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POLITY

Political Executive

The Executive is the branch of government that implements laws and runs the administration of the country. It ensures that policies and decisions made by the legislature are executed effectively.

Types of Executive:

Political Executive:

- Consists of elected leaders who make major policy decisions.
- Examples: President,Governor, Prime Minister, Council of Ministers, Chief Minister.

Permanent Executive (Bureaucracy):

- Consists of civil servants who assist the political executive in policy implementation.
- Examples: Cabinet Secretary, District Collector, Secretaries in ministries.

President and Governor

Aspect	President	Governor
Constitutional Provision	Articles 52–78 of Part V lay down provisions for the Union Executive, comprising the President, Vice-President, Prime Minister, Council of Ministers, and Attorney General.	Part VI (Articles 153–167) outlines the state executive, comprising the Governor, Chief Minister, Council of Ministers, and Advocate General.
Position	Head of the Indian **State;** First Citizen of India	Constitutional head of the State
Nature	Ceremonial and constitutional	Ceremonial and constitutional
Real Power	Vested in Council of Ministers headed by the Prime Minister	Vested in Council of Ministers headed by the Chief Minister
Vice-Head Equivalent	Has a Vice-President	No equivalent; no Vice-Governor
Special Provision	Single President for the entire Union	One person may be Governor for two or more States (7th Amendment, 1956)
Election of President/ Appointment of Governor	The President is elected by an electoral college comprising: – ● **elected** members of both Houses of Parliament; and ● the **elected** members of the Legislative Assemblies of the States. "State" includes the National Capital Territory of Delhi and the Union territory of Pondicherry.**[CSE2023]**. Thus, the following do not participate in the presidential election: 1. **Nominated** members of both Houses of Parliament; 2. **Nominated** members of the state legislative assemblies; 3. Elected and nominated members of the	● The Governor of a State shall be appointed by the President by warrant under his hand and seal. ● Hargovind Pant case (1979), the Governor's role is a constitutionally independent office not a Central government post.

	state **legislative councils** ; 4. **Nominated** members of the Legislative Assemblies of Delhi and Puducherry. Additionally, members of a dissolved legislative assembly are **disqualified** from voting in the presidential election if fresh elections have not been held before the presidential election takes place.	
Term of Office	● Term of **five years** from the date on which he assumes office. ● However, he can: ○ **Resign** at any time by submitting his resignation to the **Vice-President** ○ Be **removed** from office before completing his term through the process of **impeachment** . ○ Any resignation addressed to the Vice-President shall forthwith be **communicated by him to the Speaker** of the House of the People. ● Even after the expiration of his term, the President continues to hold office until his successor enters office, to **avoid any constitutional vacuum.** ● **Article 57: Eligibility for re-election**- The President is **eligible for re-election** any number of times. ○ *(In contrast, the 22nd Amendment to the **US Constitution** restricts the US President to a maximum of **two terms**.)*	● Hold office during the **pleasure** of the President. ● The Governor may, by writing under his hand addressed to the **President, resign** his office. ● The Governor holds office for **five years** from assuming charge and continues until a successor takes office. ● The Governor's five-year term is not fixed, as they hold office during the President's pleasure and can be removed anytime without reason. In the Surya Narain case (1981), the Supreme Court held that this pleasure is not justiciable, giving the Governor no fixed tenure or security of office. ● The **Constitution does not** specify any grounds for a Governor's removal. ● The **President may transfer** a Governor from one state to another for the remainder of the term. ● A Governor whose five-year term expires can be **reappointed** in the same or another state. ● The President can make suitable provisions for the Governor's duties in any situation not covered by the Constitution ● In cases like the death of a sitting Governor, the **President may appoint the Chief Justice of the State High Court** to temporarily discharge the Governor's duties.

