

The President of India is the executive head of India. He is the supreme command of the defense forces of India and the ceremonial head of the country and also called the first citizen of India. The President is elected indirectly by Electoral College in both houses of Parliament and the legislative assembly of each State and territory of India, who themselves are directly chosen by the people of India. It means we choose the President indirectly. In article 53 of the constitution of India, it is provided that all the executed powers of the Unions are vested to the President. He can use these powers directly and indirectly. Here, indirectly means that he can use these powers through the officers subordinate to him. According to Article 53 of the Constitution of India, the President of India can exercise his powers directly or by his subordinate authority. But in practice, all the powers are exercised by the PM of India, the subordinate authority, with the help of the Council of Ministers. This article will give the information about the **procedure to elect the President**, his **qualifications**, **term of office**, **impeachment process**, and **various power of the President of India**.

President of India

Currently, **Mr. Ram Nath Kovind** is the President of India or “Bharat Ke Rashtrapati”, (25 July 2017). The President is elected indirectly by the members of parliament of India and the legislative assemble of all the states of India. The citizen of India directly elects these members.

A president is the head of the country. He is known as the first citizen of India. After taking the oath, he becomes the union executive along with the vice-president of India, attorney general, and PM of India. He is the supreme command of India.

The process to elects the President

The President of India is not elected directly as other ministers are elected. There is an electoral college that elects him. This college is responsible for the election of the president with consisting of the members (who are already elected) of parliament and legislative assembly of all states and UT of Delhi, Puducherry, and Jammu and Kashmir. The values of the votes are based on the population in 1971 rather than the current population of each state and [UTs](#). It is a secret ballot system of voting.

Composition of Electoral College

The composition is made up of the elected members of

- The upper house (Rajya Sabha) of parliament of India.
- Lower of House (Lok Sabha) of Parliament of India.
- Each states legislative assembly (the lower house of the state assembly of each state)
- Union territory possessing its legislative assembly.

Now there are two types of voters for the voting of Electoral College which are MP and MLA. As mentioned above the vote value is counting on the bases of the population in 1971. So we have given 2 formulas to calculate the value of votes:

These are the formulas used in the Electoral College to count the votes.

There are also the following persons in the assemblies and state councils who cannot take part in the president elects, such as:

- The nominates members of Lok Sabha and Rajya Sabha
- Nominated members of the legislative assembly of each state
- Member of legislative councils in bicameral legislatures
- Nominated members of UTs of Delhi and Puducherry

It should be noted that if there is any dispute arise related to the election of the president, the decision given by the Supreme Court of India will be the final.

Oath by the president of India

Article 60 of the constitution of India provides the oath to the President that “every person who is acting as President of India shall make an oath to his office. It includes the oath to preserve, defend, and protect the constitution of India”. It means, the president takes the oath as the **guardian of the constitution**. The Chief Justice of India administers the oath to the President in Parliament’s Central Hall. And if the Chief Justice of India is not present at that time, the senior-most judge of the Supreme Court administers the same.

Term of office

The president holds the office for five years from the day of oath after elected. He can also be re-elected by Electoral College many times. There is no limit on his re-election.

Qualification of the President

Every person cannot become the President of India. There are some qualifications given under the constitution of India for the president:

- The person should be the citizen of India
- The minimum age required is 35 years.
- He should qualify all the conditions to be elected as a member of the lower house (Lok Sabha).
- He should not hold any office of profit under any Indian government of public authority.

Conditions attached with president office

There are some conditions for the president:

- He cannot be the Member of Parliament. The candidate must vacate his seat of the house on his joining as President.

- He cannot be arrested or punished even on his criminal act.
- The civil proceeding can be initiated against his personal act only after the prior notice of two months.
- He should not hold any public office.
- Rashtrapati Bhavan will be provided for the residence without the payment of rent.
- The Parliament of India cannot stop his salary during his tenure in office.

