election.
- The elected members of the legislative assemblies of states and Union Territories of Delhi & Puducherry do not participate in impeachment though they participate in election.

List of Presidents:

Sl. No.	Period	Victorious Candidate	Special Features
1.	1952 - 1962	Dr.Rajendra Prasad	Only President to secure two terms in office
2.	1962 – 1967	Dr.S.Radhakrishnan	He received Bharat Ratna Award in 1954 before becoming the President

Union Executive

3.	1967 – 1969	Dr.Zakir Hussain	1 st Indian President died in office.
4.	3 rd May 1969 – 20 th July 1969	V.V.Giri	Only Person served both an acting President and President of India
5.	20 th July 1969 – 24 th August 1969	Mohammed Hidayatullah	Chief Justice of India, who acted as President of India
6.	24 th August 1969 – 24 th August 1974	V.V.Giri	
	1974 – 1977	Fakhruddin Ali Ahmed	Second Indian President to die in office
	1977 – 1982	N. Sanjeeva Reddy	1 st Chief Minister of Andhra Pradesh
7.	1982 - 1987	Giani Zail Singh	
8.	1987 – 1992	R.Venkataraman	
9.	1992 – 1997	Dr.Shankar Dayal Sharma	
10.	1997 - 2002	K.R.Narayanan	
11.	2002 – 2007	Dr.A.P.J.Abdul Kalam	Affectionately known as people's President
12.	2007 - 2012	Ms.Pratibha Patil	1 st Woman to become the President of India. She was also the first female governor of Rajasthan
13.	2012 to till date	Pranab Mukherjee	

POWERS:

Executive Powers:

1. All executive actions of the Government of India are formally taken in his name.

2. He can make rules for more convenient transaction of business of the Union government, and for allocation of the said business among the ministers.

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3. He can declare any area as scheduled area and has powers with respect to the administration of scheduled areas and tribal areas.
 4. He appoints : PM, Ministers, Chief Justice and Judges of Supreme Court and High Court, Chairman and members of UPSC, Comptroller and Auditor General, Attorney General, Chief Election Commissioner and Other members of Election Commission, Governors, Members of Finance Commission, Ambassadors.
 5. He directly administers the Union Territories through the Lt.Governor, Commissioner, Administrator.
 - bill pending in the parliament or otherwise.
 5. Appoint any member of the Lok Sabha as the Speaker or Deputy Speaker when the year office fall vacant (same way in Rajya Sabha).
 6. In persons having special knowledge in literature, science, Art and social Service. Nominates: 12 members - Rajya Sabha. 2 Members to Lok Sabha (Anglo-Indian Community).
 7. Prior Recommendation is needed to introduce certain type of bills in Parliament. (Ex. Bill having expenditure from

Legislative Powers:

1. Can summon and prorogue the session of the two houses and can dissolve Lok Sabha.
2. Can address both the houses jointly or separately.
3. Addresses the first session after general election and at the commencement of the first session of a each year.
4. Can send messages to both the houses, whether with respect to a
- (i). Consolidated fund of India
- (ii) alteration of boundaries
- (iii) creation of new states
- a) Assent to the bill
- b) With hold his assent
- c) Return (if it is not a money bill or a constitutional amendment bill).
8. He enjoys 3 type of veto - powers
- 1) Absolute Veto
- 2) Suspense Veto
- 3) Pocket Veto
9. Enact laws through ordinance Article 123 when the parliament

is not in session (Ordinance must be approved by Parliament within 6 weeks of reassembly). Also withdraw ordinance at any time.

10. Lays the report of Comptroller and Auditor General, UPSC, the Finance Commission and others before the parliament.

Financial Powers:

- ❖ All money bills can originate in Parliament (prior recommendation of President).
- ❖ No Demand for grant can be made except on his recommendation.
- ❖ Make advances out of the Contingency Fund of India to meet any unforeseen expenditure.
- ❖ Appoints finance commission. (Every 5 years).
- ❖ He can laid before the Annual financial statement before parliament.

Judicial Powers: Art. 72

Appoints Chief Justice of Judges of SC & HC. The President's pardoning power comprises a group of analogous powers.

- 1) **Pardon** : It removes both the sentences and the conviction and

completely absolves the offender from all punishments and disqualifications.

- 2) **Reprieve**: It means a stay of the execution of a sentence for a temporary period.
- 3) **Remission**: The power of remission reduces the period of sentence without changing its character. E.g., a sentence of imprisonment for one year may be remitted for six months.
- 4) **Respite** : The power to grant respite means awarding a lesser sentence instead of the prescribed penalty in view of some special facts E.g. pregnancy of the woman offender.
- 5) **Commutation**: It merely substitutes one form of the punishment for a lighter character - death by transportation, transportation by rigorous imprisonment, rigorous imprisonment by simple imprisonment, and simple imprisonment by fine and so on.