Qualifications	Eligibility for Election as President: ● Must be a **citizen** of India. ● Must have completed **35** years of age. ● Must be qualified for election as a member of the **Lok Sabha.** Ineligible if holding any office of profit under the Union, State, or local authorities or other authority subject to the control of any of the said Governments. **Exceptions (Explained in Article 58(2)):** The following persons are not deemed to hold an office of profit and can contest: ● **The sitting President or Vice-President,** ● **The Governor of any State,** ● **A Minister (Union or State).** **Nomination Requirements (Under the Presidential and Vice-Presidential Elections Act, 1952):** ● The nomination requires 50 proposers and 50 seconders, with a ₹15,000 RBI deposit (raised from ₹2,500 in 1997) forfeited if the candidate fails to secure one-sixth of valid votes.	● No person shall be eligible for appointment as Governor unless he is a **citizen of India** and has completed the age of **thirty-five years.** ● So the **Constitution provides only two** Qualifications for Governor**:**Must be a citizen of India & Must be at least 35 years of age.
Conditions of office.	● **Disqualification from Legislature:**The President cannot be a member of either House of Parliament or any state legislature. If elected, the person is deemed to have vacated such a seat on the date they assume office. ● The President cannot hold any other office of profit.**[CDS 2019]** ● **Emoluments and Allowances:** Are determined by **Parliament.** They cannot be reduced during the term of office.[**CSE 2018]** ● In 2018, the President's salary rose from ₹1.5 lakh to ₹5 lakh per month, and since 2008, former Presidents receive a pension equal to 50% of the current salary. ● **Spouse of Deceased Presidents:** receives a family pension at 50% of the President's pension, a furnished residence, car, medical and travel facilities, along with secretarial and office expenses up to ₹20,000 per year.	● The Governor **cannot** be a member of Parliament or any State Legislature; ● if an MP or MLA becomes Governor, their seat is vacated. ● They cannot hold any office of profit and are entitled to rent-free official residence, emoluments, allowances, and privileges set by **Parliament.** ● When one person governs multiple states, pay and allowances are shared as decided by the **President** ● The emoluments and allowances of the Governor shall **not be** diminished during his term of office ● In 2018, the Parliament increased the salary of the governor from Rs. 1.10 lakh to Rs. 3.50 lakh per month.

Oath or Affirmation	Before entering office, the President must take an oath or affirmation, swearing: ● To faithfully execute the office of President; ● To preserve, protect, and defend the Constitution and the law; ● To devote himself to the service and well-being of the people of India. ● The Chief Justice of India administers this oath. In his absence, the senior most available Judge of the Supreme Court administers it. ● Anyone acting as President or discharging the functions of the President is also required to take a similar oath.	● Before assuming office, the Governor or any person acting as Governor must take an oath or affirmation before the Chief Justice of the High Court, or in their absence, the senior-most available Judge of that Court. ● "I, A. B., do swear in the name of God that I will faithfully execute the solemnly affirm office of Governor and will to the best of my ability preserve, protect and defend the Constitution and the law and that I will devote myself to the service and well-being of the people of .....(name of the State).".
Executive power	The executive power of the Union is vested in the President (Article **53**). **[CSE 2015]** ● All executive actions of the Government of India are taken in his name . ● He frames rules for the authentication of orders and other instruments **executed in his name** (Article **77(2)**). ● He frames rules for the convenient transaction of business and the allocation of business among Ministers ● He can require information from the **Prime Minister** relating to the administration of Union affairs . ● He may require the Prime Minister to place before the Council of Ministers any matter already decided by an individual Minister (Article 78(c)). ● He directly administers Union Territories through appointed Administrators (Article 239). ● He declares any area as Scheduled Area and administers Scheduled and Tribal Areas under Fifth and Sixth Schedules.	● The executive power of the State shall be vested in the Governor and shall be exercised by him either directly or through officers subordinate to him in accordance with this Constitution. ● All executive actions of the state government are taken in the Governor's name. ● Can make rules for authentication of orders and instruments made in his/her name. ● Can frame rules for convenient business transactions of the state government and ministerial allocation. ● Can seek information on administration and legislation proposals from the Chief Minister. ● Can ask the CM to place a matter before the council of ministers if a decision was taken by a single minister. ● Can recommend President's Rule and, during it, acts as President's agent with wider executive powers. ● Acts as Chancellor of state universities and appoints their Vice-Chancellors.

