

Chapter 2. The Executive (President and Vice-President)

Very Short Questions

Question 1: How is the Executive of the Indian Union constituted?

Answer: The Executive of the Indian Union consists of the President, Vice-President, Prime Minister and the Council of Ministers.

Question 2: Who is the chief executive authority of the Indian Union?

Answer: The chief executive authority of the Indian Union is the President.

Question 3: Who elects the President of India?

Answer: The President is elected by an Electoral College counting of members of the Lok Sabha, the Rajya Sabha. and the State Legislative Assemblies of the states of the Indian Union.

Question 4: What is the term of office of the President?

Answer: The term of office of President of India is five years.

Question 5: What is an Electoral College?

Answer: An Electoral College consists of the Legislative elected members of both the Houses of Parliament and elected members of the Legislative Assemblies of the States including Union Territories possessing assemblies.

Question 6: By how many electors should the nomination papers for a prospective Presidential candidate be proposed and seconded?

Answer: A prospective Presidential candidate is required to get his nomination paper proposed by at least ten electors and seconded by another ten electors.

Question 7: Who constitutes the Electoral College for the election of the President?

Answer: The Electoral College consists of the elected members of the State Legislative Assemblies and the elected members of the Lok Sabha and the Rajya Sabha.

Question 8: Who settles the disputes arising in connection with the election of a President?

Answer: The disputes arising in connection with the election of a President is settled down by the Supreme Court of India.

Question 9: How is the value of an elected member of a Vidhan Sabha is worked out?

Answer: The value of an elected member of the Vidhan Sabha is worked out by adopting the following formula:

$$\frac{\text{Total Population of the State}}{\text{Elected Members of the Vidhan Sabha}} \times 1000$$

Question 10: How is the value of the elected Members of Parliament worked out?

Answer: The value of the elected Members of Parliament is worked out as per the formula:

$$\frac{\text{Total Votes of all the MLAs}}{\text{Number of Elected Members of Parliament}}$$

Question 11: What is the security amount a Presidential candidate has to deposit?

Answer: A Presidential candidate has to deposit Rs. 15,000/- of security while filing his nomination.

Question 12: Who administers the oath of office to the President?

Answer: The Chief Justice of India administers the oath of office to the President.

Question 13: What are the emoluments of the President?

Answer: The President is paid a monthly salary and also paid monthly pension on the expiry of his term. He gets the annual expenditure and rent-free official residence, the Rashtrapathi Bhawan.

Question 14: Who is the thirteenth President of India?

Answer: Mr. K. R. Narayanan is the thirteenth President of India.

Question 15: Suppose the President has resigned, who will take his office in his absence?

Answer: The Vice-President of India will take his office in his absence.

Question 16: What is an ordinance?

Answer: An ordinance is a direction or command of an authoritative nature issued by the President of India if Parliament is not in session.

Question 17: When can the President issue ordinances?

Answer: The President can issue ordinances when the parliament is not in session and the enactment of law is required.

Question 18: What does the term impeachment mean?

Answer: The President can be removed from office for grave mis-conduct by a special trial conducted by the Parliament. It is known as impeachment.

Question 19: Whom does the President call upon to form the Government after the election of Lok Sabha?

Answer: The President calls upon the Prime Minister to form the Government after the election of Lok Sabha.

Question 20: Who appoints the Chief Election Commissioner of India?

Answer: The President appoints the Chief Election Commissioner of India.

Question 21: Who presides over the joint sitting of both the Houses of Parliament?

Answer: President presides over the joint sitting of both the Houses of Parliament.

Question 22: When does the President address both the Houses of Parliament assembled together?

Answer: The President addresses both the Houses of Parliament assembled together at the commencement of the Parliament's first session.

Question 23: Mention two financial powers of the President of India.

Answer: (i) Appoints Finance Commission. (ii) Create contingency fund.

Question 24: State one limitation imposed on the powers of the President by the Council of Ministers.

Answer: The Constitution prescribes that the President shall act in accordance with the advice rendered by the Council of Ministers headed by a Prime Minister. The advice so rendered shall be binding on the President.

Question 25: Under what conditions can the President of India declare emergency?

Answer: A proclamation of emergency can be made by the President at any time if he is satisfied that the security of India or any part is in danger or is likely to be in danger either due to war or external aggression or armed rebellion.

Question 26: How long can a state of emergency remain in operation without Parliament's approval?

