



**Government of Tamilnadu**  
**Department of Employment and Training**

Course : TNPSC Group IV / VAO Exam

Subject : Indian Polity

Topic : **Union legislature -Parliament**

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**Commissioner,**  
**Department of Employment and Training.**

## **Union legislature -Parliament**

The Parliament is the legislative organ of the Union government. It occupies a pre-eminent and central position in the Indian democratic political system due to adoption of the parliamentary form of government, also known as 'Westminster' model of government

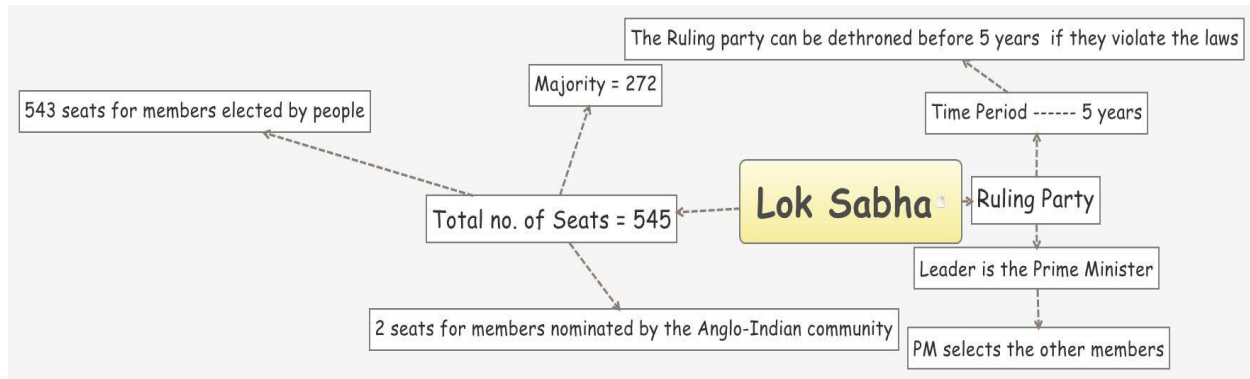
Articles 79 to 122 in Part V of the Constitution deal with the organisation, composition, duration, officers, procedures, privileges, powers and so on of the Parliament.

### **Loksabha**

#### **Composition of Lok Sabha**

The maximum strength of the Lok Sabha is fixed at 552. Out of this, 530 members are to be the representatives of the states, 20 members are to be the representatives of the union territories and 2 members are to be nominated by the president from the Anglo-Indian community

At present, the Lok Sabha has 545 members. Of these, 530 members represent the states, 13 members represent the union territories and 2 Anglo- Indian members are nominated by the President



### Duration of Lok Sabha

Unlike the Rajya Sabha, the Lok Sabha is not a continuing chamber. Its normal term is five years from the date of its first meeting after the general elections, after which it automatically dissolves. However, the President is authorised to dissolve the Lok Sabha at any time even before the completion of five years and this cannot be challenged in a court of law. Further, the term of the Lok Sabha can be extended during the period of national emergency by a law of Parliament for one year at a time for any length of time. However, this extension cannot continue beyond a period of six months after the emergency has ceased to operate.

### Session of the Parliament:

- ☐ At the discretion of the President
- ☐ Gap should not be more than six months.
- ☐ Budget Session (Longer session)(February - May)
- ☐ Monsoon Session (July - September)
- ☐ Winter Session (November– December)

### Qualification :

- ☐ Citizen of India.
- ☐ At least 25 yrs of age.
- ☐ Not hold any office of profit.
- ☐ No unsound mind / insolvent.
- ☐ Has registered as voter in any Parliamentary constituency.

**Disqualification:**

- ☐ If he voluntarily gives up the membership of party.
- ☐ If he over- rules the 'whip'.
- ☐ Absent for 60 days without intimation.

**Oath:**

- ☐ By Pro-Tem Speaker.

**Presiding Officer:**

- ☐ Speaker (In his absence Deputy Speaker)
- ☐ Member among themselves elect him.
- ☐ The Speaker continues in office even after the dissolution of the Lok Sabha till a newly elected Lok Sabha meets.

**Salary:**

- ☐ From Consolidated Fund of India.

**Resignation:**

- ❑ He resigns by writing to the Deputy Speaker.