He appoints	• **Prime Minister** (Article 75(1)).
	• Other Ministers on the advice of the Prime Minister. They hold office during his pleasure (Article 75(2)).
	• **Attorney General** and determines his remuneration (Article 76(1)).
	• **CAG** (Article 148).
	• **Chief Election Commissioner** and other Election Commissioners.
	• Chairman and members of **UPSC**.
	• Governors of States (Article 155).
	• Chairman and members of the Finance Commission (Article 280).
	• Chairman and members of National Commissions for SCs, STs, OBCs, Minorities, Safai Karamcharis, etc..
	• Administrators of Union Territories
	• He can appoint:
	  ○ A commission to investigate the conditions of SCs, STs, OBCs
	  ○ An Inter-State Council for promoting Centre-State cooperation (Article **263**).
		• The Chief Minister and other ministers; they hold office at his/her pleasure.
		• A Tribal Welfare Minister must be appointed in Chhattisgarh, Jharkhand, MP, and Odisha (Bihar **excluded by 94th Amendment, 2006)**.
		• The Advocate General decides their pay; holds office during the Governor's pleasure.
		• The State Election Commissioner and decides their service conditions and tenure.
		• However, the State Election Commissioner **can only be removed in the same manner and on the same grounds as a High Court judge.**
		• Chairman and members of the State Public Service Commission; only the President can remove them.

Legislative Powers	• The President is an integral part of Parliament (Article **79**).
	• He summons, prorogues Parliament sessions, and dissolves the Lok Sabha.
	• He summons a joint sitting of both Houses (Article **108**).
	• He addresses:
	  ○ The first session after general elections.
	  ○ The first session each year
	• He sends messages to Parliament.
	• He nominates:
	  ○ 12 members to Rajya Sabha with special knowledge in literature, science, art, and social service .
	  ○ 2 members to Lok Sabha from the Anglo-Indian community (Article **331**). **(Note: This provision was abolished by the 104th Constitutional Amendment Act, 2019).**
	• He decides disqualifications of MPs in consultation **with the Election Commission** (Article **103**).
	• His **prior recommendation** is required for:
	  ○ Money Bills (Article **110 & 117**).
		• A Governor, as an integral part of the state legislature
		• He/ she can summon or prorogue the state legislature and dissolve the state legislative assembly.
		• He/she can address the state legislature at the start of the first session after each general election and each year's first session.
		• Can send messages to one or both houses on pending bills or other matters.
		• He/she can appoint any member of the legislative assembly or council to preside when the Speaker/Deputy Speaker or Chairman/Deputy Chairman offices fall vacant.
		• Nominates **1/6th** of Legislative Council members with expertise in **literature, science, arts, co-ops, or social service.**
		• Nominated one Anglo-Indian member to the Assembly;

	○ Bills involving expenditure from the Consolidated Fund of India. ○ Bills altering state boundaries or names (Article **3**). ● With respect to Bills passed by Parliament, he can: ○ Give assent (Article **111**). ○ Withhold assent. ○ Return (non-Money Bills) for reconsideration (Article **111**). ○ However, if re-passed by Parliament, he **must** give assent. ● For state legislature Bills reserved by Governors, the President may: ○ Assent. ○ Withhold assent. ○ Direct reconsideration. Unlike at Union level, even if the state passes it again, the President **may still withhold assent** (Article **201**). ● He promulgates Ordinances when Parliament is not in session. Ordinances must be approved by Parliament within 6 weeks of reassembly (Article **123**). ● He lays various reports before Parliament (CAG - Article **151**, UPSC - Article **323**, Finance Commission - Article **280**, etc.). ● He may make regulations for Union Territories (Article **240**).	discontinued by 104th Amendment. ● Decides disqualification of state legislature members in consultation with the **Election Commission**.(remember NOT state election commission) ● Governor's options when a bill is sent after passing in the state legislature: ○ Give assent . ○ Withhold assent. ○ Return (non-Money Bills) for reconsideration if passed again (with or without changes), **must give assent.** **Reservation of Bills for the President:** ● Mandatory when a bill affects the position of the State High Court. ● Discretionary when the bill: 1. Is unconstitutional 2. Conflicts with DPSP 3. Is against national interest, 4. Concerns matters of grave national importance, or 5. Involves compulsory property acquisition under Article 31A. ● He/she lays before the state legislature the reports of the State Finance Commission, State Public Service Commission, and the CAG relating to state accounts. ● He/she can promulgate ordinances when the state legislature is not in session, which must be approved within six weeks of reassembly; the governor may withdraw them anytime

Financial Powers	• The **Annual Financial Statement (Union Budget)** is laid before Parliament by him (Article **112**). • No Money Bill or demand for grants can be introduced without his prior recommendation. • He authorizes withdrawal from the **Contingency Fund of India** . • He constitutes a **Finance Commission every 5 years** (Article **280**) to recommend the distribution of financial resources between Centre and States.	• The Annual Financial Statement (State Budget) is laid before Legislature by him • Money bills require his/her prior recommendation for introduction. • No demand for a grant can be made without recommendation. • Can make advances from the state Contingency Fund for unforeseen expenditure. • Constitutes a finance commission every five years to review the financial position of **panchayats and municipalities.**