Answer: State of emergency can remain in operation for two months without Parliament's approval.

Question 27: How can the Vice-President of India be removed from his office?

Answer: The Vice-President can be removed from his office by a resolution of the Rajya Sabha passed by a majority of all the members and agreed by the Lok Sabha.

Question 28: What is the distinction between the electors of the President and the Vice-President?

Answer: The distinction between the electors of the President and the Vice-President is that only the elected members of Parliament and State Legislative Assemblies vote for the President but in case of the Vice-President all the elected members of Parliament vote.

Question 29: When can the Vice President cast a vote in the Rajya Sabha?

Answer: The Vice-President can cast a vote in the Rajya Sabha in case of a deadlock i.e. an equality of votes.

Question 30: Who takes charge if the office of both the President and the Vice-President falls vacant?

Answer: The Chief Justice of the Supreme Court succeeds the Presidency.

Short Questions – I

Question 1: What is the position of the President of India?

Answer: Theoretically speaking, all the powers are vested in the President according to Article 53(1) of the Constitution. The President can exercise those powers directly or through officers under him. According to Article 74(1) of the Indian Constitution, the President has to exercise his functions on the basis of aid and advice of the Prime Minister and his Council of Ministers.

Question 2: Mention two military powers of the President of India.

Answer: (i) The President is the Supreme Commander of the armed forces of India.
(ii) He has the power to declare war or conclude peace treaty.

Question 3: Mention the three types of emergencies envisaged by the Constitution.

Answer: The three types of emergencies envisaged by the Constitution are:

1. National emergency.
2. Emergency arising out of breakdown of constitutional machinery.
3. Financial emergency.

Question 4: Mention any two effects of the Proclamation of Emergency on account of war or external aggression or armed rebellion.

Answer: (i) All Fundamental Rights are either partially or wholly suspended.
(ii) The Parliament gets the power to enact Laws even on subjects mentioned in the State List.

Question 5: Mention the circumstances when the President can declare a National Emergency.

Answer: The circumstances under which the President can declare a National Emergency are:

- (i) General or National Emergency (Article 352) caused by war, external aggression or armed rebellion.
- (ii) Emergency due to failure of Constitutional Machinery in a state (Article 360).

Question 6: Write down the qualification for the Vice-President of India?

Answer: The qualifications for the Vice-President of India are as follows:

1. He/She should be a citizen of India.
2. He/She has completed the age of 30 years.
3. He/She is qualified for election as a member of the Rajya Sabha.
4. He/She should not hold any office of profit under the Government of India..

Question 7: Mr. Konar was not found eligible for the election as the Vice-President of India even though he had the qualifications of being a citizen of India and not being a member of the Parliament and the State Legislature. On what grounds was he disqualified? Give one reason.

Answer: Mr. Konar is disqualified for election as the Vice-President on the following grounds:

- (i) He might not have completed the minimum age of thirty five years.
- (ii) He may not be qualified for election as a member of Council of States.

Question 8: How is the Vice-President of India elected?

Answer: The Vice-President of India is elected by the members of both the Houses of Parliament assembled at a joint meeting. He is elected by the system of proportional representation by means of single transferable vote and voting in such election is always done by secret ballot.

Question 9: What are the emoluments of the Vice-President?

Answer: Being the Vice-President of India, he is not entitled for any salary, but he is entitled to the salary and allowances payable to the Chairman of the Rajya Sabha. When he acts as the President of India, he draws the monthly emolument of the President.

Question 10: Mention any two functions of the Vice-President?

Answer: (i) He/She presides over the meetings of the Rajya Sabha.
(ii) He /She acts as a President when the latter is unable to discharge his functions due to illness, resignation, removal or absence.

Short Questions – II

Question 1: Mention the common qualifications required to be eligible to become the President of India.

Answer: No person is eligible for election of President unless he (i) is a citizen of India, (ii) has completed the age of thirty-five years, and (iii) is qualified to become a member of the Lok Sabha.

A candidate for Presidential election should not hold an office of profit under the Government of India or the Government of any State. He should be (i) a Citizen of India, (ii) should have completed the age of thirty-five years, (iii) should not hold any Office of Profit under the Government, and (iv) should not be a member of either House of Parliament or of State Legislature.

Question 2: What is the process of Impeachment of the President?