### Removal:

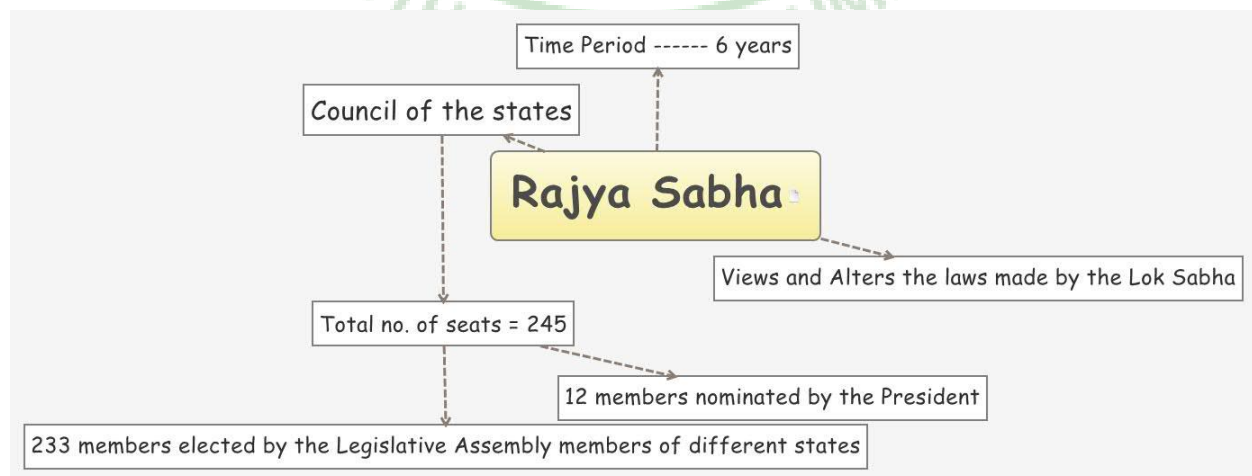
- ❑ Majority of the total membership can remove Speaker after giving a 14 days notice (he doesn't preside over the meetings).
- ❑ After his removal, continues till his successor takes charge.

## RAJYASABHA

### Composition of Rajya Sabha

The maximum strength of the Rajya Sabha is fixed at 250, out of which, 238 are to be the representatives of the states and union territories (elected indirectly) and 12 are nominated by the president.

At present, the Rajya Sabha has 245 members. Of these, 229 members represent the states, 4 members represent the union territories and 12 members are nominated by the president.



## **DURATION OF TWO HOUSES**

### **Duration of Rajya Sabha**

The Rajya Sabha (first constituted in 1952) is a continuing chamber, that is, it is a permanent body and not subject to dissolution. However, one-third of its members retire every second year. Their seats are filled up by fresh elections and presidential nominations at the beginning of every third year. The retiring members are eligible for re-election and renomination any number of times. The Constitution has not fixed the term of office of members of the Rajya Sabha and left it to the Parliament. Accordingly, the Parliament in the Representation of the People Act (1951) provided that the term of office of a member of the Rajya Sabha shall be six years. The act also empowered the president of India to curtail the term of members chosen in the first Rajya Sabha. In the first batch, it was decided by lottery as to who should retire. Further, the act also authorised the President to make provisions to govern the order of retirement of the members of the Rajya Sabha.

### **Qualification:**

- ☐ Citizen of India
- ☐ Age- 30 years

### **Special Powers of Rajya Sabha:**

- ☐ Vice President is the exofficio chairman of Rajya Sabha.

- ☐ Removal of the VicePresident can originate only in the Rajya Sabha.
- ☐ Any resolution creation of one or more All India Services (All India Judicial Services – Article 312)
- ☐ Any resolution seeking legislation on any subject of the state list can originate in Rajya Sabha (Article 249)
- ☐ He presides over Rajya Sabha as long as he does not act as the President of India, a vacancy in the office of the President of India.

## Parliamentary Terms

### Basic Definitions

Definition	Term
The draft of a legislative proposal	Bill
Bill passed by both the Houses of Parliament and assented to by the President	Act
A member of the House of the People (Lok Sabha)	Member
A member other than a Minister	Private Member
Termination of a sitting of a House without any definite date being fixed for the next sitting	Adjournment sine die
The termination of a session of the House by an order made by the President under article 85(2) (a) of the Constitution.	Prorogation

The first hour of a sitting of the House normally allotted for asking and answering of questions	Question Hour
The minimum number of members required to be present at a sitting of the House or the Committee for valid transaction of its business. The quorum to constitute a sitting of the House is one-tenth of the total number of members of the House and in respect of a Committee it is one-third of the total number of members of the Committee	Quorum
A self-contained independent proposal submitted for the approval of the House and drafted in such a way as to be capable of expressing a decision of the House.	Resolution
The vote cast by the Speaker or the Chairman in the case of an equality of votes on a matter	Casting vote
Deletion of words, phrases of expression for the proceedings or records of the House (for being defamatory or indecent or unparliamentary or undignified)	Expunc

