



RAS

Rajasthan Administrative Services

Rajasthan Public Service Commission

Volume - 6

Polity of India and Rajasthan



RAS

Polity of India and Rajasthan

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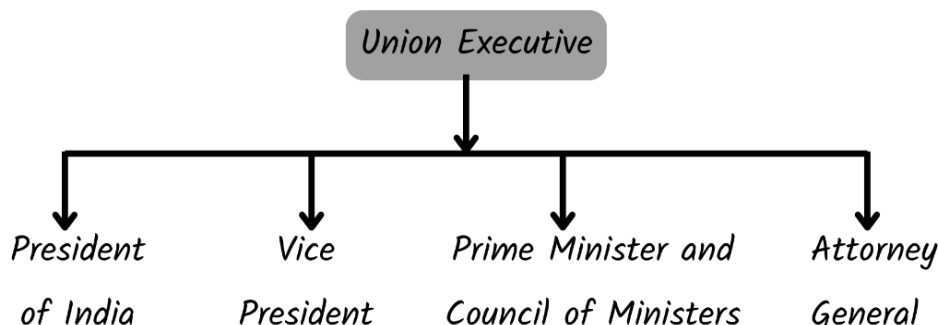
PREVIOUS YEAR QUESTIONS

- Q1. In the Presidential Election, 2022, the vote value of each member of Rajasthan Legislative Assembly was- (2023)
- (1) 149 (2) 132
(3) 129 (4) 116
(5) Question not attempted
- Q2. On which of the following dates the President of India, using his powers, declared by proclamation that a grave emergency existed where the security of India was threatened by internal disturbance? (2018)
- (1) 26 October, 1962 (2) 3 December, 1971
(3) 25 June, 1975 (4) 26 June, 1975
- Q3. The procedure of Impeachment of the President of India is (2016)
- (1) Judicial Procedure (2) Quasi-Judicial Procedure
(3) Legislative Procedure (4) Executive Procedure

Analysis - Questions related to President appear in RAS Prelims Exam every year. Thus, one must not miss this topic. After a close watch on the dimensions asked, Presidential election, Impeachment of the President and Emergency powers of President are important. Therefore, the chapter has been prepared in an innovative manner to ensure focused and effective preparation without missing out on the important dimensions of the topic.

The President of India is the head of state of the Republic of India. The President is the nominal head of the Indian state, the first citizen of the country, as well as the commander-in-chief of the Indian Armed Forces. He acts as the symbol of unity, integrity and solidarity of the nation. He is a part of Union Executive.

Articles 52 to 78 are related with the Union executive.



1. Constitutional Provisions

➤ Important Articles Related to President :-

PR ARTICLE 52 President of India	E ARTICLE 53 Executive Power of Union	E ARTICLE 54 Election of President	M ARTICLE 55 Manner of Election of President	T ARTICLE 56 Term of Office of President	RE ARTICLE 57 Eligibility for Election
Q ARTICLE 58 Qualification for election of President	C ARTICLE 59 Conditions of the President's Office	O ARTICLE 60 Oath or affirmation by the President	I ARTICLE 61 Procedure for Impeachment of President	P ARTICLE 72 Pardoning Power of President	

Article 52: There shall be a President of India

Article 53: Article 53 of the Indian Constitution vests the executive power of the Union and the supreme command of the defense forces in the President, who can exercise these powers directly or through subordinate officers, in accordance with the Constitution and laws.

Election of the President (Article 54)

↳ Elected by a secret ballot / Indirect Election.

↳ Uses Single Transferable Vote in line with the Proportional Representation system.

↳ Absolute Majority required.