Judicial Powers	• Appoints:
	  ○ **Chief Justice and Judges of the Supreme Court .**
	  ○ **Chief Justices and Judges of High Courts**
	• He may seek advisory opinion from the Supreme Court (Article **143**), though this advice is **not binding.**
	• Power to grant **pardons, reprieves, respites, remissions, suspensions or commutations of sentences** :
	  ○ In cases of court-martial.
	  ○ For offences under Union laws.
	  ○ In death sentence cases.
		• Grant pardons, reprieves, respites, remissions, or suspend, remit, and commute sentences for offences under **state laws.**
		• Consulted by the President in appointing judges of the concerned state high court.
		• Appoints, posts, and promotes district judges in consultation with the **state high court.**
		• Appoints other judicial service members (excluding district judges) in consultation with the **state high court and State PSC.**

Exclusive Powers of President

Diplomatic Powers

- All international treaties and agreements are concluded in his name; however, these require Parliament's approval .
- He sends and receives ambassadors, high commissioners, and other diplomatic representatives.

Military Powers

- He is the **Supreme Commander of the Defence Forces** of India.
- He appoints Chiefs of Army, Navy, and Air Force.
- He can declare war or conclude peace, subject to Parliament's approval

Emergency Powers

- The President can proclaim three types of emergencies: National Emergency (Art. 352), State Emergency/President's Rule (Arts. 356 & 365), and Financial Emergency (Art. 360).

Discretionary power	
President's Situational Discretion [CSE 2014]	**Article.163. Council of Ministers to aid and advise Governor.—**

Although the President generally has **no constitutional discretion** and must act on the advice of the Council of Ministers, certain exceptional situations permit limited discretion, often termed as **situational discretion**. These include:

Appointment of Prime Minister:

- When no single political party commands a clear majority in the Lok Sabha.
- Upon the sudden demise of a sitting Prime Minister when no obvious successor exists.

Dismissal of Council of Ministers:

- When the Ministry loses its majority and fails to prove confidence in the Lok Sabha.

Dissolution of Lok Sabha:

- When the Council of Ministers loses its majority and advises dissolution, the President may exercise discretion in accepting or rejecting the recommendation.

- There shall be a Council of Ministers with the Chief Minister at the head to aid and advise the Governor in the exercise of his functions, **except in so far as he is by or under this Constitution required to exercise his functions or any of them in his discretion.**
- If any question arises whether a matter is one in which the Governor is required to act in his discretion, t**he Governor's decision shall be final, and the validity of his actions can't be** questioned on the ground that he ought or ought not to have acted in his discretion.
- The question whether any, and if so what, advice was tendered by Ministers to the Governor shall not be inquired into in any court.

The Governor's constitutional position differs from the President in two key ways:

- The Constitution explicitly allows the Governor to act independently in certain matters, unlike the President.
- **T**he President must follow the Council of Ministers' advice (42nd Amendment, 1976), whereas the Governor is not bound**.**

Governor's constitutional discretion :

- Reserving a bill for the President's consideration.
- Recommending President's Rule in the state.
- When given additional charge as UT administrator:
- Deciding royalty share for Tribal Councils in **Assam, Meghalaya, Tripura, and Mizoram** from mineral licenses.

Governor's situational discretion

- Appoint CM when no party has a clear majority or CM dies without a clear successor.
- Dismiss Council of Ministers if it loses assembly confidence.
- Dissolve Assembly when the ministry loses majority and no alternative exists.
- Acts on President's direction for special responsibilities (though consults CM, acts finally at discretion):**Maharashtra:** Dev. boards for Vidarbha & Marathwada;**Gujarat**: Dev. boards for Saurashtra & Kutch;**Nagaland:** Law & order during Naga Hills unrest;**Assam**: Administration of tribal areas;**Manipur:** Hill area administration;**Sikkim:** Peace & socio-economic development; **Arunachal Pradesh:** Law & order & **Karnataka:** Dev. board for Hyderabad-Karnataka region.