### Question Related Terms

Definition	Term
A question relating to a matter of public importance of an urgent character asked with notice shorter than ten clear days	Short Notice Question
A question to which a member wishes to have an oral answer on the floor of the House and which is distinguished by an asterisk.	Starred Question

A question placed on the List of Questions for written answer. The written answer to such a question is deemed to have been laid on the Table at the end of the Question Hour.	Unstarred Question
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### **Motion Related Terms**

<b>Definition</b>	<b>Term</b>
A formal proposal by a member that the House do something, order something to be done or express an opinion with regard to some matter. When adopted it expresses the judgement or will of the House.	Motion
<b>Motions are of three types - Substantive Motion, Substitutive Motion and Subsidiary Motion</b>	
A self-contained independent proposal submitted for the approval of the House and drafted in such a way as to be capable of expressing a decision of the House, e.g., a Resolutions	Substantive Motion
Motions moved in substitution of the original motion for taking into consideration a policy or situation or statement or any other matter.	Substitute Motion
A motion which depends upon or relates to another motion or follows upon some proceedings in the House. By itself it has no meaning and is not capable of stating the decision of the House without reference to the original motion or proceedings of the House.	Subsidiary Motion
<b>Subsidiary Motions are of three types - Ancillary Motion, Superseding Motion and Amendment</b>	

Motion for the adjournment of the debate on Bills, motions or resolutions etc. or motion to retard or to delay the progress of a business under consideration of the House.	Dilatory Motion
A formal motion moved in the House expressing its gratitude for the Address delivered by the President under article 87(1) of the Constitution to both Houses of Parliament assembled together.	Motion of Thanks

**“Money Bill”:** A Bill containing only provisions dealing with all or any of the matters specified in sub-clauses (a) to (g) of Clause (1) of article 110 of the Constitution. Such a Bill cannot be introduced except on the recommendation of the President and a Bill making such provisions cannot be introduced in Rajya Sabha. [Articles 109, 110 and 117]

**“Motion”:** It is a formal proposal made to the House by a member that the House do something, order something to be done or express an opinion with regard to some matter, and is so phrased that, if adopted with purport to express the judgement or will of the House. All motions moved in the House are classified into three broad categories namely ‘Substantive’, ‘Substitute’ and ‘Subsidiary’ Motions, which are defined in the succeeding paragraphs.

**(i) Substantive Motion:** It is a self-contained independent proposal submitted for the approval of the House and drafted in such a way as to be capable of expressing a decision of the House, e.g., all Resolutions are substantive motions.

**(ii) Substitute Motion:** Motions moved in substitution of the original motion for taking into consideration a policy or situation or statement or any other matter. Such motions, though drafted in such a way as to be capable of expressing an opinion by themselves are not strictly speaking, substantive motions inasmuch as they depend upon the original motion.

**(iii) Subsidiary Motion:** It is a motion which depends upon or relates to another motion or follows upon some proceedings in the House. By itself it has no meaning and is not capable of stating the decision of the House without reference to the original motion or proceedings of the House. Subsidiary Motions are further divided into: (a) Ancillary Motion (b) Superseding Motion (c) Amendment

**(a) Ancillary Motion.**—A motion which is recognised by the practice of the House as the regular way of proceeding with various kinds of business. The following are examples of ancillary motions:—

(i) That the Bill be taken into consideration.

(ii) That the Bill be passed.

**(b) Superseding Motion.**—A motion which though independent in form, is moved in the course of debate on another question and seeks to supersede that question. In that class fall all the dilatory motions. The following motions are superseding motions in relation to the motion for taking into consideration a Bill—

(i) That the Bill be re-committed to a Select Committee.

(i) That the Bill be re-committed to a Joint Committee of the Houses.

(i) That the Bill be re-circulated for eliciting further opinion thereon.

(ii) That the consideration of the Bill or the debate on the Bill be adjourned sine die or to some future date.

**(c) Amendment.**—A subsidiary motion which interposes a new process of question and decision between the main question and its decision. Amendments may be to the clause of a Bill, to a Resolution or to a Motion, or to an amendment to a clause of a Bill, Resolution or Motion. The object of an amendment is either to modify a question before the House with a view to increasing its acceptability, or to present to the House a different proposition as an alternative to the original question. [Direction 41]

**“Motion of Thanks”:** A formal motion moved in the House expressing its gratitude for the Address delivered by the President under article 87(1) of the Constitution to both Houses of Parliament assembled together. It provides an opportunity for the discussion of the matters referred to in the Address. [Article 87(1) and Rule 17]