↳ **Electoral College for the Election of the President:**

☒ Elected members of Parliament

☒ Elected members of State Legislative Assemblies

☒ Elected Members of Legislatures of Delhi & Puducherry (70th CAA)

☐ Nominated members of Parliament and State Legislative Assemblies

☐ Members of State Legislative Councils

Value of vote of Members of State Legislative Assembly.

$$\frac{\text{Population of the State according to 1971 census (42nd CAA)}}{\text{Total no. of elected MLAs of the State}} \times \frac{1}{1000}$$

Value of vote of Members of Parliament

Sum total of the votes of elected MLAs of all states & Legislatures of Delhi and Puducherry

Total no. of elected MPs of both the houses of Parliament

Value of vote of Members of Rajasthan Legislative Assembly

$$\frac{25,765,806}{200} \times \frac{1}{1000} = 129$$

IMPORTANT

2. Term of President's Office (Article 56)

- Term: 5 years from the date he enters the office.
 - ✓ Can hold office beyond his term of five years until his successor assumes charge.
- Term may come to end before 5 years if:
 - ✓ He resigns from the Office by writing to the Vice-President.
 - ✓ He is removed from the Office through the process of Impeachment.
- Reappointment: Also eligible for re-election to that office for any number of terms.

3. Qualifications (Article 58)

1. Citizen of India.
2. Minimum 35 years of age.
3. Eligible to be a member of Lok Sabha.
4. Should not hold any office of profit under the Union government or any state government or any local authority or any other public authority.

4. Conditions for President's office (Article 59)

1. Should not be a member of either House of Parliament or States legislature.
 - ✓ If such a Person is elected President, he is deemed to have vacated his seat in that House on the day he takes office as President.
2. Should not hold any other Office of profit.
3. Entitled to use his official residence without paying rent (the Rastrapathi Bhavan).
4. Entitled to emoluments, allowances, and privileges set by Parliament.
 - ✓ Emoluments and allowances cannot be reduced during his term.

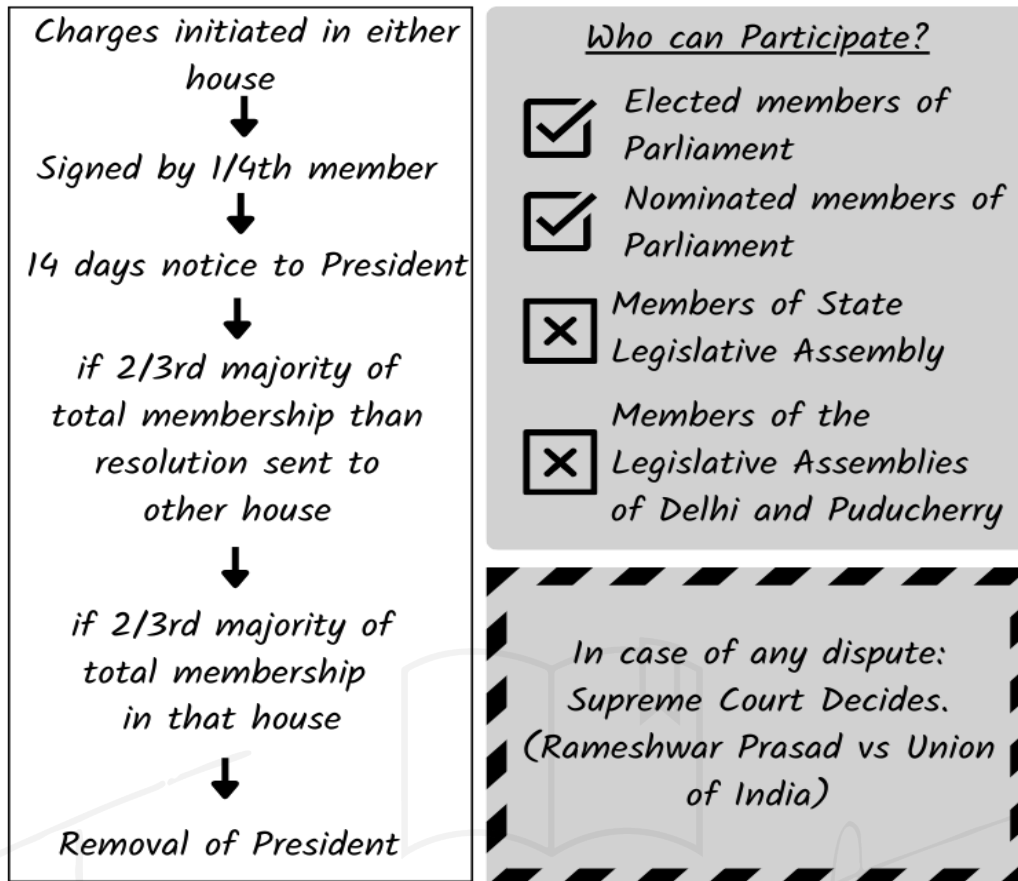
5. Oath to the Office (Article 60)

Administered by: Chief Justice of India and in his absence, the senior most judge of the SC available.