Impeachment

There are not so many conditions that are given under the constitution for the impeachment of the president. The only one condition when the president can be impeached is the “**violation of the constitution**”.

Process of Impeachment

When the parliament found that there is a violation of the constitution has been by the president, either of the houses can take the initiative against the impeachment process. Lets us consider that the Rajya Sabha takes the initiative first for the impeachment process. Now, the resolution will be put in the Rajya Sabha and the debate will be done on that resolution in Rajya Sabha. If the 2/3 majority agrees to it, the resolution will be considered as the passed by Rajya Sabha. After that, it will go to the Lok Sabha for the same proceedings. If the resolution for impeachment is also passed in the Lok Sabha by majority the President will be removed from his seat.

Note: The president can sit in the session during his impeachment process.

When the office of the president can vacant?

The President’s office can be vacant on some circumstances, which are:

- After the completion of the term of office.
- By giving the resign of the president by forwarding his resignation letter to the Voice-President of India.
- When the impeachment resolution has been passed by both the Houses of Parliament.
- If the SC declares the elections invalid done by Electoral College.

Powers and Functions

The major duty of the President of India is to protect the Constitution of India. This is the part of his oath under article 60 of the Constitution of India.

Executive Functions of President of India

Head of Union

He is the head of the union executives. It means, all the executive powers are vested in him and he can use these powers directly or through the officers subordinate to him. He has the power to make laws and to conclude treaties and agreements.

Appointments

The president appoints the governors of the states, judges of the Supreme Court, and high court. He appoints the Auditor General of India and also many other officials like election commissions, finance commissions, etc.

Appointment of PM and ministers

The president appoints the Prime Minister of India and after that other council of ministers with the advice of the PM. This council is headed by the prime minister to aid and to give the advice to the president.

Can ask to prove majority

The term of the union of a council of minister remains in power for five years after the appointment unless it dissolved earlier due to any reasons. During this period of time, the president must be satisfied that this council enjoys its confidence of the majority of the lower House. The President can ask the council to prove its majority in case of any doubt.

Supreme Commander

He has the power to declare the war as he is the supreme commander of the Indian armed forces. He can also conclude the treaties related to any situation of war.

Legislative powers

The legislative power is vested in the Parliament. The President of India is the head of the Parliament. He facilitates the Law making process. He has the power to dissolve the Lok Sabha. A bill passed by both the houses can only become Act after receiving the assent of the President of India.

Read the article: [How a bill becomes Act?](#)

Part of the Parliament of India

The Parliament of India consists of the Upper house and lower house followed by the President of India. He is an integral part of the parliament. He summons time to time for the sessions of the houses either jointly or separately. He can prorogue the houses of parliament or can also dissolve the Lok Sabha or lower house of parliament of India.

Summons for Joint Session

He can summons both the Houses of Parliament for joint sessions in the case of conflict between both the houses to pass any Bill.

Power in respect of Bill

When both the houses pass the Bill by the majority and send the Bill to the President of India for his assent, he can give his assent or withhold his assent and sent back the bill to houses. But is both the houses pass the bill without any change, it will become obligatory to the President of India to give his assent.

Nomination

The President of India nominates the numbers of the member in both Houses of Parliament. The main purpose of the nomination is to ensure adequate representation in Parliament of all sections of the population which may not always be achieved through elections.

Power to pass Ordinances

When both the houses of Parliament are not in session, the President of India can pass the Ordinances under article 123 of the Constitution of India. Such an ordinance has the same power as the Act of Parliament. After the opening of the session, the ordinance may be passed by both the houses to make it as Law.

Financial powers

No money Bill can be introduced without the prior permission of the President of India. As indicated by the Constitution of India, the Annual Financial Statement is set by the President before both the Houses of Parliament. This announcement shows the evaluations of income and use of the focal Government for the following year. It might be called attention to that the proposition for tax collection and use can't be made without the endorsement of the President. No proposition for going through cash or raising incomes for reasons for government can be presented in Parliament without the past consent of the President.