Answer: Article 61 of the Constitution prescribes that the President can be impeached by the Parliament if a President begins to act against the provision of the Constitution or is found guilty of misusing his status and position or found involved in corruption. He may be impeached out of office. Charges can be framed by either of the two houses of Parliament by a two-third majority. A 14 days notice signed by atleast one-fourth of the total number of members has to be given.

The other House investigates the charges and sustains them by 2/3rd majority of the total membership of that House, the President is impeached.

Question 3: What does the President solemnly undertake to do when he takes the oath of office?

Answer: The oath of office taken by the President demands:

(i) To faithfully execute the office of the President or discharge the functions of the President.

(ii) To preserve, protect and defend to the best of his ability the Constitution and the Law.

(iii) To devote himself to the service and well-being of the people of India.

Question 4: In what conditions can the office of the President fall vacant?

Answer: The office of the President falls vacant under the following conditions:

(i) In case of death of a President the office falls vacant. Elections for the new President shall be held within 6 months.

(ii) If a President resigns from his post, his office falls vacant.

(iii) If the President violates the Constitution or is found guilty of missing his- status and position, he can be removed from his office by an impeachment motion.

Question 5: Explain the method by which the President can be removed from his duties.

Answer: The method of his removal: In case of violation of the Constitution, the Parliament may remove the President through the process of impeachment. The charges for this purpose may be framed by either House of Parliament in the form of a resolution by two-third majority of the total membership of House. A fourteen days notice signed by at least one-fourth of the total number of members has to be given. The other House investigates the charges levelled against the President. If the charges are established by

the two-third majority of the total membership of the other House also, the President is impeached and removed from office forthwith.

Question 6: Explain any three Judicial powers of the President of India.

Answer: Judicial Powers: The President enjoys vast Judicial powers also:

- (i) The President has the power to grant pardon, reprieves, remit or suspend a death sentence on any appeal for mercy.
- (ii) He is not answerable before any Court of Law for the discharge of his duties.
- (iii) No criminal suit can be initiated against him during his tenure of office.

Question 7: The President of India is vested with Military powers. Discuss about them.

Answer: Military powers: The President is vested with military powers also which are:

- (i) The President is the supreme commander of the armed forces of India.
- (ii) He appoints the Chiefs of the three wings of the Army, subject to certain rules and regulations.
- (iii) He can declare war or conclude peace with any foreign power on the advice of Council of Ministers.

Question 8: The President of India enjoys vast powers. In this context explain certain Diplomatic powers.

Answer: Diplomatic powers: Being the head of the state, the President has certain Diplomatic powers which are:

- (i) He appoints Ambassadors and High Commissioners to other countries with which India has diplomatic relations.
- (ii) He may enter into a treaty with a foreign country or declare war on behalf of India.
- (iii) He receives Ambassadors and other diplomatic representatives of the foreign nations.

Question 9: Explain two Discretionary powers of the President.

Answer: Two Discretionary powers of the President are:

- (i) The President has to be informed of all important decision and deliberations of the Council of Ministers and the Prime Minister is bound to provide whatever information the President seeks.
- (ii) The President cannot dismiss the Prime Minister in a Parliamentary System, as long as he enjoys a majority. But in case no single party gets a majority, then the President can write to the person who can govern with a majority support to form a Coalition Government which would be stable.

Question 10: Why is the President of India referred to as a nominal head of the state?

Answer: The President of India is referred to as the nominal head of the state because India follows a parliamentary system of Government. He is not the real head of the executive as the real power is exercised by the Prime Minister and Council of Ministers. Two Legislative powers of the President which suggest his nominal status are:

- (i) According to the Constitution, the President is required to exercise his powers on the aid and advice of his Council of Ministers.

(ii) All proclamations of emergency made by the President have to be approved by the Parliament within 1 month. If not approved then it ceases to exist.

Long Questions

Question 1: Justify the need for 'Indirect Election' of the President.

Answer: The President of India is elected indirectly in accordance with proportional representation by means of a single transferable vote. The President is elected by the members of an electoral college consisting of the elected members of both the Houses of Parliament and elected members of the Assemblies of the States.

The value of the vote of an elected member of the Vidhan Sabha is worked out by adopting the following formula:

$$\frac{\text{Total Population of the State}}{\text{Elected Members of the Vidhan Sabha}} \times 100$$

The value of the elected Members of Parliament is worked out as per the formula:

$$\frac{\text{Total votes of all the MLAs}}{\text{Number of elected Members of Parliament}}$$

With this arrangement, it has been ensured that the value of the vote of an M.L.A. is proportionate to the population he represents.