6. Impeachment of President (Article 61)

- Grounds: 'violation of the Constitution' but the Constitution does not define the meaning of 'violation of the Constitution'.
- Process of Impeachment: A quasi-judicial procedure

Impeachment of President



No President of India has been Impeached so far

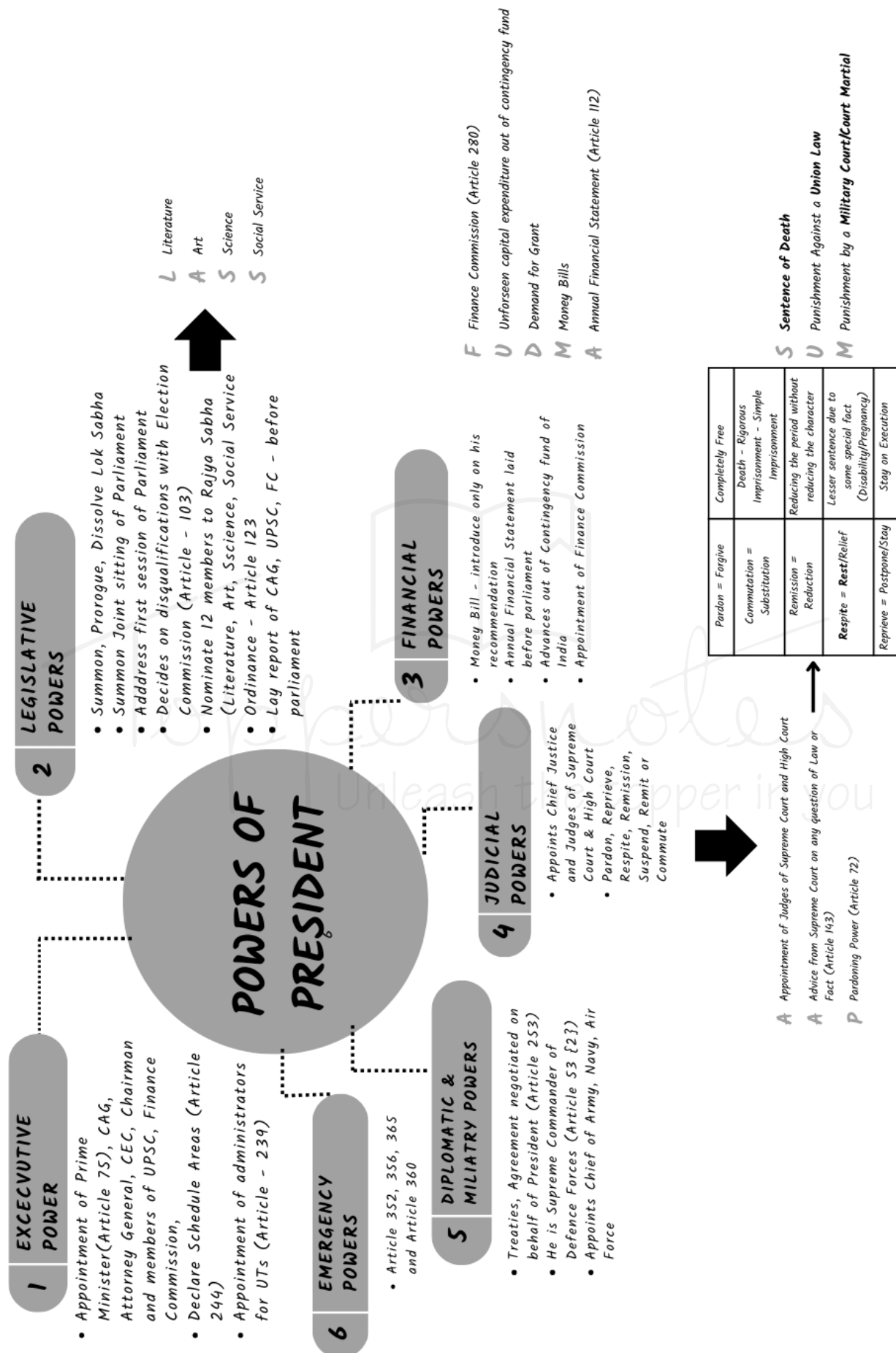
6.1 Vacancy in the President's Office:

