



**PERFECTION
IAS**

50 DAYS PLAN

Mains Answer Writing Program
for **BPSC 67**



INDIAN POLITY

8. Under the Indian Constitution, the President occupies the same position as the king under the English Constitution. He represents the nation but does not rule the nation". Examine.
8. भारतीय संविधान के अनुसार, राष्ट्रपति को ब्रिटिश संविधान के अंतर्गत राजा के समान दर्जा प्राप्त है। वह राष्ट्र का प्रतिनिधित्व करता है लेकिन राष्ट्र पर शासन नहीं करता है। इस कथन की जांच करें।

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67TH BPSC MAIN EXAM

INDIAN POLITY

Ques 8. “Under the Indian Constitution, the President occupies the same position as the king under the English Constitution. He represents the nation but does not rule the nation”. Examine.

Introduction

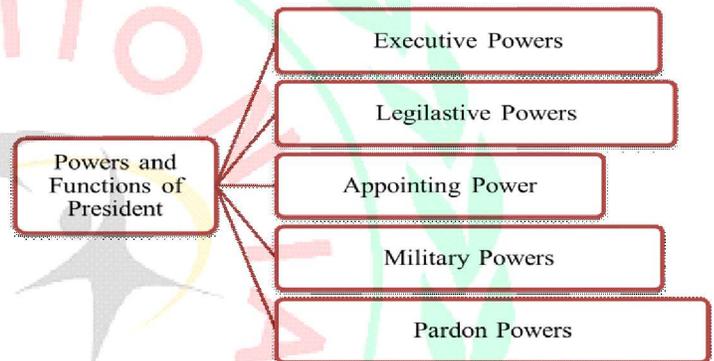
“In the Indian Constitution, there is placed at the head of the Indian Union, a functionary who is called the President of the Union. Under the Indian Constitution, the President occupies the same position as the king under the English Constitution. He is the head of the State but not of the government. He represents the nation but does not rule the nation. He is the symbol of the nation. His place in administration is that of a ceremonial device or a seal by which the nation’s decisions are made known — B.R. Ambedkar

Body

The President is the official executive and the head of state. At the centre, every executive activity is said to be taken in his name. This authority was granted to him via Article 53(1) of the Constitution, which provides that “executive power shall be vested in the President and shall be exercised by him directly or through subordinate officers.”

Executive Powers:

- Parliament may grant additional powers to the President as it deems appropriate, and the President may delegate those powers to state governors.
- In the case of a hung assembly, the President can exercise discretion in appointing the Prime Minister.
- The President may also dissolve the Union’s Council of Ministers under Article 75 (2) of the Constitution if it finds that the Ministry does not have a majority in the Lok Sabha.
- The President has the power and responsibility to appoint the Prime Minister of India.
- The President of India appoints the Chief Justice.
- The president is the state appointing authority and has the power to remove a governor whose actions have violated the constitution.
- The President has the power to appoint ambassadors to other countries such as IAS, IPS, IFS, Attorney General etc.



Legislative Powers:

- The President has the power to dissolve the Lok Sabha.
- A bill passed by both chambers of Parliament can only become law if it receives the President’s nod which is further subjected to restrictions
- The President of India has the power to appoint 12 members of the Rajya Sabha who have rendered outstanding service in the fields of science, arts, literature, and social service.

Emergency Powers:

- The President has the power to declare 3 types of Emergencies - National Emergency (Art 352), State Emergency (Art 356) & Financial Emergency (Art 360).

Military Powers:

- The President of India is the Supreme Commander of all Indian Armed Forces.
- The President has the power to declare war or make peace with any country on the advice of a Council of Ministers chaired by the Prime Minister.
- All treaties with a foreign country are signed on behalf of the Indian President.

Pardoning Powers:

As mentioned in the Article-72, The President of India can, pardon, reprieve, remit, commute or in case of punishment to anyone who has been convicted by a court.

The president can use his pardoning powers in the following situations:



- The punishment is for a crime against Union law
- The punishment is carried out by a military tribunal
- The Sentence to death penalty

Constitutional Position of the President

The President is the highest authority of the state. However, the effectiveness of his function is limited as the President must exercise his powers and functions with the help and advice of the Council of Ministers, headed by the Prime Minister (Article 74). In addition, the 42nd Constitutional Amendment Act-1976 required the President to heed the advice of the Council of Ministers chaired by the Prime Minister.

- The President must exercise his executive powers with the advice of the Council of Ministers; therefore, he is subject to some limitations in the exercise of his powers.
- However he has the power to return the Council's recommendation for reconsideration once.
- The council may or may not accept such a recommendation and even reject the recommendation without stating any reasons.
- Therefore, the President's real power, although nominally the Chief Executive, rests with the Council of Ministers, headed by the Prime Minister.
- From the various aspects, the President has been given many powers under the Constitution and all the decisions and actions of the Government are taken in his name.
- But many powers are enjoyed by the president, whose decision-making power resides with the Council of Ministers which is headed by the Prime Minister.

Importance of Office of the President:

- The role of a President is essentially to give respect to the people's government, while prime ministers and his council of ministers can be fascinating and demagogic, but a president must be above politics.
- He/she is the defender of the Constitution, and the idea was to gain a highly respectable personality who would be admired from all sides.
- The office of president is for those personalities who are very respectable and whose judgement must be respected by those in power as well as those who are in opposition.
- President often helps in building bridges between different groups in a country and between India and the rest of the world. Sarvapalli Radhakrishnan, APJ Abdul Kalam, Pranab Mukherjee etc, played vital roles during their Presidency period and held higher regards irrespective of ideologies and peoples. They are also known as the People's President.
- There are various instances where the President acts in his discretion like Suspensive Veto, Pocket Veto, Seeking information from Prime Minister, Hung Assembly, Dismissing government after no confidence motion is passed.

Although India has a President, it does not have a Presidential form of government like the United States. The President of India is the Head of State, but not the Executive. Because India has a Parliamentary system of government, he represents the country but does not rule it. The Supreme Court has repeatedly held that the President's (and Governors') status under the Constitution is analogous to the Crown's role under the British Parliamentary system. The true executive powers should be exercised by the Council of Ministers, which is accountable to the Lok Sabha, as is the essence of Parliamentary Government. Thus, the role of the President is constitutionally restricted due to the parliamentary system of government.

Indian President Vs British crown

But constitutionally there are many differences in the powers of the British crown and the Indian President; which show that in some cases the Indian president has been more powerful than the British crown in some cases following are the differences between the president of Indian and the British crown.

- Both are constitutional post, but the monarchy is constitutionally applicable in Britain. The Indian president does not have any such mechanism as is elected through voting. At the same time, this does not happen in the case of the British Crown.
- The British crown is the head of the common wealth of nations also. But the president of India does not have any such power. He is the head of only one country.
- The Indian president has a fixed term of his own, after completing which he has to leave. This does not happen with the British crown as this post is hereditary in nature.
- Most importantly, the member of Britain's parliament i.e. the house of lords can ask questions to the ruler sitting on the royal throne (British crown), which he has to answer.
- There is no such rule for the president in India. Constitutionally the president cannot be questioned. He is not bound to answer any question.