**“Naming a Member”:** The drawing of attention of the House by the Speaker to the conduct of a member who disregards the authority of the Chair or abuses the rules of the House by persistently and wilfully obstructing the business thereof, with a view to action being taken to suspend him from the service of the House for a period not exceeding the remainder of the session. [Rule 374] However, in the event of grave disorder occasioned by a member coming into the well of the House or abusing the rules of the House persistently and wilfully obstructing its business by shouting slogans

or otherwise, such member shall, on being named by the Speaker, stand automatically suspended from the service of the House for five consecutive sittings or the remainder of the session, whichever is less. [Rule 374 A]

**“Order, order”:** The Speaker sometimes says this to call the House to order, or to ask the House to hear the Chair or a member in possession of the floor. Generally, this is done under various circumstances, some of which are noted below:—

- (i) If the member seeking to intervene is not allowed to interrupt.
- (ii) If the member speaking is found to be irrelevant.
- (iii) If a member rises to speak when he should not.
- (iv) If a member is in any manner disorderly.
- (v) If there is an occasion for the Speaker to speak on a matter of procedure at any time.

**“Ordinance”:** A law made by the President in exercise of the powers vested in him by article 123 of the Constitution. [Article 123]

**“Panel of Chairmen”:** The panel of ten members of Lok Sabha nominated by the Speaker, anyone of whom may preside over the House in the absence of the Speaker and the Deputy Speaker when so requested by the Speaker or in his absence by the Deputy Speaker. [Rule 9]

**“Papers laid on the Table”:**

(i) Means the papers or documents laid on the Table of the House for the purpose of bringing them on the record of the House by a Minister or by a private member or by the Secretary-General with the permission of the Speaker in pursuance of the provisions of the Constitution or the Rules of Procedure or Directions by the Speaker or an Act of Parliament and the Rules and Regulations made there under. All papers so laid on the Table are either printed as part of the proceedings of the House or placed in the Library.

(ii) A member wishing to raise any point regarding delay in laying or any other matter about a paper to be laid on the Table should through a written communication refer it to the Committee on Papers laid on the Table and not raise it in the House. [Rule 305C]

**“Point of order”:**

(i) A point relating to the interpretation or enforcement of the Rules of Procedure or such articles of the Constitution as regulate the business of the House, raised in the House for the decision of the Chair.

(ii) As soon as a point of order is raised, the member who is in possession of the floor should give way and resume his seat.

(iii) A member should not raise a point of order—

(a) to ask for information; or

(b) to explain his position; or

(c) when a question on any motion is being put to the House; or

(d) which may be hypothetical; or (e) that Division Bells did not ring or were not heard.

(iv) The decision of the Speaker as to whether a point raised is a point of order is final.

[Rule 376]

(v) The following procedure should be followed for raising points of order:

(a) A member who has a point of order should stand up and say “point of order”. He should not proceed to formulate it until the member is identified by Chair. Only after he has been identified, he should proceed to speak on his point of order;

(b) While formulating his point of order a member should quote the specific rule or provision of Constitution relating to procedure of the House which may have been ignored or neglected or violated;

(c) No member should rise or speak either standing or sitting, when Speaker is on his feet. The Speaker should be heard in silence and any member wanting to speak should rise only after the Speaker has sat down and he has called the member to speak;

(d) Matters on which the Speaker cannot give any relief should not be the subject of a point of order, should a member desire to have a clarification from a Minister or object to any statement which a Minister might have made, he should say so in the House with the permission of the Speaker and should not raise it in the garb of a point of order.

**“Precincts of the House”:** Means and includes the Chamber, the Lobbies, the Galleries and except for the purposes of rule 374, the following places in Parliament House Estate:—

(i) The Central Hall and its Lobbies;

(ii) Members’ Waiting Rooms;

(iii) Committee Rooms;

(iv) Parliament Library;

(v) Members’ Refreshment Rooms, Dining Rooms and Banquet Hall;

(vi) Lok Sabha Offices located in Parliament House, Parliament House Annexe, Parliament Library Building and Outer Reception Offices of Parliament House and Parliament House Annexe;

(vii) Corridors and passages connecting or leading to the various rooms referred to above; and

(viii) Parliament House Estate and approaches to the Parliament House and Parliament House Annexe.

**Explanation—**‘Parliament House Estate’ includes—

(a) all buildings, structures, installations, lawns and vacant land adjoining Parliament House, Parliament House Annexe and Outer Reception Office; and

(b) plot No. 118 (between Red Cross Road, Raisina Road and Parliament House) and plot No. 115 where now Parliament Library Building is located (between Talkatora Road, Pant Marg and Parliament House) which are under the control of the Speaker.  
[Rule 2 and Direction 124]

A member can remain within the 'Precincts of the House' when the House or any Committee of which he is a member, is sitting and for a reasonable time before or after that. If a Member wants to remain there beyond an hour after House or Committee has adjourned to meet on a subsequent day, he has to seek the specific permission of the Speaker for the purpose. Permission given to a member to remain within precincts of the House can be withdrawn by the Speaker at any time. The precincts of the House cannot be used by members for any demonstration, dharna, strikes, fasts or for the purpose of performing any religious ceremony.