Pardoning Power

Article 72(1):

- The President shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence:
  - in **all** cases where the punishment or sentence is by a Court Martial;
  - in **all** cases where the punishment or sentence is for an offence against any law relating to a matter to which the executive power of the Union extends;

- In addition to the President, the Governor of a State possesses pardoning powers under Article 161 of the Constitution.

Article 161:

- The Governor of a State shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the

- in **all** cases where the sentence is a sentence of death.

Nature of the Power

- **The President can NOT exercise this power without the advice of the Central Government [CSE 2025].**
- The President does not function as a court of appeal while exercising this power.

Forms of Presidential Clemency Powers

1. **Pardon** completely absolves the offender, nullifying all convictions, punishments, and disqualifications.
2. **Commutation** substitutes a punishment with a lesser one, e.g., death sentence to rigorous imprisonment.
3. **Remission** reduces the duration of punishment without changing its nature, e.g., two years' imprisonment reduced to one.
4. **Respite** grants lesser punishment due to special circumstances like disability or pregnancy.
5. **Reprieve** is a temporary stay on executing a sentence, especially death, allowing time to seek pardon or commutation.

sentence of any person convicted of any offence against any law relating to a matter to which the executive power of the State extends.

- Even if a state law prescribes a death sentence, the power to grant pardon lies solely with the President.
- Both the President and Governor have concurrent powers concerning suspension, remission, or commutation of death sentences.

Judicial Interpretation of Article 72

The Supreme Court of India has examined the President's pardoning power extensively. The following principles have emerged:

- **T**he petitioner has no right to an oral hearing before the President.
- The President may re-examine the evidence and take a view different from that taken by the courts.
- The power is exercised by the President on the advice of the Union Council of Ministers (Article 74).
- The President is not obligated to provide reasons for the decision taken.
- Relief may be granted not only for sentences considered unduly harsh but also to correct apparent judicial mistakes.
- The Supreme Court has not laid down any specific guidelines for exercise of this power.
- The President's exercise of power is subject to limited judicial review only when the decision is arbitrary, irrational, mala fide, or discriminatory.**[CSE 2025]**
- Once a mercy petition has been rejected, filing another petition cannot stay the execution.

Current column

- On 8 April 2025, SC unanimously held that the Tamil Nadu Governor R.N. Ravi's withholding of 10 state legislative bills was **"illegal" and "erroneous".**
- The Bench also laid down timelines within which the Governor and the President are to communicate their decisions on bills placed before them.
- Additionally, it expanded the scope of judicial review for a Governor's actions, enabling state governments to approach courts and seek a writ of mandamus if these timelines were not followed.
- A writ of mandamus empowers a competent court to direct a government official to discharge an official duty.
- The Governor does not have the discretion to withhold and sit on the bill without returning it. Hence, he cannot exercise an "absolute" or "pocket veto."

Article 55 - Manner of Election of President [CSE 2018 & 2023]

To ensure uniformity in the representation of different states and to maintain parity between the states and the Union, the Constitution prescribes a specific formula for calculating votes:

- Each elected member of a state legislative assembly receives votes equal to the quotient obtained by dividing the population of that state by the total number of its elected assembly members, with multiples of one thousand considered. This can be expressed as:

Votes per MLA = (Population (1971 Census) of the state / Total elected members of the state assembly) ÷ 1000S

- Each elected member of either House of Parliament is assigned votes by dividing the total votes assigned to all state legislative assembly members by the total number of elected members of both Houses of Parliament. This can be expressed as:

  Votes per MP = (Total votes assigned to state assembly members) / (Total elected MPs of both Houses)

The election is conducted according to the system of **proportional representation by means of a single transferable vote, with voting conducted through a secret ballot (Article 55(3).** This system ensures that the elected candidate secures an absolute majority of votes.

- To win, a candidate must achieve a fixed quota of votes, calculated using the formula:

  Electoral Quota = (Total valid votes polled / (Number of candidates to be elected + 1)) + 1
- Since only one person is elected as President, the formula simplifies accordingly.
- Each elector is provided with a single ballot paper on which they mark their preferences as 1, 2, 3, 4, and so on, corresponding to the number of candidates.
- Initially, the first-preference votes are counted. If a candidate obtains the required quota at this stage, they are declared elected.
- If not, the candidate receiving the fewest first-preference votes is eliminated, and their ballots are transferred to the next preferred candidates based on subsequent preferences.
- This transfer process continues until a candidate achieves the necessary quota.
- **Disputes and doubts** regarding the election of the President are adjudicated exclusively by the **Supreme Court, whose decision is final (Article 71)**.
- Moreover, the election cannot be challenged on the grounds of any vacancy in the electoral college. In case the Supreme Court declares the President's election void, actions taken by him prior to such declaration remain valid and effective.

