

## **Evolution of Indian Constitution**

**Sub. code 18BHI13C**

### **PRESIDENT**

The president is indirectly elected by an electoral college comprising the Parliament of India (both houses) and the legislative assemblies of each of India's states and territories, who themselves are all directly elected.

Although Article 53 of the Constitution of India states that the president can exercise his powers directly or by subordinate authority, with few exceptions, all of the executive powers vested in the president are, in practice, exercised by the prime minister (a subordinate authority) with the help of the Council of Ministers. The president is bound by the constitution to act on the advice of the prime minister and cabinet as long as the advice is not violating the constitution.

The primary duty of the president is to preserve, protect and defend the constitution and the law of India as made part of his oath (Article 60 of Indian constitution). The president is the common head of all independent constitutional entities. All his actions, recommendations (Article 3, Article 111, Article 274, etc.) and supervisory powers (Article 74(2), Article 78C, Article 108, Article 111, etc.) over the executive and legislative entities of India shall be used in accordance to uphold the constitution. There is no bar on the actions of the president to contest in the court of law.

Legislature – Any bill passed by parliament can either be signed, withheld or returned to parliament by the President of India. If President signs, it becomes a law. If President returns or withholds the bill till expiry and same bill is again introduced and passed in the parliament, it automatically becomes a law without President's signature.

Executive - Although the President is bound by the constitution to act on the advice of the Prime Minister, it is ultimately the President who gives final order. Hence, declining the PM's advice or withholding it for long without being able to constitutionally challenge this decision is beyond the power of the President. Similarly the PM can object to any decision taken alone by the President without consulting the cabinet.

Judiciary - Only the judiciary has the power to convert any death sentence (rarest) to life imprisonment.

## **The Vice President of India**

is the second-highest constitutional office in India after the President.<sup>21</sup> Article 63 of President of India." The Vice President acts as President in the absence of the president due to death, resignation, impeachment, or other situations.

The Vice President of India is also ex officio Chairperson of the Rajya Sabha. When a bill is introduced in Rajya Sabha, the vice president decides whether it is a financial bill or not. If he is of the opinion, a bill introduced in the Rajya Sabha is a money bill, he would refer the case to the Speaker of the Lok Sabha for deciding it.

Article 66 of the Indian Constitution states the manner of election of the Vice President. The Vice President is elected indirectly by members of an electoral college consisting of the members of both Houses of Parliament in accordance with the system of Proportional Representation by means of the Single transferable vote and the voting is by secret ballot conducted by election commission.

## **Prime minister**

The prime minister of India is the leader of the executive branch of the Government of India. The prime minister is the chief adviser to the president of India and the head of the Union Council of Ministers. They can be a member of any of the two houses of the Parliament of India—the Lok Sabha (House of the People) and the Rajya Sabha (Council of the States); but has to be a member of the political party or coalition, having a majority in the Lok Sabha.

The prime minister is the senior-most member of cabinet in the executive of government in a parliamentary system. The prime minister selects and can dismiss members of the cabinet; allocates posts to members within the government; and is the presiding member and chairperson of the cabinet.

The Union Cabinet headed by the prime minister is appointed by the President of India to assist the latter in the administration of the affairs of the executive. Union cabinet is collectively responsible to the Lok Sabha as per Article 75(3) of the Constitution of India.

The prime minister has to enjoy the confidence of a majority in the Lok Sabha and shall resign if they are unable to prove majority when instructed by the president.

The Union Council of Ministers exercises executive authority in the Republic of India. It consists of senior ministers, called 'cabinet ministers', junior ministers, called 'ministers of state' and, rarely, deputy ministers. The council is led by the Prime Minister of India.

A smaller executive body called the Union Cabinet is the supreme decision-making body in India. Only the prime minister and ministers of the rank of cabinet minister are members of the Union Cabinet in accordance with Article 75.

## **Governor**

A governor is, in most cases, a public official with the power to govern the executive branch of a non-sovereign or sub-national level of government, ranking under the head of state. In federations, governor may be the title of a politician who governs a constituent state and may be either appointed or elected. The power of the individual governor can vary dramatically between political systems, with some governors having only nominal or largely ceremonial power, with others having complete control over the entire government.

Historically, the title can also apply to the executive officials acting as representatives of a chartered company which has been granted exercise of sovereignty in a colonial area, such as the British East India Company or the Dutch East India Company. These companies operate as a major state within a state with its own armed forces.

There can also be non-political governors: high-ranking officials in private or similar governance such as commercial and non-profit management, styled governor(s), who simply govern an institution, such as a corporation or a bank. For example, in the United Kingdom and other Commonwealth countries, there are prison governors ("wardens" in the United States), school governors and bank governors.

The adjective pertaining to a governor is gubernatorial, from the Latin root gubernare. The obsolete term for a female governor is the female form governess, however the modern term for female officials is the gender-neutral form governor (without the gender-specific suffix -ess) to avoid confusion with other meanings of governess.

## **Chief Minister**

In the Republic of India, a chief minister is the elected head of government of the each state out of states and sometimes a union territory (currently, only the UTs of Delhi and Puducherry have serving Chief Ministers). According to the Constitution of India, the Governor is a state's head, but de facto executive authority rests with the chief minister.

Following elections to the State Legislative Assembly (Vidhan Sabha) in a state, the state's governor usually invites the party (or coalition) with a majority of seats to form the government. The governor appoints and swears in the chief minister, whose Council of Ministers are collectively responsible to the assembly.