It is not permissible to use the Chamber of the House for any purpose other than the sittings of the House. The Speaker has ruled that 'No Member is allowed to escort under any circumstances, inside the Chamber of Lok Sabha, any nonmember, including near relatives, ex-members, or members of the other House, before or after the sitting of the House and that under no circumstances the Lok Sabha Chamber should be used by anyone for holding a press conference or for briefing the press correspondent etc.'

89 Except for the Security Staff, who take possession of the Chamber, none is permitted to remain in the Lok Sabha Chamber after the House rises for the day.

**“Proposing the Question”-**

(i) When a member moving a certain motion has concluded his speech, the Chair proposes the question to which the motion relates in the following form: — ‘Motion moved’: and reads the text of the motion.

(ii) The discussion on the question commences after the question has been proposed by the Chair. [Rule 365]

**“Private Member”:** Means a member other than a Minister. [Rule 2]

**“Prorogation”:** The termination of a session of the House by an order made by the President under article 85(2) (a) of the Constitution. [Article 85]

**“Putting the Question”:** When debate on a question is closed, the Speaker, rising from the Chair, states or reads the question to the House, beginning with

**“The Question is, that”.** [Rule 364]

**“Question Chart”:** It is the chart circulated to members, along with the summons for a session. It indicates the first and the last days for receiving notices of questions for the days on which there is Question Hour and the dates for holding ballots.

**“Question Hour”:** The first hour of a sitting of the House normally allotted for asking and answering of questions.

**“Question of Privilege”:** A question involving a breach of privilege either of a member or of the House or of a Committee thereof or a contempt of the House. [Rule 222]

**“Quorum”:** The minimum number of members required to be present at a sitting of the House or the Committee for valid transaction of its business. The quorum to constitute a sitting of the House is one-tenth of the total number of members of the House and in respect of a Committee it is one-third of the total number of members of the Committee. [Article 100 (3) and Rule 259 (1)]

**“Resolution”:** A self-contained independent proposal submitted for the approval of the House and drafted in such a way as to be capable of expressing a decision of the House. A resolution may be in the form of a declaration of opinion; or a recommendation; or may be in a form so as to record either approval or disapproval by the House of an act or policy of Government; or convey a message; or commend urge or request an action; or call attention to a matter or situation for consideration by Government; or in such other form as the Speaker may consider appropriate. [Rule 171]

**“Roll of Members”:** A register in which newly elected members sign, after making and subscribing the oath or affirmation and before taking their seats for the first time in the House. [Rule 6]

**“Session”:** A session of Lok Sabha comprises the period commencing from the date and time mentioned in the order of the President summoning Lok Sabha, and ending with the day on which the President prorogues or dissolves Lok Sabha.

**“Sitting of the House”:** A sitting of the House is duly constituted when it is presided over by the Speaker or Deputy Speaker or any other member competent to preside over

a sitting of the House under the Constitution or the Rules of Procedure and Conduct of Business in Lok Sabha. [Rule 11]

**“Short Notice Question”:** A question relating to a matter of public importance of an urgent character asked with notice shorter than ten clear days. [Rule 54]

**“Starred Question”:** A question to which a member wishes to have an oral answer on the floor of the House and which is distinguished by an asterisk. [Rule 36]

**“Statutory Resolution”:** A resolution in pursuance of a provision in the Constitution or an Act of Parliament. [Direction 9B]

**“Subordinate Legislation”:** Rules, regulations or orders having the force of law, framed by the executive or other subordinate authority in pursuance of the power conferred on it by the Constitution or delegated to it by an Act of Parliament.

**“Summons”:** An official communication issued by the Secretary-General of Lok Sabha to the members of Lok Sabha informing them of the place, date and time of commencement of a session of Lok Sabha. [Rule 3]

**“Suspension from the service of the House”:** When a member is suspended from the service of the House under Rule 374 or Rule 374A, the following consequences arise from his suspension and remain in force during the period of his suspension:—

(i) He cannot enter the Chamber, the Inner Lobby and Galleries.

(ii) He stands suspended from sittings of Parliamentary Committees of which he may be a member. Notices of sittings of Committees held during the period of his suspension are not sent to him.

(iii) No item is put down in the List of Business in his name.

(iv) No notice tabled by him is acceptable during the period of his suspension.