Read the article: [White-collar Crimes](#)

Emergency Powers

There are three types of emergency given in the Constitution of India.

- [National Emergency](#) (Art. 352);
- [State emergency \(President Rule\)](#) (Art. 356);
- [Financial Emergency](#) (Art. 360);

The Constitution of India empowers The President of India to proclaim the emergency.

National Emergency

He has the power to declare a national emergency when there is a threat to the security of the nation. The threat can be from anything like external aggression, war, or any armed rebellion. The proclamation given by the President may remain in force for an indefinite time. During the National emergency, all the executive powers of the State will be exercised or supervised by the Central government. There are three lists given in the constitution where the state and central government can make laws. But during the national emergency, the central government can also make the laws in the state list. Article 19 of the constitution of India shall remain suspended during the national emergency.

State Emergency

State emergency is also known as the failure of the Constitution Machinery in a State. The president has the authority to make the proclamation of State emergency. The duration of the state emergency is up to 3 years. During the period of a state emergency, the executive powers of the state shall be executed by the parliament of India.

Financial Emergency

Whenever the financial stability of the country is threatened the president can proclaim the financial emergency. There is an indefinite period for the financial emergency. The money bills passed by the state legislature will be passed by the consent of the president. Read the [Article on Emergency](#) for full knowledge.

Military Powers

The President of India is the supreme command of the Defense forces of India. But he is required to exercise his supreme power under the law. The president may take action to declare war or peace, but the Parliament has exclusive power to regulate or control the exercise of such power.

The power relating to foreign and diplomatic affairs is exercised by the Union Government. All diplomatic business is conducted in the name of the President.

All the International treaties and agreements are negotiated and concluded in the name of the President.

Diplomatic Powers

- He receives the ambassadors, High Commissioners, and diplomatic envoys from foreign nations.
- Represents India in International Conferences.
- He has the powers of appointing Indian Ambassadors to other countries.

Discretionary Powers of the President

The President of India has certain discretionary powers which he can use at the time of need to use such powers:

Appointing the New Prime Minister

He has the power to appoint the New Prime Minister in the case of death of the Prime Minister during his period of office or in the case of when Parliament hanged.

No-Confidence Motion

The President of India has the power to dissolve the lower house or to look for the alternative when the Prime Minister or any other Minister loses the 'No Confidence Motion'.

Power to dismiss the Ministers

The President has the power to dismiss the Ministers if the council of Ministers losses the house's confidence and the Minister is refusing to regine.

Judicial Powers

The President has the power to grant pardon reprieves, respites, and remission of punishment. He also appoints the judges of SC and HC and Chief Justice of India. He can suspend remit or commute the sentence of any person convicted of any offense. Article 72 of the Constitution of India gives the right to the President to grant the pardon in different cases.

The power includes:

- **Commutation**
- **Pardon**
- **Remission**
- **Respite**
- **Reprive**

He is empowered to grant the pardon in the following circumstances:

- when the punishment is for the offense which is against the Union laws
- in the matter of punishment given by Military Court
- In the matter of death sentence in any case

All these powers which are given to the president are independent of the opinion of the PM or the majority of the Upper house of the parliament. Most of the powers of the president are being executed with the advice of the council of ministers and Prime Minister of India.

Veto Power of President

After passing the Bill from both the houses of the Parliament, the bill comes for the assent of the President. Now, it is his choice to pass or reject the bill. This choice to reject or pass the bill is known as the veto power of the President.

Limitations on President of India

The constitution of India also gave the limitations on the executive powers of the [President]. He has the limitation on the powers due to the council of the Ministers. Though no bill can be pass without the assent of President, if the same bill is passed again by both the houses of the Parliament, the President is bound to give his assent for that bill.

Also, the approval of proclamations passed by the [President] of India has to be passed by the parliament. They become null and void if does not approve by the Parliament.