Military Powers:

- ❖ President, the Supreme Commander of the Defence Forces of India.
- ❖ Appoints Chiefs of Army, Navy & Air Force.
- ❖ Declares war or conclude peace, subject to the approval of the Parliament.

vested in him to deal with unforeseen or urgent matters. But, the exercises of this power is subject to the following four limitations:

Diplomatic Powers:

- ❖ Represents country in international forums.
- ❖ Sends ambassadors & receives diplomats.
- ❖ International treaties & agreements are concluded on his behalf.

- ❖ He can promulgate an ordinance only when both the Houses of Parliament are not in session or when either of the two Houses of Parliament is not in session.

Ordinance-Making Power of the President

1. Article 123 of the Constitution empowers the President to promulgate ordinances during the recess of Parliament. These ordinances have the same force and effect as an act of Parliament, but are in the nature of temporary laws.
2. The ordinance-making power is the most important legislative power of the President. It has been

- ❖ He can make an ordinance only when he is satisfied that the circumstances exist that render it necessary for him to take immediate action. The 38th Constitutional Amendment Act of 1975 made the President's satisfaction final and conclusive and beyond judicial review. But, this provision was deleted by the 44th Constitutional Amendment Act of 1978.

- ❖ His ordinance-making power is coextensive as regards all matters except duration, with the law-making powers of the Parliament. This has two implications:

- a) An ordinance can be issued only on those subjects on

which the Parliament can make laws.

– Financial Emergency - Art. 360

b) An ordinance is subject to the same constitutional limitation as an act of Parliament. Hence, an ordinance cannot abridge or take away any of the fundamental rights.

❖ Every ordinance issued by the President during the recess of Parliament must be laid before both the Houses of Parliament when it reassembles. If the ordinance is approved by both the Houses, it becomes an act. If Parliament takes no action at all, the ordinance ceases to operate on the expiry of six weeks from the reassembly of Parliament. The ordinance may also cease to operate even earlier than the prescribed six weeks, if both the Houses of Parliament pass resolutions disapproving it.

❖ **Emergency Powers:** President can Declare

- National Emergency - Art. 352
- State Emergency - Art. 356

VICE PRESIDENT

- ❖ The Vice-President occupies the second highest office in the country.
- ❖ This office is modelled on the lines of the American Vice-President.
- ❖ Article 63 : Vice President of India
- ❖ Article 66 : Election of Vice President
- ❖ Elected by both the houses (Electoral College) of parliament
- ❖ The Supreme Court has the final and exclusive jurisdiction for resolving disputes and doubts relating to the election of the Vice-President.

Qualification:

- ❖ Citizen of India.
- ❖ More than 35 years of age.
- ❖ Possess the qualification for membership of Rajya Sabha.
- ❖ Not hold any office of profit.

Term of Office: (Article 67)

- ❖ Holds office for 5 years.

- ♦.....♦
- ❖ Can be re-elected.
 - ❖ He is the chairman of Rajya Sabha.
 - ❖ He is not a member he has no right to vote but in case of equality of votes he can use casting vote.
- Oath: (Article 69)** - is administered by the President or some person appointed in that behalf by him.

LIST OF VICEPRESIDENT:

Sl. No.	Period	Victorious Candidate
1.	1952 - 1962	Dr. Sarvepalli Radhakrishnan
2.	1962 – 1967	Dr. Zakir Hussain
3.	1967 – 1969	V.V.Giri
4.	1969 – 1974	Gopal Swarup Pathak
5.	1974 – 1979	B.D. Jatti
6.	1979 – 1984	Justice Muhammad Hidayatullah
7.	1984 – 1987	R. Venkataraman
8.	1987 – 1992	Dr. Shankar Dayal Sharma
9.	1992 – 1997	K.R. Narayanan
10.	1997 – 2002	Krishan Kant
11.	2002 – 2007	Bhairon Singh Shekhawat
12.	2007 to 2017	Mohd.Hamid Ansari
13.	2017 onwards	Venkaiah Naidu

- ❖ Being the Vice President of India, he is not entitled for any salary; but draws the salary and allowances payable to the Chairman of the Rajya Sabha.
- ❖ All bills, resolution, motion can be taken in Rajya Sabha after his consent.
- ❖ Can discharge the function of President if the post falls vacant. (For 6 months).

◆.....◆
The Vice President takes over the office of the President when the situation arises due to

1. death of the President;
2. resignation of the President;
3. removal of the President;
4. absence, illness or any other cause, When he discharges the functions of the President, the Vice President does not perform the duties of the office of the Chairman of Rajya Sabha and shall not be receive the salary of the Chairman of Rajya Sabha. During this period, he is entitled for the privileges of the President of India.
5. Present salary is Rs. 1,25,000/- per month. Pension is 50% of the salary

PRIME MINISTERS

In the scheme of parliamentary system of government, the President is the nominal executive authority (de jure executive) and Prime Minister is the real executive authority (de facto executive).