On the other hand, the voting power of all the elected members of the Parliament is made equal to the voting power of all the elected members of the Legislative Assemblies in the country so that the States should not have an upper hand in the election of the President.

The election of the President is conducted on the basis of proportional representation by means of a single transferable vote. The ballot is secret. The candidate who secures votes more than or equal to the quota of votes is declared elected. If at the first count no candidate secures the required quota of votes the candidate securing the least number of votes is eliminated and his votes are transferred among other candidates. According to the second preference on the ballot papers of candidate who gave him first preference. The process of elimination and transfer of votes continues till such a candidate is found.

Question 2: The President of India occupies the highest office in the Country. In this context explain the Legislative Powers.

Answer: Legislative Powers of the President: The President is an integral part of the Parliament which consists of the President, the Lok Sabha and the Rajya Sabha. His legislative powers are:

- (i) The first session of the Parliament is addressed by the President.
- (ii) He has the power to summon and prorogue the House.
- (iii) He can dissolve the Lok Sabha and order fresh elections.
- (iv) He can address a joint session of the Parliament or each one of the House separately.

Question 3: Explain the Financial Powers of the President of India.

Answer: Financial Powers: Financial Powers enjoyed by the President are as follows:

- (i) He causes the Annual Budget to be laid before the Parliament in the beginning of every financial year.

- (ii) He causes the annual financial statement to be laid before the Parliament.
- (iii) No-Money Bill can be introduced in the Parliament without his prior assent.
- (iv) He distributes the shares of the income tax received between the Union and the States.
- (v) He can create contingency fund from which he can advance to meet unforeseen expenses.
- (vi) He can appoint the Financial Commission and implement its recommendation.

Question 4: Explain the Executive Powers of the President of India.

Answer: Executive Powers of the President: The President of India is titular. His authority is only formal. However,

- (i) All executive actions of the Union Government must be expressed to be taken in the name of President.
- (ii) All officers of the Union are his officers and he has a right to be informed of all affairs of the Union.
- (iii) The President also makes rules for the convenient transaction of the business of the Government of India.
- (iv) He has a right to be informed by the Prime Minister of all decisions taken by the Council of Ministers.

Question 5: Mention the reason, when can General or National Emergency be declared and three consequences of emergency declared under Article 352 of the Constitution?

Answer: General or National Emergency: The President may declare a General Emergency at any time if he is satisfied that the security of India or any part is in danger or is likely to be in danger either due to war or external aggression or armed rebellion. This type of emergency is proclaimed under Article 352 of the Constitution. If emergency under Article 352 is declared, it has the following impacts:

- (i) The President becomes the sole administrator of the country.
- (ii) The Federal structure of the country is converted into a unitary one.
- (iii) The Governor of the States act in accordance with his instructions.
- (iv) The exercise of Fundamental Rights including Right to Constitutional remedies is suspended.

Question 6: When can General or National Emergency be declared? State three consequences of emergency declared under article 356 of the constitution?

Answer: Emergency Arising Out of the Failure of Constitutional Machinery: If the President is satisfied either on the recommendation of the Governor or otherwise that the Constitutional machinery in State has broken down, he may place that State under Presidential Rule. Such an emergency is proclaimed under Article 356 of the Constitution. The following are its consequences:

- (i) The Union (Central Government) assumes control over all functions in the State administration except the judicial ones.
- (ii) The Governor of the State acts in accordance with the instructions and directions issued from time to time.

(iii) During the President's rule in a state, the Governor, being an Agent of the Centre, takes over the reins of administration into his own hands.

Question 7: How is the Vice-President of India elected and what are his functions?

Answer: The Vice-President of India is elected by an 'Electoral College' consisting of members of both the Houses of Parliament. The procedure of his election consists of a secret ballot proportional representation and single transferable vote. An absolute majority of votes polled is required for the election of the Vice-President of India.

Functions:

(i) The Vice-President of India is the Ex-officio Chairman of the Rajya Sabha. He presides over the meetings of the Rajya Sabha.

(ii) The Vice-President of India officiates as the President for six months till a new President is elected.

(iii) The Vice-President can also act as a President when the latter is unable to discharge his functions due to illness, resignation, removal and absence. When the Vice-President discharges the functions of the President, he is entitled to same privileges and powers.