

# System of government


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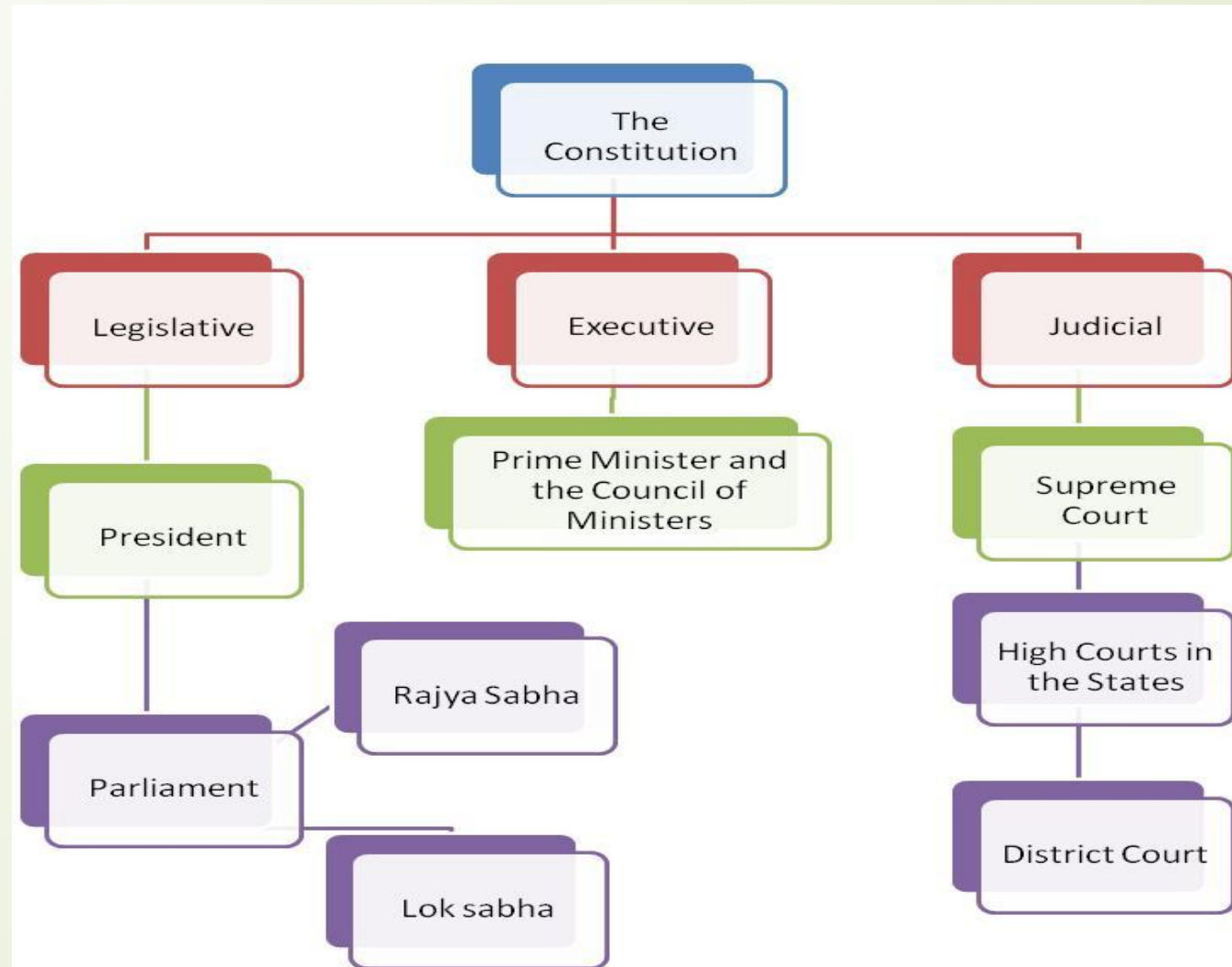
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# introduction

- The Government of India (Bhārat Sarkār) also known as the Central or Union Government or simply the Centre, is the Union government created by the Constitution of India as the legislative, executive and judicial authority to govern the union of twenty eight states and eight union territories. The seat of the government is located in New Delhi.
- The basic civil and criminal laws governing the citizens of India are set down in major parliamentary legislation, such as the civil procedure code, the penal code, and the criminal procedure code. Similar to the Union government, individual State governments each consist of executive, legislative and judiciary.

# Scheme of system of government





# The head of the state

- **The president of India** ( Bhāratīya Rāṣṭrapati), known officially as the president of the Republic of India, is the head of state of the Republic of India.
- The current head of state of India is Ram Nath Kovind, elected in 2017 after being nominated by BJP, the party run by Prime Minister Narendra Modi.
- The office of president was created when India became a republic on 26 January 1950, when its constitution came into force. The president is indirectly elected by an electoral college comprising both houses of the Parliament of India and the legislative assemblies of each of India's states and territories, who themselves are all directly elected.

- ❑ Ram Nath Kovind (born 1 October 1945) is an Indian politician serving as the 14th and current President of India since 25 July 2017. Prior to his presidency, he served as the 26th governor of Bihar from 2015 to 2017 and as a member of Parliament, Rajya Sabha from 1994 to 2006. Before entering politics, he was a lawyer for 16 years and practiced in the Delhi High Court and the Supreme Court of India until 1993.
- ❑ After nomination for the post of 14th president of India, he resigned from his post as the governor of Bihar, and the President of India, Pranab Mukherjee, accepted his resignation on 20 June 2017. He won election on 20 July 2017.
- ❑ He holds a bachelor's degree in commerce and an LLB from DAV College (affiliated with Kanpur University).
- ❑ In 1997, Kovind, being from Kori family, joined the protest against certain orders from the central government that had adverse effects on the SC/ST workers. Later, three amendments were made to the Constitution that revoked the orders, by the NDA government headed by Atal Bihari Vajpayee.