(v) Notices tabled by a member prior to his suspension from the service of the House are not admitted or included in the List of Business or List of Questions or List of Amendments or List of Motions for reduction of Demands for Grants, etc. during the period of his suspension. Questions from such a member which have already appeared in the List of Questions for the sitting held during the period of his suspension are removed from those Lists through corrigendum.

(vi) He cannot vote at election to Committee held during the period of his suspension.

(vii) He is not entitled to daily allowance if he is suspended from the service of the House for the remainder of the Session as his stay at the place of duty cannot be regarded as “residence on duty” under section 2(d) of Salary, Allowances and Pension of Members of Parliament Act, 1954. However, if he is suspended for a specific period during a session, he is entitled to daily allowance for each day of residence on duty at Delhi. [Rule 374 and 374A]

**“Table of the House”:** This table is just in front of the desk of the Secretary-General below the Speaker’s Chair. Papers which are required to be laid on the Table of the

House are deemed to be placed on this table. During sittings of the House the Roll of Members is kept on this table.

**“Unstarred Question”:** A question placed on the List of Questions for written answer. The written answer to such a question is deemed to have been laid on the Table at the end of the Question Hour. [Rule 39]

**“Vote on Account”:** A grant made by Lok Sabha in advance in respect of the estimated expenditure of the Government of India for a part of a financial year pending the voting of Demands for Grants for the financial year. A Motion 93 for Vote on Account is dealt with in the same way as if it were a demand for grant. [Article 116 and Rule 214]

**“Withdrawal of member from the House”:** The Speaker in exercise of his disciplinary powers may direct any member guilty of disorderly conduct to withdraw from the House. The member so ordered to withdraw is required to do so forthwith and remain absent for the remainder of that day's sitting. [Rule 373]

## President

Articles 52 to 78 in Part V of the Constitution deal with the Union executive.

The Union executive consists of the President, the Vice-President, the Prime Minister, the council of ministers and the attorney general of India.

The President is the head of the Indian State. He is the first citizen of India and acts as the symbol of unity, integrity and solidarity of the nation

The President is elected not directly by the people but by members of electoral college consisting of:

1. the elected members of both the Houses of Parliament;
2. the elected members of the legislative assemblies of the states; and
3. the elected members of the legislative assemblies of the Union Territories of Delhi and Puducherry

### **Qualifications for Election as President**

A person to be eligible for election as President should fulfil the following qualifications:

1. He should be a citizen of India.
2. He should have completed 35 years of age.
3. He should be qualified for election as a member of the Lok Sabha.
4. He should not hold any office of profit under the Union government or any state government or any local authority or any other public authority.

A sitting President or Vice-President of the Union, the Governor of any state and a minister of the Union or any state is not deemed to hold any office of profit and hence qualified as a presidential candidate.

### **Executive Powers**

The executive powers and functions of the President are:

- (a) All executive actions of the Government of India are formally taken in his name.
- (b) He can make rules specifying the manner in which the orders and other instruments made and executed in his name shall be authenticated.
- (c) He can make rules for more convenient transaction of business of the Union government, and for allocation of the said business among the ministers.
- (d) He appoints the prime minister and the other ministers. They hold office during his pleasure.

(e) He appoints the attorney general of India and determines his remuneration. The attorney general holds office during the pleasure of the President.

(f) He appoints the comptroller and auditor general of India, the chief election commissioner and other election commissioners, the chairman and members of the Union Public Service Commission, the governors of states, the chairman and members of finance commission, and so on.

(g) He can seek any information relating to the administration of affairs of the Union, and proposals for legislation from the prime minister.

(h) He can require the Prime Minister to submit, for consideration of the council of ministers, any matter on which a decision has been taken by a minister but, which has not been considered by the council.

(i) He can appoint a commission to investigate into the conditions of SCs, STs and other backward classes.

(j) He can appoint an inter-state council to promote Centre-state and interstate cooperation.

(k) He directly administers the union territories through administrators appointed by him.

(l) He can declare any area as scheduled area and has powers with respect to the administration of scheduled areas and tribal areas.

### **Legislative Powers**

The President is an integral part of the Parliament of India, and enjoys the following legislative powers.

(a) He can summon or prorogue the Parliament and dissolve the Lok Sabha. He can also summon a joint sitting of both the Houses of Parliament, which is presided over by the Speaker of the Lok Sabha.

(b) He can address the Parliament at the commencement of the first session after each general election and the first session of each year.

(c) He can send messages to the Houses of Parliament, whether with respect to a bill pending in the Parliament or otherwise.

