The **President** of India — Traps ❌ / Reality ✅ For UPSC

Constitutional Position

1. Constitutional Head

❌ **President** is the **real executive head** of **India**.

✅ **Nominal head**; **actual executive power** vests in **Council of Ministers** (**Art 74**).

2. Government Form

❌ **India** has a **Presidential form of government**.

✅ **Parliamentary system**; **President** acts on **ministerial advice**.

3. Executive Role

❌ **President** is part of the **Executive** only.

✅ **President** is also an **integral part of Parliament** (**Art 79**).

4. Power Exercise

❌ **President** personally exercises every **executive power**.

✅ Exercises them through **officers and ministers**.

5. Independence

❌ **President** can act independently in all matters.

✅ Only a few **discretionary powers** exist (e.g. no-confidence loss before **PM advice**).

6. Constitutional Bounds

❌ **President** is above the **Constitution**.

✅ **President** must act according to the **Constitution**; **oath** under **Art 60** binds them.

7. Judicial Immunity

❌ **President** is **answerable to courts** for official acts.

✅ **Immunity** under **Art 361** from **judicial proceedings** while in office.

8. Post-Office Immunity

❌ **President** cannot be questioned even after leaving office.

✅ **Immunity** ends after term; actions can be reviewed.

9. Decision Review

❌ **President's decisions** are final and beyond review.

✅ Subject to **judicial review** for mala fide or **constitutional violation**.

10. Armed Forces Command

❌ **President** commands the **armed forces** personally.

✅ **Supreme Commander** in title; control exercised via **Cabinet** & **Defence Ministry**.

🗳️ Election Process

11. Direct Election

❌ **President** is elected directly by citizens.

✅ Indirect election via **Electoral College** (**Art 54**).

12. Voting Members

❌ Only **MPs** vote in the **Presidential election**.

✅ Elected **MPs** + elected **MLAs** vote; nominated members excluded.

13. MLA Vote Value

❌ All **MLAs** have equal votes.

✅ Vote value = Population ÷ (1000 × **MLAs**); varies by state.

14. MP Vote Value

❌ All **MPs** have votes equal to **MLAs**.

✅ **MP** vote value = total state votes ÷ total elected **MPs**.

15. Majority Required

❌ Simple majority decides **election**.

✅ **Proportional representation by single transferable vote** & **absolute majority** required.

16. Conducting Authority

❌ **Election** is conducted by **Election Commission**.

✅ **Election Commission** conducts under **Presidential and Vice-Presidential Election Act**.

17. Nomination Process

❌ Nomination needs no proposers.

✅ Must be proposed by 50 + seconded by 50 electors.

18. Eligibility Criteria

❌ All citizens above 35 can contest.

✅ Must be **Indian citizen**, ≥35 yrs, qualified for **LS**, not holding **office of profit**.

19. Governor Voting

❌ **Governor** can vote in **Presidential election**.

✅ Only **MPs** & **MLAs** vote.

20. Dispute Resolution

❌ Disputes go to **Election Commission**.

✅ **Supreme Court** decides all disputes (**Art 71**).

🗳️ <u>Election</u> & <u>Vacancy</u>

21. <u>Election</u> Timing

❌ <u>Election</u> may be postponed indefinitely.

✅ It must be held before **term** ends; can be postponed only under exceptional conditions.

22. Continuity

❌ <u>President</u> continues indefinitely if <u>election</u> delayed.

✅ May continue till successor assumes **office** (**Art 56 (1)(c)**).

23. Resignation Process

❌ Resignation is given to **PM**.

✅ Given to **Vice-President** (**Art 56 (1)(a)**).

24. Resignation Effect

❌ **President** ceases instantly upon resignation.

✅ **Vice-President** acts as **President** till successor **elected**.

25. <u>Impeachment Majority</u>

❌ **President** is removed through **impeachment** by simple **majority**.

✅ Two-thirds **majority** in both **Houses** after investigation (**Art 61**).

26. <u>Impeachment</u> Initiation

❌ **Impeachment** can be initiated in any **House** simultaneously.

✅ Begins in either **House**, then proceeds to the other.

27. <u>Impeachment</u> Grounds

❌ Grounds include misconduct or corruption.