Article 361:Protection of President and Governors and Rajpramukhs

- The President, Governor, or Rajpramukh is not answerable to any court for actions taken while performing official duties.**[CSE2025]**
  - **Exception 1:** The President's conduct can be reviewed by a court, tribunal, or body set up by either House of Parliament for investigating impeachment charges under Article 61.
  - **Exception 2:** This clause does not stop any person from filing a case against the Government of India or a State Government.
- No criminal proceedings whatsoever shall be instituted or continued against the President, or the Governor of a State, in any court during his term of office. **[CSE2025]**
- No process for the arrest or imprisonment of the President, or the Governor of a State, shall be issued from any court during his term of office.
- No civil suit for actions in personal capacity (before or after taking office) can be filed during their term without prior notice.
- A 2-month written notice must be given before initiating proceedings.
- The notice must be delivered to the President or Governor or left at their office.
- The notice must clearly state the nature of the case, the cause of action, the filer's name, description, and address, and the specific relief claimed.

Article 111 - Veto Power of the President

- **Article 111**: When a Bill has been passed by both Houses of Parliament, it shall be presented to the President for his assent.

- After a Bill is passed by both Houses of Parliament, the President can give assent, withhold assent, or return the Bill (except Money Bills) for reconsideration. If Parliament repasses the Bill, the President must give assent.

The three vetos of the President of India are explained below:

- **Absolute Veto:** The President withholds assent, causing the Bill to lapse, usually for Private Members' Bills or when a new Cabinet advises withholding. Examples: 1954 – PEPSU Appropriation Bill; 1991 – MP Salary, Allowances, and Pension (Amendment) Bill.
- **Suspensive Veto:** The President returns a non-Money Bill for reconsideration; if Parliament repasses it by ordinary majority, assent is mandatory. Not applicable to Money Bills (Article 110).
- **Pocket Veto:** The President takes no action on a Bill, with no time limit under Article 111.This is in contrast to the USA, where the President must act within 10 days.

Note-

Qualified Veto – Can be overridden by the legislature with a special majority (applicable in the USA, not in India).

Veto Power Over Constitutional Amendment Bills	**Veto Power Over State Legislation**
• Under Article 368, the President has no veto; the 24th Amendment (1971) made Presidential assent to Constitutional Amendments mandatory.	• **Governor's Role (Article 200):** On receiving a Bill, the Governor may give assent, withhold assent, return it (except Money Bills) for reconsideration, or reserve it for the President. • **President's Role (Article 201):** On a reserved Bill, the President may give assent, withhold assent, or direct the Governor to return it (except Money Bills). **If repassed, the President is not bound to assent. No time limit applies, allowing Pocket Veto.**

Article 61 - Impeachment of the President

- The President may be removed from office **only** for "**violation of the Constitution** (**Article 61(1)"**
- The Constitution does not define the term "violation of the Constitution.".
    - *No President of India has been impeached till date.*

Procedure for Impeachment:

- The process can be initiated by **either House of Parliament**.
- **The proposal must be:**Proposal must be signed by at least one-fourth of total membership of the House; 14 days' notice to the President required.
- The resolution must be passed by a **two-thirds majority** of the total membership of the initiating House.
- After passage, the resolution is sent to the **other House**, which:Investigates the charges & provides the President the **right to appear and defend himself**.
- If the second House also passes the resolution with a **two-thirds majority**, the President stands removed from office from the date of such resolution.

Important Points:

- Impeachment is a **quasi-judicial procedure**.
- In case of removal, acts done by him/her in the performance of duties of his/her office of President before the date of decision remain valid.[**CSE 2023**
- **Nominated members of Parliament** can participate in impeachment but **cannot vote in presidential elections** (Article **61**, Article **54**).
- **Elected members of state legislative assemblies** who participate in presidential elections do **not participate** in impeachment.

Filling Presidential Vacancy

- **Vacancy arises due to**: term expiry (5 years), resignation, removal, death, disqualification, or election declared void.

- **Election before term expiry:** incumbent continues until successor assumes office (Vice-President does not act as President).
- **Vacancy due to resignation, removal, death, etc.:** election must be held within six months; newly elected President serves a full 5-year term.

