

POWERS OF PRESIDENT, PRIME MINISTER AND GOVERNOR



Prepared By:
Navishta Qureshi
NLIU

PRESIDENT

- Head of the State of the Republic of India.
- Constitutional post under Art.52.
- Formal head of:
 - Legislature
 - Executive
 - Judiciary
- Elected for a Term of Five (5) years (Art.56) and eligible for Re-election (Art.57)
- He must be:
 - Citizen of India.
 - 35 years of age.
 - Eligible to be member of Lok Sabha.



Incumbent: Mr. Pranab Mukherjee

Powers of President

Variety of powers are exercised by the President.

They Include:

⊙ Executive Powers- Art.53

- Supreme Commander of the Defence Forces.
- Appoints Prime Minister and other Ministers who hold office during his pleasure. (Art.75)
- Appoints other officers like:
 - ✓ Attorney General of India (Art.76)
 - ✓ Comptroller and Auditor General of India (Art.148)
 - ✓ Chief Election Commissioner and other Election Commissioners (Art.324)
 - ✓ Chairman and Members of UPSC (Art.316)
 - ✓ Governors of States (Art.155)
 - ✓ Chairman and Members of Finance Commission.(Art.280)

- Grant pardon, respites, reprieves or remissions of punishments to convicts especially in the case of sentence of death. (Art.72)

◎ Legislative Power

- Summon a session of Parliament. (Art.85)
- Dissolve Lok Sabha. (Art.85(2)(b))
- Addresses the Parliament: (Art.86 & 87)
 - ✓ Commencement of First Session of Parliament after General Elections.
 - ✓ First Session of every year.
- Summon a joint sitting of both Houses of Parliament. (Art.108)
- Nominate 12 members to the Rajya Sabha. (Art.80)
- Assent or refuse a bill send to him b the Parliament (if not a Money Bill or Constitutional Bill.) (Art.111)
- Promulgate Ordinances when both the Houses of Parliament are not in session. (Art.123)

⦿ Emergency Powers- President can invoke three (3) types of Emergencies:

➤ National Emergency (Art.352)

- ✓ Can be declared for the reason of war, external aggression or armed rebellion.
- ✓ Imposed for a period of Six (6) months, extended by a period of six (6) months to the maximum extent of three(3) years.

➤ State Emergency (Art.356)

- ✓ Declared for the reason that state fails to run constitutionally or according to Union Government's direction.
- ✓ Imposed for Six(6) months to the maximum period of three (3) years.

➤ Financial Emergency (Art.360)

- ✓ Declared when financial stability or credit of India or any part is threatened.

⦿ Financial Powers

- Money Bill can be introduced only with his recommendation.
- Lays Annual Financial Statement before the Parliament. (Art.112)

⦿ Diplomatic Powers

- International Treaties and Agreements are signed on his behalf.
- Represent India in International Forums .
- Send and receive Diplomats like Ambassadors, High Commissioners.

⦿ Military Powers

- Supreme Commander of the Armed Forces.(Art.53)
- Declare war and conclude peace.
- Appoint chiefs of Army, Navy and Air Force.

⦿ Judicial Powers

- Appoint Chief Justice of Supreme Court and High Courts and other Judges. (Art.124)
- Dismiss Judges.(Art.124)
- Right to grant Pardons. (Art.72)

PRIME MINISTER

- Constitutional Position under Art. 74.
- Head of Council of Ministers.
- Leader of the Majority Party in Parliament.
- Chief of Government.
- Leads the Executive branch of Government of India.
- He must be:
 - Citizen of India.
 - Member of either Lok Sabha or Rajya Sabha.
 - Be above the age of 25 years (Lok Sabha) or 30 years (Rajya Sabha).
 - Not hold any office of Profit under Government of India or an state.
- Holds office during President's approval.



Incumbent: Mr. Narendra Modi

Powers of Prime Minister

- ⦿ Select other ministers to form Council of Ministers.
- ⦿ Advices President to dismiss any of them or ask them to resign.
- ⦿ Decides about assignment of various ministries to the ministers. May transfer minister from one Department to another.
- ⦿ As Chairperson of Cabinet, he summons meetings and presides over them.
- ⦿ Ensures supervision and co-ordination over all the other Departments.
- ⦿ Ex-Officio Chairperson of Planning Commission.

GOVERNOR

- ⦿ Constitutional Position under Art.153
- ⦿ Constitutional Head of the State.
- ⦿ Appointed by the President. (Art.155)
- ⦿ He must be: (Art.157 & 158)
 - Citizen of India.
 - At least 35 years old.
 - Not be a member of either House of Parliament or State Legislature.
 - Not hold any Office of Profit.
- ⦿ Holds office during President's pleasure for a maximum term of five (5) years. (Art.156)

Powers of Governor

Variety of powers are exercised by the Governor which include:

- ◎ Executive Powers: (Art.162)
 - Appoints the leader of majority party as Chief Minister. (Art.164)
 - Appoints member of Council of ministers on the advice of CM. (Art.164)
 - Appoints other officers like:
 - ✓ Advocate General. (Art.165)
 - ✓ Chairman and Members of State Public Commissions
 - Nominates two (2) Anglo Indian Members in the Vidhan Sabha.

- ◎ Legislative Powers
 - Summon, adjourn or prorogue State Legislature. (Art.174)
 - His signatures is required to make the bill a law in the state. (Art.200)

- Withhold a bill and send it for President's consideration. (Art.200)
- Issue Ordinances during the recess of Legislature. (Art.213)
- Dissolve the State Assembly before the expiry of its term on:
 - ✓ Advice of CM or,
 - ✓ Direction of President.

⊙ Judicial Powers

- Appoints District Judges.
- He is consulted in the appointment of judges of High Court.
- Pardon, remit or commute the sentence of person convicted by state court.

➤ Financial Powers

- Causes the Annual Budget to be presented in the State Assembly.(Art.202)
- Money Bill cannot be introduced in the Assembly without his approval.

◎ Discretionary Powers

- If no party gets an absolute majority, he can use his discretion in the selection of the CM.
- During an emergency he can override the advice of the Council of Ministers.
- He uses his discretion in submitting a report to the President regarding the affairs of the state.