✅ Only violation of **Constitution** is specified ground.

28. Trial Authority

❌ **Judiciary** conducts **impeachment** trial.

✅ **Parliament** conducts; political process.

29. Notice Requirement

❌ Simple notice suffices.

✅ Requires 14 days' notice + **majority** + investigation.

30. <u>Office</u> During Process

❌ **President** vacates immediately after notice.

✅ Holds **office** till both **Houses** pass **resolution**.

⚖️ __Impeachment__ & __Vacancy__

31. __Resignation__ vs __Impeachment__

❌ __Resignation__ equals __impeachment__.

✅ __Resignation__ ends tenure peacefully; __impeachment__ removes for cause.

32. __Supreme Court__ Role

❌ __SC__ can remove __President__ by writ.

✅ Only __Parliament__ through __Art 61__ procedure.

33. __Vacancy__ Response

❌ __Vacancy__ always leads to new __election__ immediately.

✅ __Vice-President__ or __Chief Justice__ acts temporarily.

34. __Acting President__ Powers

❌ __Acting President__ has fewer __powers__.

✅ Same __powers__ till new __President__ elected.

35. __Election__ Timeline

❌ __Election__ must be held within 1 year of __vacancy__.

✅ Within 6 months (__Art 62__).

36. __Executive Power__ Nature

❌ __President__'s __executive power__ is symbolic.

✅ All __executive actions__ of the Union are taken in his name.

37. __PM__ Appointment

❌ __President__ appoints __PM__ at own discretion every time.

✅ Must appoint leader of __majority__ party/coalition in __LS__.

38. __PM__ Dismissal

❌ __President__ can dismiss __PM__ anytime.

✅ Only when __PM__ loses __LS confidence__.

39. __Minister__ Selection

❌ __President__ selects all __ministers__ individually.

✅ Appoints on advice of __PM__.

40. __Ministerial Responsibility__

❌ __Council of Ministers__ responsible to __President__.

✅ Collectively responsible to __Lok Sabha__.

🏛️ Executive Powers

41. Portfolio Allocation

❌ **President** allocates portfolios personally.

✅ **PM** allocates portfolios.

42. Constitutional Appointments

❌ **President** appoints **AG**, **Governors**, **CAG**, etc., without advice.

✅ Acts on aid & advice of **Cabinet**.

43. Governor Dismissal

❌ **President** can dismiss **Governor** arbitrarily.

✅ Allowed in law, but must be non-arbitrary (B.P. Singhal case).

44. Military Command

❌ **President** commands armed forces personally in war.

✅ Acts through Defence Minister/**Cabinet**.

45. Bill Introduction

❌ **President's** approval required for every bill introduction.

✅ Required only for **Money Bills**, **Finance Bills** & **State Bills** affecting **Union** domain.

46. Attorney-General Appointment

❌ **President** can appoint anyone as **Attorney-General** regardless of qualification.

✅ Must be qualified to be **SC** judge.

47. Judicial Appointments

❌ **President** appoints all judges directly.

✅ Appoints on **Collegium** recommendation.

48. Judicial Removal

❌ **President** can remove **SC**/**HC** judges by own order.

✅ Removal only by **Parliament**.

49. Rajya Sabha Dissolution

❌ **President** can dissolve **Rajya Sabha**.

✅ Cannot be dissolved; only **LS** can.

50. Rule-Making Power

❌ **President** may issue rules overriding **Cabinet**.

✅ Rules under **Art 77** regulate business, not override **Cabinet**.

🧾 <u>Legislative Powers</u>

51. <u>Legislative Role</u>

❌ <u>**President**</u> is outside the <u>**legislative**</u> process.

✅ Part of **<u>Parliament</u>**; summons, prorogues, dissolves **<u>LS</u>**.

52. <u>LS Dissolution</u>

❌ <u>**President**</u> cannot reject **<u>Cabinet</u>** advice to dissolve <u>**LS**</u>.

✅ May withhold temporarily, but usually bound.

53. <u>Bill Assent</u>

❌ All <u>**bills**</u> become <u>**law**</u> automatically after 14 days.

✅ Must receive **<u>Presidential assent</u>** (no time limit).