(d) He can appoint any member of the Lok Sabha to preside over its proceedings when the offices of both the Speaker and the Deputy Speaker fall vacant. Similarly, he can also appoint any member of the Rajya Sabha to preside over its proceedings when the offices of both the Chairman and the Deputy Chairman fall vacant.

(e) He nominates 12 members of the Rajya Sabha from amongst persons having special knowledge or practical experience in literature, science, art and social service.

(f) He can nominate two members to the Lok Sabha from the Anglo-Indian Community.

(g) He decides on questions as to disqualifications of members of the Parliament, in consultation with the Election Commission.

(h) His prior recommendation or permission is needed to introduce certain types of bills in the Parliament. For example, a bill involving expenditure from the Consolidated Fund of India, or a bill for the alteration of boundaries of states or creation of a new state.

## **Financial Powers**

The financial powers and functions of the President are:

(a) Money bills can be introduced in the Parliament only with his prior recommendation.

(b) He causes to be laid before the Parliament the annual financial statement (ie, the Union Budget).

(c) No demand for a grant can be made except on his recommendation.

(d) He can make advances out of the contingency fund of India to meet any unforeseen expenditure.

## **Judicial Powers**

The judicial powers and functions of the President are:

(a) He appoints the Chief Justice and the judges of Supreme Court and high courts.

(b) He can seek advice from the Supreme Court on any question of law or fact. However, the advice tendered by the Supreme Court is not binding on the President.

(c) He can grant pardon, reprieve, respite and remission of punishment, or suspend, remit or commute the sentence of any person convicted of any offence:

(i) In all cases where the punishment or sentence is by a court martial;

(ii) In all cases where the punishment or sentence is for an offence against a Union law; and

(iii) In all cases where the sentence is a sentence of death.

## **ORDINANCE-MAKING POWER OF THE PRESIDENT**

Article 123 of the Constitution empowers the President to promulgate ordinances during the recess of Parliament

## **PARDONING POWER OF THE PRESIDENT**

Article 72 of the Constitution empowers the President to grant pardons to persons who have been tried and convicted of any offence in all cases where the:

1. Punishment or sentence is for an offence against a Union Law;

2. Punishment or sentence is by a court martial (military court); and

3. Sentence is a sentence of death.

S.No.	Name of Presidents of India	Tenure at Rashtrapati Bhavan
<b>1<sup>st</sup> President of India</b>	Dr. Rajendra Prasad	26 <sup>th</sup> January 1950 to 13 <sup>th</sup> May 1962
<b>2<sup>nd</sup> President of India</b>	Dr. Sarvepalli Radhakrishnan	13 <sup>th</sup> May 1962- 13 <sup>th</sup> May 1967
<b>3<sup>rd</sup> President of India</b>	Dr. Zakir Hussain	13 <sup>th</sup> May 1967 – 3 <sup>rd</sup> May 1969 (Passed away in middle of his term)
<b>4<sup>th</sup> President of India</b>	V.V Giri	24 <sup>th</sup> May 1969 – 24 <sup>th</sup> August 1974
<b>5<sup>th</sup> President of India</b>	Dr. Fakhruddin Ali Ahmed	24 <sup>th</sup> August 1974 – 11 <sup>th</sup> February 1977 (Passed away in middle of his term)
<b>6<sup>th</sup> President of India</b>	Neelam Sanjiva Reddy	25 <sup>th</sup> July 1977 – 25 <sup>th</sup> July 1982
<b>7<sup>th</sup> President of India</b>	Giani Zail Singh	25 <sup>th</sup> July 1982- 25 <sup>th</sup> July 1987
<b>8<sup>th</sup> President of India</b>	R Venkataraman	25 <sup>th</sup> July 1987 – 25 <sup>th</sup> July 1992
<b>9<sup>th</sup> President of India</b>	Dr. Shankar Dayal Sharma	25 <sup>th</sup> July 1992 – 25 <sup>th</sup> July 1997
<b>10<sup>th</sup> President of India</b>	K R Narayanan	25 <sup>th</sup> July 1997 – 25 <sup>th</sup> July 2002
<b>11<sup>th</sup> President of India</b>	Dr. APJ Abdul Kalam	25 <sup>th</sup> July 2002 – 25 <sup>th</sup> July 2007
<b>12<sup>th</sup> President of India</b>	Pratibha Devisingh Patil	25 <sup>th</sup> July 2007 – 25 <sup>th</sup> July 2012
<b>13<sup>th</sup> President of India</b>	Dr. Pranab Mukherjee	25 <sup>th</sup> July 2012 – 25 <sup>th</sup> July 2017
<b>14<sup>th</sup> President of India</b>	Ram Nath Kovind	25 <sup>th</sup> July 2017 - Present

## Prime Minister

Prime Minister is the real executive authority (de facto executive). In other words, president is the head of the State while Prime Minister is the head of the government.