Can occur in the following ways:

1. On the expiry of tenure
2. By resignation
3. On removal by the process of impeachment
4. By his death
5. When becomes disqualified or when his election is declared void

When vacancy occurs due to resignation, removal, death or otherwise, then the election to fill the vacancy should be held within 6 months from the date of the occurrence of the vacancy. The newly elected President remains in the office for a full term of 5 years from the date he assumes the charge. In such cases the Vice President acts as President until a new President is elected.

7. Powers of President



7.1 Emergency Power of the President

The President is empowered to declare the 3 types of emergencies:

1. National Emergency under Article 352,
2. President's Rule under Articles 356 and 365, and
3. Financial Emergency under Article 360.

Emergency Type	National Emergency	President's Rule	Financial Emergency
Article	Article 352	Article 356 & 365	Article 360
Grounds of Declaration	External Aggression or Armed Rebellion	Failure of Constitutional Machinery	Threat to the Financial stability or Credit of India
Parliamentary Approval	Must be Approved by both the houses of the Parliament		
Time Duration for Approval	Must be approved by both the houses within one month	Must be approved by both the houses within two months	Must be approved by both the houses within two months
Majority required	Special Majority	Simple Majority	Simple Majority
Duration of Emergency	Continues for 6 months. Can be extended to an Indefinite period with Parliament approval every 6 months.	Continues for 6 months. Can be extended to a maximum period of 3 years with Parliament approval every 6 months.	Continues indefinitely until revoked. No maximum limit was prescribed. No repeated approval is required.
Revocation	By Resolution of the House or President Order.		

Note:

Under **Article 355**, it is the duty of the Union to protect States against external aggression and internal disturbance.

Effect of Proclamation of Emergency

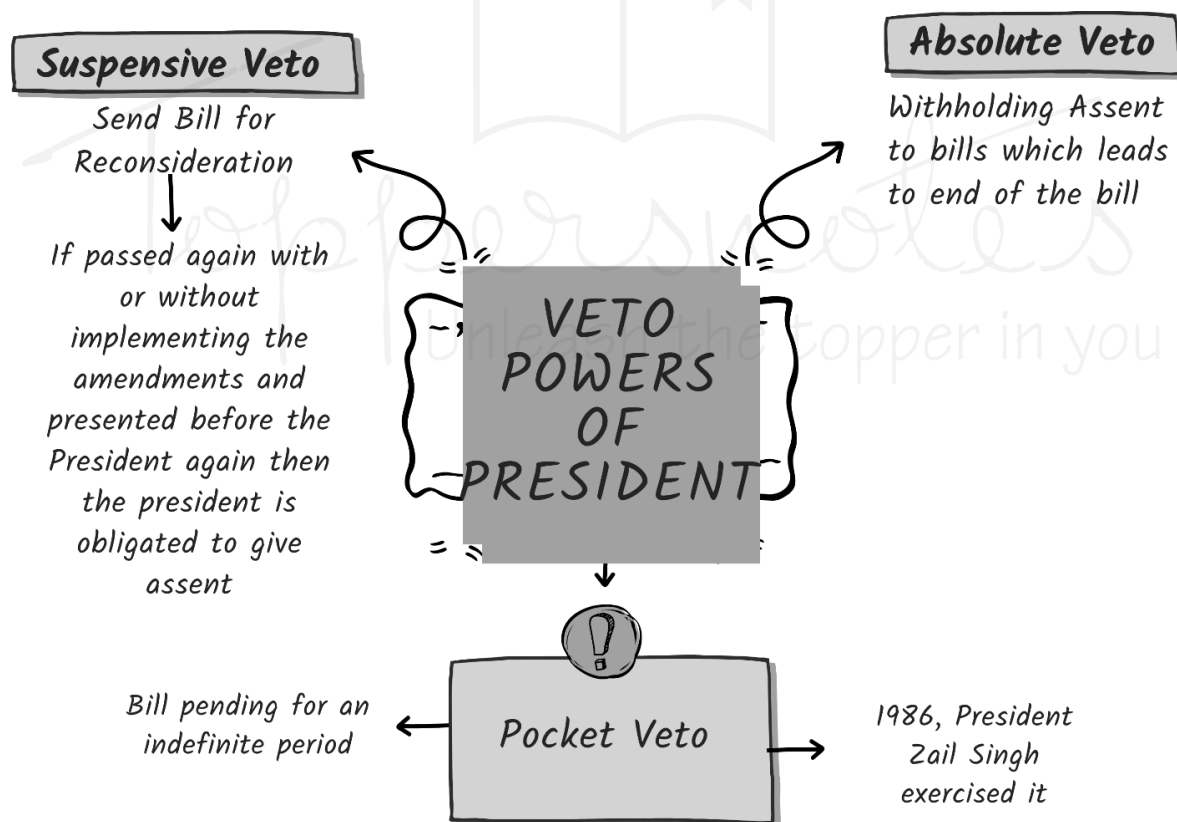
On Executive	States come under the effective control of the Union government, which assumes the authority to direct the state government, which is required to follow those orders. (Article 353(a))
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On Legislature	State legislature continues to function but parliament also has the authority to make laws on state-related issues. (Article 353(b))
On Financial Relations	The President may by order direct modifications in the centre-state financial relations mentioned under Articles 268 to 279. (Article 354)
On Fundamental Rights	Fundamental Rights under Article 19 shall be suspended. (Article 358) Rights conferred under the Part III of the Indian Constitution shall be suspended. (Article 359) Exception: Fundamental Rights under Articles 20 and 21