## □ Eligibility

- Article 58 of the constitution sets the principal qualifications one must meet to be eligible to the office of the president. A president must be:
  - a citizen of India
  - of 35 years of age or above
  - qualified to become a member of the Lok Sabha
  - A person shall not be eligible for election as president if he holds any office of profit under the Government of India or the Government of any State or any local or other authority subject to the control of any of the said Governments.





# Legislative power

- The powers of the legislature in India are exercised by the Parliament, a bicameral legislature consisting of the Rajya Sabha and the Lok Sabha. Of the two houses of parliament, the Rajya Sabha (or the 'Council of States') is considered to be the upper house and consists of members appointed by the president and elected by the state and territorial legislatures. The Lok Sabha (or the 'House of the People') is considered the lower house.
- The parliament does not have complete control and sovereignty, as its laws are subject to judicial review by the Supreme Court.
- The members of the Council of Ministers, including the prime minister, are either chosen from parliament or elected thereto within six months of assuming office. The council as a whole is responsible to the Lok Sabha.
- The Lok Sabha is a temporary house and can be dissolved only when the party in power loses the support of the majority of the house. The Rajya Sabha is a permanent house and can never be dissolved. The members of the Rajya Sabha are elected for a six-year term.





## □ MANNER OF ELECTION

- Whenever the office becomes vacant, the new president is chosen by an electoral college consisting of the elected members of both houses of parliament (M.P.s), the elected members of the State Legislative Assemblies (Vidhan Sabha) of all States and the elected members of the legislative assemblies (MLAs) of union territories with legislatures, i.e., National Capital Territory (NCT) of Delhi, Jammu and Kashmir, and Puducherry. The election process of the president is a more extensive process than of the prime minister who is also elected indirectly (not elected by people directly) by the Lok Sabha members only. Whereas President being the constitutional head with duties to protect, defend and preserve the constitution and rule of law in a constitutional democracy with constitutional supremacy, is elected in an extensive manner by the members of Lok Sabha, Rajya Sabha and state legislative assemblies in a secret ballot procedure.




## □ QUALIFICATIONS FOR THE CANDIDATES

- He must be a citizen of India.
- He must make and subscribe to an oath or affirmation before the person authorised by the election commission for this purpose. He must possess other qualifications in the Representation of People Act (1951).
- He must be registered as an elector for a parliamentary constituency of both, the Rajya Sabha and the Lok Sabha. This requirement for Rajya Sabha, was dispensed with in 2003.
- He must be a member of a SC/ST in any state or UT, if he wishes to contest a seat reserved for them. However, a member of SC/STs can also contest a seat not reserved for them.
- He must be not less than 30 years of age in the case of the Rajya Sabha and not less than 25 years of age in the case of the Lok Sabha.



# Executive power

- The executive of government is the one that has sole authority and responsibility for the daily administration of the state bureaucracy.
- **President:** The executive power is vested mainly in the President of India, as per Article 53(1) of the constitution. The president has all constitutional powers and exercises them directly or through subordinate officers as per the aforesaid Article 53(1). The president is to act in accordance with aid and advice tendered by the Prime Minister, who leads the Council of Ministers as described in Article 74 of the Constitution.
- **Vice president:** The vice president is the second highest constitutional position in India after the president. The vice president represents the nation in the absence of the president and takes charge as acting president in the incident of resignation impeachment or removal of the president.

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- ❑ **Prime minister:** The Prime Minister of India, as addressed in the Constitution of India, is the chief of the government, chief adviser to the president, head of the council of ministers and the leader of the majority party in the parliament. The prime minister leads the executive of the Government of India.
  - ❑ The prime minister selects and can dismiss other members of the cabinet; allocates posts to members within the Government; is the presiding member and chairman of the cabinet and is responsible for bringing a proposal of legislation. The resignation or death of the prime minister dissolves the cabinet.
  - ❑ **Secretaries:** A secretary to the Government of India, a civil servant, generally an Indian Administrative Service (IAS) officer is the administrative head of the ministry or department, and is the principal adviser to the minister on all matters of policy and administration within the ministry/department. Secretaries to the Government of India rank 23rd on Indian order of precedence.
  - ❑ At the lower level, there are section officers, assistant section officers, upper division clerks, lower division clerks and other secretarial staff.



# Judicial power

- India's independent union judicial system began under the British, and its concepts and procedures resemble those of Anglo-Saxon countries. The Supreme Court of India consists of the chief justice and 33 associate justices, all appointed by the president on the advice of the Chief Justice of India.
- the Indian justice system consists of a unitary system at both state and union level. The judiciary consists of the Supreme Court of India, high courts at the state level, and district courts and Sessions Courts at the district level.
- The Supreme Court of India is situated in New Delhi, the capital region of India.
- The Supreme Court is the highest judicial forum and final court of appeal under the Constitution of India, the highest constitutional court, with the power of constitutional review. Consisting of the Chief Justice of India and 33 sanctioned other judges, it has extensive powers in the form of original, appellate and advisory jurisdictions.
- The primary duty of the president is to preserve, protect and defend the constitution and the law of India per Article 60. The president appoints the Chief Justice of India and other judges on the advice of the chief justice. The President may dismiss a judge with a two-thirds vote of the two Houses of the parliament.