Acting President

- The Vice-President steps in as President when the office is vacant or the President cannot perform duties.
- If both President and Vice-President vacant: Chief Justice acts; if unavailable, senior-most Supreme Court judge acts.
- Acting President enjoys full powers, immunities, and emoluments of the President.

Comparing Ordinance-Making Power of President and Governor

• The President can issue an ordinance only when Parliament is not in session and is satisfied that immediate action is necessary; it can be issued even if one House is in session, as approval requires both Houses. • The power is co-extensive with Parliament's legislative authority and can be exercised only on subjects Parliament can legislate. • Ordinance has the same force and effect as an act of Parliament. • Subject to **the same constitutional limitations** as a parliamentary law invalid if it covers subjects beyond Parliament's powers. • An Ordinance can't abridge a Fundamental Right. **[CSE 2025]** • An Ordinance can come into effect from a back date**. [CSE 2025]** • Can withdraw the ordinance at any time. • Not a discretionary power can issue or withdraw ordinances only on advice of the Council of Ministers. • An ordinance issued by the President must be laid before both Houses of Parliament when they reassemble. • An ordinance by the President ceases after 6 weeks from Parliament's reassembly, or earlier if both Houses pass resolutions disapproving it. • The President needs no instruction to issue an ordinance.	• The Governor can issue an ordinance only when the Legislative Assembly (unicameral) or both Houses (bicameral) are not in session. If one House is in session, it can still be issued, as laws require passage by both Houses. It requires the Governor's satisfaction that immediate action is necessary. • The power is co-extensive with the state legislature's authority and can be exercised only on subjects the state legislature can legislate. • Ordinance has the same force and effect as an act of the state legislature. • Subject to the same constitutional limitations as a state law invalid if beyond the state legislature's domain. • Can withdraw the ordinance at any time. • Not a discretionary power can issue or withdraw ordinances only on advice of the Council of Ministers headed by the CM. • An ordinance issued by the Governor must be laid before the Legislative Assembly, or both Houses in case of a bicameral legislature, when the state legislature reassembles. • An ordinance by the Governor ceases after 6 weeks from the state legislature's reassembly, or earlier if the Legislative Assembly disapproves and the Council (if exists) agrees. • The Governor requires the President's instructions to issue an ordinance if: (a) a similar bill needs prior presidential sanction for introduction, (b) the Governor would have to reserve a similar bill for presidential consideration, or (c) the state act would be invalid without the President's assent.
• **President Ordinances may:** ○ Have retrospective effect (can be effective from a backdate). ○ Amend, repeal or modify any existing Act of Parliament or another ordinance. ○ Alter or amend tax laws. ○ **Cannot amend the Constitution** this power exclusively belongs to Parliament under Article 368.	

Case Law: D.C. Wadhwa vs State of Bihar (1987)

- The Supreme Court held:
  - Repromulgation of ordinances without bringing them before the legislature violates constitutional norms.
  - Ordinances are meant for exceptional, not routine, law-making.
  - Ordinance-making cannot substitute the normal legislative process.

Constitutional and Electoral Insights

- **First Presidential Election (1952):** Dr. Rajendra Prasad became the **only President to serve two full terms** (1952 & 1957).
- **Unopposed Election (1977): N. Sanjeeva Reddy** was the **only President elected unopposed**, reflecting political consensus post-Emergency.
- **Electoral College System:** The consistent presence of a large vote margin highlights the **dominance of ruling coalitions** in Presidential elections.
- **Close Contest (1969):** V.V. Giri won narrowly against N. Sanjeeva Reddy — **50.22% vs. 48.5%** — amid internal Congress split (Indira vs. Syndicate).

Trends in Voting Patterns in Presidential elections

- Highest Victory Margin:
  - 1957: Dr. Rajendra Prasad secured 99.35% votes — highest ever.
  - 1997: K.R. Narayanan received 94.97%, highest for a contested election.
- Lowest Winning Margin:
  - 1969: V.V. Giri won with just 50.22%, indicating a deeply divided mandate.

Representation and Diversity Milestones

- First Muslim President: Dr. Zakir Hussain (1967).
- First Dalit President: K.R. Narayanan (1997).
- First Woman President: Pratibha Patil (2007).
- First Scientist President: Dr. A.P.J. Abdul Kalam (2002) – widely supported across parties.