Events of Proclamation of National Emergency in India:

1. 26 October 1962 due to the Indo-China War
2. 3 December 1971 due to the Indo-Pak War.
3. 25 June 1975 on the grounds of threat to internal security due to internal disturbances.

7.2 Veto Power of the President



7.3 Ordinance Making Power of the President (Article 123)

- The President promulgates ordinances during the recess of Parliament.
- Ordinances have the same force and effect as an act of the Parliament, but they are temporary in nature. (But Ordinance can't amend the Constitution)

➤ 4 limitations:

- ✓ He can promulgate an ordinance only when both or when either of the two Houses of Parliament are not in session.
- ✓ He can make an ordinance only when he is satisfied that circumstances exist that render it necessary for him to take immediate action.
- ✓ His ordinance-making power is coextensive as regards all matters except duration, with the law-making powers of the Parliament.

■ 2 implications:

- ❖ Can be issued only on those subjects on which the Parliament can make laws.
- ❖ Subject to the same Constitutional limitation as an act of Parliament. Hence, cannot take away any of Fundamental Rights

- Ordinance issued by the President during the recess of Parliament must be laid before both the Houses of Parliament when it reassembles. If the ordinance is approved by both the houses it becomes an act. If Parliament takes no action at all, the ordinance ceases to operate on the expiry of six weeks from the reassembly of the Parliament.

- ✓ So, maximum life of an Ordinance = 6 months + 6 weeks

7.4 Pardoning Power of the President (Article 72)

If the following conditions are met:

- Punishment or sentence is for an offense against a Union Law.
- Punishment or sentence is by a court martial (military court);
- The sentence is a sentence of death.

Important terms related to Pardoning Power of President	
Pardon	It removes both the sentence and the conviction and completely absolves the convict from all sentences, punishments and disqualifications.
Commutation	It denotes the substitution of one form of punishment for another of a lighter form. Eg. Death sentence \Rightarrow Life imprisonment
Remission	It reduces the period of the sentence without changing its character. E.g. A sentence of 1 year imprisonment \Rightarrow 6 months.
Respite	It means awarding a lesser sentence instead of one originally awarded due to some special fact. E.g. Pregnancy of a woman offender.
Reprieve	It implies a stay of the execution of a sentence (especially that of death) for a temporary period. Its purpose is to enable the convict to have time to seek pardon or commutation from the President.