Appointment of the Prime Minister:

- ❖ Article 75 says only that the Prime Minister shall be appointed by the President and other minister are appointed on PM's advice.
- ❖ The President has to appoint the leader of the majority party in the Lok Sabha as the Prime Minister. But, when no party has a clear majority in the Lok Sabha, then the president may exercise his personal discretion in the selection and appointment.

Oath, Term and Salary:

- ❖ President administers the oaths of office and secrecy.
- ❖ The term of the Prime Minister is not fixed and he holds office during the pleasure of the President.
- ❖ He gets the salary and allowances that are payable to a member of parliament.

Powers and Functions:

In Relation to Council of Ministers

- ❖ He recommends persons who can be appointed as ministers by the president.

- ❖ He allocates and reshuffles various portfolios among the ministers.
- ❖ He can ask a minister to resign or advise the President to dismiss him in case of difference of opinion.
- ❖ He presides over the meeting of council of ministers
- ❖ He can recommend dissolution of the Lok Sabha to President at any time.
- ❖ He announces government policies on the floor of the house.

Other Powers & Functions

In Relation to the President

- ❖ He is the principal channel of communication between the President and the council of ministers.
- ❖ He advises the president with regard to the appointment of important officials like attorney general of India, Comptroller and Auditor General of India, chairman and members of the UPSC, election commissioners, chairman and members of the finance commission and so on.
- ❖ He is the chairman of the Planning Commission, National Development Council, National Integration Council, Inter-State Council and National Water Resources Council.
- ❖ He plays a significant role in shaping the foreign policy of the country.
- ❖ He is the chief spokesman of the Union government.
- ❖ He is the crisis manager-in-chief at the political level during emergencies.

In Relation to Parliament

- ❖ He advises the president with regard to summoning and proroguing of the sessions of the Parliament.

COUNCIL OF MINISTERS

- ❖ The council of ministers headed by the prime minister is the real executive authority in our politico administrative system.
- ❖ Article 74 deals with the status of the council of ministers while, Article 75 deals with the appointment, tenure, responsibility,

qualification, oath and salaries and allowances of the ministers.

- ❖ The council of ministers shall be collectively responsible to the Lok Sabha.

Article 74 – Council of Ministers to aid and advise President:

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.
- ❖ The advice tendered by Ministers to the President shall not be inquired into any court.

Article 75 – Other Provisions as to Ministers:

- ❖ The total number of ministers, including, the Prime Minister, in the Council of Ministers shall not exceed 15% of the total strength of the Lok Sabha. The provision was added by the 91st Amendment Act of 2003.
- ❖ A member of either house of Parliament belonging to any political party who is disqualified on the ground of defection shall also be disqualified to be appointed as a minister. This provision was also added by the 91st Amendment Act of 2003.

Nature of Advice by Ministers:

- ❖ Article 74 provides for a council of ministers with the Prime Minister at the head to aid and advise the President in the exercise of his functions. The 42nd and 44th Constitutional Amendment Acts have made the advice binding on the President.
 - ❖ The council of ministers consists of 3 Categories of Ministers namely,
 - 1) Minister of Cabinet Rank
 - 2) Minister of State
 - 3) Deputy Minister.
 - ❖ It is a team & its members sink or swim together. (Article 75).
 - ❖ The cabinet ministers head the important ministries of the Central government like home, defence, finance, external affairs and so forth. They are members of the cabinet, attend its meetings and play an important role in deciding policies.
2. The ministers of state can either be given independent charge of



ministries/departments or can be attached to cabinet ministers. However, they are not members of the cabinet and do not attend the cabinet meetings unless specially invited when something related to their ministries/departments are considered by the cabinet.

- ❖ Next in rank are the deputy ministers. They are not given independent charge of ministries / departments. They are attached to the cabinet ministers or ministers of state and assist them in their administrative, political, and parliamentary duties. They are not members of the cabinet and do not attend cabinet meetings.

Cabinet Committees:

- ❖ They are of two types – standing and adhoc. The former are of a permanent nature while the latter are of a temporary nature. The ad hoc committees are constituted from time to time to deal with special problems. They are disbanded after their task is completed.

Kitchen Cabinet:

- ❖ The cabinet, a small body consisting of the prime minister as its head and some 15 to 20 most important ministers, is the highest decision-making body in the formal sense. However, a still smaller body called the 'inner Cabinet' or 'Kitchen Cabinet' has become the real centre of power.