54. <u>Constitutional Amendments</u>

❌ <u>**President**</u> can veto **<u>Constitutional Amendments</u>**.

✅ No veto power; must give **<u>assent</u>**.

55. <u>Money Bills</u>

❌ <u>**President**</u> can return **<u>Money Bills</u>**.

✅ Cannot return **<u>Money Bills</u>** (**<u>Art 110</u>**).

56. <u>Assent Obligation</u>

❌ <u>**President**</u> must give **<u>assent</u>** to all <u>**bills**</u>.

✅ May withhold or return (except **<u>Money Bills</u>**).

57. <u>Presidential Address</u>

❌ <u>**President's**</u> address is optional.

✅ Mandatory at first session after general election & each year (**<u>Art 87</u>**).

58. <u>Parliament Sessions</u>

❌ <u>**Parliament**</u> meets automatically.

✅ Summoned by **<u>President</u>** on **<u>Cabinet</u>** advice.

59. <u>Parliamentary Rules</u>

❌ <u>**President**</u> decides <u>**parliamentary rules**</u>.

✅ Each **<u>House</u>** frames its own; **<u>President's</u>** role limited.

60. <u>Speaker Election</u>

❌ <u>**President**</u> decides **<u>Lok Sabha Speaker</u>**.

✅ **<u>Members</u>** elect **<u>Speaker</u>**; **<u>President</u>** presides only during election.

📃 Legislative Powers Continued

1

61. Ordinance Power

❌ **President** can issue **ordinance** anytime **Parliament** not in session.

✅ Only when satisfied of necessity and both **Houses** not sitting (**Art 123**).

2

62. Ordinance Duration

❌ **Ordinance** = permanent law.

✅ Valid for 6 weeks after reassembly, unless disapproved.

3

63. Repromulgation

❌ **President** personally decides on repromulgation.

✅ Done on **Cabinet** advice; repeated repromulgation frowned upon (D.C. Wadhwa case).

4

64. Legislative Initiative

❌ **President** can initiate **legislation**.

✅ Members introduce bills; **President** facilitates formal processes only.

5

65. Money Bill Certification

❌ **President** certifies **Money Bills**.

✅ **Speaker** of **LS** certifies, not **President**.

6

66. Parliamentary Privileges

❌ **President** decides **parliamentary** privileges.

✅ **Houses** decide internally; **President** has no role.

7

67. Ordinance vs Legislature

❌ **President's ordinance** power equals **legislative supremacy**.

✅ It is temporary emergency substitute subject to **parliamentary** control.

8

68. State Legislation

❌ **President** must approve all state **legislation**.

✅ Only when reserved by **Governor** under **Art 200**.

9

69. State Money Bills

❌ **President** gives assent to state **Money Bills**.

✅ **Governor** assents; **President** only in special cases.

10

70. Parliament Summoning

❌ **President** can summon **Parliament** unilaterally without **Cabinet**.

✅ Conventionally acts only on **Cabinet** advice.

⚖️ <u>Judicial</u> & <u>Clemency Powers</u>

71. <u>Court Interference</u>

❌ <u>**President**</u> can interfere in pending <u>**court cases**</u>.

✅ Only after **<u>conviction</u>**, via <u>**clemency powers**</u>.

72. <u>Pardon Scope</u>

❌ <u>**President's pardon power**</u> applies only to <u>**death sentences**</u>.

✅ Covers all offences under <u>**Union law**</u>, including <u>**death sentences**</u>.

73. <u>Clemency Exercise</u>

❌ <u>**Clemency**</u> is exercised independently.

✅ Exercised on <u>**Home Ministry**</u> advice; <u>**President**</u> can seek reconsideration.

74. <u>Pardon Effect</u>

❌ <u>**Pardons**</u> erase <u>**conviction**</u> record.

✅ They remit, commute, suspend or reprieve; <u>**pardon**</u> erases guilt legally.

75. <u>State Offences</u>

❌ <u>**President**</u> can <u>**pardon state offences**</u>.

✅ Only <u>**Governor**</u> can <u>**pardon state law**</u> offences.