7.5 Discretionary Power of President

No constitutional discretion but does have some situational discretion:

- Appointment of Prime Minister when no party has a clear majority in the Lok Sabha or when the Prime Minister in office dies unexpectedly without an obvious successor.
- Dismissal of Council of Ministers when it is unable to demonstrate Lok Sabha's confidence.
- Dissolution of Lok Sabha if the Council of Ministers loses its majority.

8. Position of President

- President is required to have a Council of Ministers at all the times.
- Council of Minister exists even after the dissolution of Lok Sabha to assist and advise the President in the exercise of his executive powers.
- Can be impeached for violating the Constitution if he ignores or acts contrary to the advice of CoM.
- 42nd Amendment 1976: amended Article 74 and made advice of the Council of Minister binding on the President.
- 44th Amendment 1978: amended Article 74 which requires the Council of Minister to reconsider an advice if asked by the President but is bound to act after reconsideration.

9. Presidents of India till Date

Name	Tenure	Description
Rajendra Prasad	13 May 1952 – 13 May 1957 13 May 1957 – 13 May 1962	<ul style="list-style-type: none">➤ He was elected twice as the President➤ He was also the President of the constituent assembly before being elected for this post.
Sarvepalli Radhakrishnan	13 May 1962 – 13 May 1967	<ul style="list-style-type: none">➤ He also held the position of vice-chancellor of the Andhra University and Banaras Hindu University.
Zakir Hussain	13 May 1967 – 3 May 1969	<ul style="list-style-type: none">➤ He was the first Muslim President.➤ He was the shortest-serving President and passed away in office.
Varahagiri Venkata Giri	3 May 1969 – 20 July 1969 24 August 1969 – 24 August 1974	<ul style="list-style-type: none">➤ He was elected Vice President of India in 1967.➤ He served as the President for a short term due to the sudden death of Zakir Hussain in office.➤ He became the only person to be elected President as an independent candidate.

Fakhruddin Ali Ahmed	24 August 1974 – 11 February 1977	<ul style="list-style-type: none"> ➤ He was the President during the Emergency. ➤ He was the second President who died in office.
Neelam Sanjiva Reddy	25 July 1977 – 25 July 1982	<ul style="list-style-type: none"> ➤ He was the first CM of Andhra Pradesh. ➤ He became the youngest President who occupied Rashtrapati Bhavan and contested twice for the post of President.
Zail Singh	25 July 1982 – 25 July 1987	<ul style="list-style-type: none"> ➤ He was the Chief Minister of Punjab and the Union Home Minister. ➤ He also used Pocket Veto on the Indian Post Office Bill.
Ramaswamy Venkataraman	25 July 1987 – 25 July 1992	<ul style="list-style-type: none"> ➤ He is a recipient of “Tamra Patra” for his contributions to India’s freedom struggle.
Shankar Dayal Sharma	25 July 1992 – 25 July 1997	<ul style="list-style-type: none"> ➤ He was born in Bhopal, Madhya Pradesh. ➤ He was CM of Madhya Pradesh and the Indian Minister for Communications.
Kocheril Raman Narayanan	25 July 1997 – 25 July 2002	<ul style="list-style-type: none"> ➤ He served as India’s ambassador to Thailand, Turkey, China and the United States of America. ➤ He was first Dalit President of India
APJ Abdul Kalam	25 July 2002 – 25 July 2007	<ul style="list-style-type: none"> ➤ He played a leading role in the development of India’s ballistic missile and nuclear weapons programs. ➤ He was also a Bharat Ratna recipient.
Pratibha Patil	25 July 2007 – 25 July 2012	<ul style="list-style-type: none"> ➤ She was the first woman President of India.
Pranab Mukherjee	25 July 2012 – 25 July 2017	<ul style="list-style-type: none"> ➤ He was awarded the best Parliamentarian Award in 1997. ➤ He also received Padma Vibhushan in 2008
Ram Nath Kovind	25 July 2017 – 25 July 2022	<ul style="list-style-type: none"> ➤ He served as the Governor of Bihar.
Droupadi Murmu	25 July 2022 – Incumbent	<ul style="list-style-type: none"> ➤ She is the first person belonging to the Santhal tribal community ➤ The second woman President of India after Pratibha Patil.