**List of all the Prime Ministers is given below:**

S.N.	Name	Born- Dead	Term of office	Remark
1.	Jawahar Lal Nehru	(1889– 1964)	5 August 1947-27 May 1964 16 years, 286 days	First prime minister of India and longest serving PM of India, first to die in office.
2.	Gulzarilal Nanda	(1898– 1998)	27 May, 1964 to 9 June 1964, 13 days	First acting PM of India
3.	Lal Bahadur Shastri	(1904– 1966)	9 June, 1964 to 11 January 1966 1 year, 216 days	He given slogan of 'Jai Jawan Jai Kisan' during Indo-Pak war of 1965
4.	Indira Gandhi	(1917– 1984)	24 January 1966 to 24 March 1977 11 years, 59 days	First lady prime minister of India
5.	Morarji Desai	(1896– 1995)	24 Jan., 1966 to 24 March 1977 11 years, 59 days	Oldest to become PM @ 81 and first to resign from office
6.	Charan Singh	(1902– 1987)	28 July, 1979 to 14 Jan. 1980 170 days	Only PM who did not face the parliament
7.	Indira Gandhi	(1917– 1984)	14 Jan. 1980 to 31 Oct. 1984 4 years, 291 days	First lady who served as PM for second term
8.	Rajiv Gandhi	(1944– 1991)	31 Oct, 1984 to 2 Dec. 198 5 years, 32 days	Youngest to become PM @ 40
9.	V. P. Singh	(1931–	2 Dec. 1989 to 10	First PM to step down

		2008)	Nov. 1990 343 days	after vote of no confidence
10.	Chandra Shekhar	(1927– 2007)	10 November, 1990 to 21 June 1991 223 days	He belongs to Samajwadi Janata Party
11.	P. V. Narasimha Rao	(1921– 2004)	21 June 1991 to 16 May 1996 4 years, 330 days	First PM from south India
12.	Atal Bihari Vajpayee	(born 1924)	16 May, 1996 to 1 June 1996 16 days	PM for shortest tenure
13.	H. D. Deve Gowda	(born 1933)	1 June, 1996 to 21 April 1997 324 days	He belongs to Janata Dal
14.	Inder Kumar Gujral	(1919– 2012)	21 April 1997 to 19 March, 1998 332 days	-----
15.	Atal Bihari Vajpayee	(born 1924)	19 March, 1998 to 22 May 2004 6 years, 64 days	First non congress PM who completed full term as PM
16.	Manmohan Singh	(born 1932)	22 004 to 26 May 2014 10 years, 4 May 2 days	First Sikh PM
17.	Narendra Modi	(born 1950)	26 May 2014, Incumbent	-----

### APPOINTMENT OF THE PRIME MINISTER

The Constitution does not contain any specific procedure for the selection and appointment of the Prime Minister. Article 75 says only that the Prime Minister shall be appointed by the president. However, this does not imply that the president is free to

appoint any one as the Prime Minister. In accordance with the conventions of the parliamentary system of government, the President has to appoint the leader of the majority party in the Lok Sabha as the Prime Minister

### **POWERS AND FUNCTIONS OF THE PRIME MINISTER**

1. He recommends persons who can be appointed as ministers by the president.  
The President can appoint only those persons as ministers who are recommended by the Prime Minister.
2. He allocates and reshuffles various portfolios among the ministers.
3. He can ask a minister to resign or advise the President to dismiss him in case of difference of opinion.
4. He presides over the meeting of council of ministers and influences its decisions.
5. He guides, directs, controls, and coordinates the activities of all the ministers.
6. He can bring about the collapse of the co-uncil of ministers by resigning from office.
7. He is the principal channel of communication between the President and the council of ministers
8. He advises the president with regard to the appointment of important officials like attorney general of India, Comptroller and Auditor General of India, chairman and members of the UPSC, election commissioners, chairman and members of the finance commission and so on
9. He advises the President with regard to summoning and proroguing of the sessions of the Parliament.
10. He can recommend dissolution of the Lok Sabha to President at any time
11. He announces government policies on the floor of the House
12. He is the chairman of the Planning Commission (now NITI Aayog), National Development Council, National Integration Council, Inter-State Council and National Water Resources Council.
13. He plays a significant role in shaping the foreign policy of the country.
14. He is the chief spokesman of the Union government.
15. He is the crisis manager-in-chief at the political level during emergencies.

16. As a leader of the nation, he meets various sections of people in different states and receives memoranda from them regarding their problems, and so on.
17. He is leader of the party in power.
18. He is political head of the services