76. <u>Jurisdiction Overlap</u>

❌ <u>**Clemency power**</u> of <u>**Governor**</u> and <u>**President**</u> overlap fully.

✅ <u>**Jurisdiction**</u> differs — <u>**Union**</u> vs <u>**State offences**</u>.

77. <u>Mercy Obligation</u>

❌ <u>**President**</u> must grant <u>**mercy**</u> if <u>**Cabinet**</u> recommends.

✅ Bound, but may seek reconsideration once (<u>**Kehar Singh**</u>, <u>**Maru Ram**</u>).

78. <u>Judgment Reversal</u>

❌ <u>**President**</u> can reverse <u>**SC judgments**</u>.

✅ Can only grant <u>**pardon**</u>, not change <u>**judicial findings**</u>.

79. <u>Review Immunity</u>

❌ <u>**Clemency decisions**</u> immune from <u>**review**</u>.

✅ Subject to limited <u>**judicial review**</u> for mala fide or arbitrariness.

80. <u>Social Impact</u>

❌ <u>**Pardon**</u> nullifies <u>**conviction**</u> socially.

✅ Legally erases consequences; social perception remains separate.

🛡️ **Emergency** Powers

81. **Emergency** Proclamation

❌ **President** can proclaim **emergency** anytime.

✅ Only under **Art 352**, **356**, **360** with conditions and **Cabinet** advice.

82. **Cabinet** Advice

❌ **President** may act without written **Cabinet** advice.

✅ **44th Amendment** mandates written **Cabinet** recommendation for **emergency**.

83. **President's Rule**

❌ **President** can impose **President's Rule** directly.

✅ Needs **Governor's** report or other evidence (**Art 356**).

84. **Emergency** Duration

❌ Once **emergency** declared, **President** rules indefinitely.

✅ **Parliament** must approve within 1 month (**Art 352**) or 2 months (**Art 356**).

85. **Judicial** Control

❌ **President** controls **judiciary** during **emergency**.

✅ **Judicial** independence continues; only **rights** may be suspended as per law.

86. **Rights** Suspension

❌ **President** can suspend all **Fundamental Rights**.

✅ Suspension limited to **Art 19** during **352**, others via **Art 359**.

87. **Right to Life**

❌ **President** can suspend **right to life** (**Art 21**).

✅ Cannot be suspended (as per **SC** interpretation, post-**ADM Jabalpur**).

88. Financial **Emergency**

❌ Financial **emergency** automatically dissolves **Parliament**.

✅ **Parliament** continues; **President** directs financial discipline.

89. **Constitutional Amendment**

❌ **Emergency** powers permanently amend the **Constitution**.

✅ They temporarily alter distribution of powers only.

90. **Emergency** Continuation

❌ **President** alone decides continuation of **emergency**.

✅ Requires **Parliamentary** approval every 6 months.

🏁 Miscellaneous, Discretion, & Trivia

91. Head of Government

❌ **President** is the head of **government**.

✅ **President** is head of **State**; **PM** is head of **government**.

92. Cabinet Meetings

❌ **President** chairs **Cabinet** meetings.

✅ **PM** chairs; **President** may summon only exceptional meetings.

93. Presidential Advice

❌ **President's** advice to **Cabinet** is binding.

✅ Advice flows the other way; **Cabinet** advises **President**.

94. Political Neutrality

❌ **President** can be a member of political party during office.

✅ Expected to be politically neutral; no active party role.

95. Term Limits

❌ **President** can contest elections again only once.

✅ No limit; may serve multiple terms.

96. Mid-term Resignation

❌ **President** cannot resign mid-term.

✅ May resign anytime by writing to **Vice-President**.

97. Acting President Powers

❌ **Acting President** cannot appoint ministers.

✅ Has same powers as substantive **President**.

98. State Creation

❌ **President** proclaims new **states** under Art 2 alone.

✅ Acts on **Parliamentary** legislation; cannot create **state** unilaterally.

99. Presidential Address

❌ **President's** address is mere custom.

✅ **Constitutionally** mandated; sets **government's** legislative agenda.

100. Constitutional Role

❌ **President** is a decorative symbol.

✅ Symbolic + **constitutional** guardian — acts as safeguard of rule of law & democracy.