President - Not a mere Rubber Stamp

What is the issue?

Once the President is elected, the excitement subsides and for the next five years not much attention is paid to the Rashtrapati Bhavan.

What has the Constitution provided regarding the President?

- **Nominal head**- Dr. B.R. Ambedkar quoted that our President is merely a nominal figurehead and has no discretion and powers of administration.
- **Article 53**- It says that the executive power of the Union shall be vested in the President and shall be exercised by him either directly or through officers subordinate to him in accordance with Constitution.
- It means the President exercises these powers only on the aid and the advice of the Council of Ministers.
- **Method of election**- It is an indirect election which is proportional representation by a single transferrable vote.
- Before the voting, comes the nomination stage, where the candidate intending to stand in the election, files the nomination along with a signed list of 50 proposers and 50 seconders.
- **Article 54**- The President is elected by an electoral college consisting of only the elected members of both Houses of Parliament and the elected members of the State and Union Territory Assemblies.
- The vote of an MLA is calculated by dividing the total population of the State (as per the 1971 Census) by the total strength of the Assembly, and then the quotient is divided by one thousand.
- The elections are conducted and overseen by the Election Commission (EC) of India.

Is the office of President a mere rubber stamp?

- **Moral authority**- The population of the country is a crucial factor in the election of the President and gives the President a greater moral authority.
- **Disagree with decisions**- The President does not directly exercise the executive authority of the Union but he can disagree with the decision of the Council of Ministers, caution and counsel them.
- **Ask for reconsideration of decisions**- The President can ask the Cabinet to reconsider its decisions but if the Cabinet, after such reconsideration, sends the same proposal back without any change, the President will have to sign it.
- That is because, it is the Cabinet which is responsible for the government's decisions and the President is in no way personally responsible for those decisions which he or she approves.
- **Broader view**- The Constitution of India gives the President the freedom to take a broader view of things uninfluenced by the narrow political view of the executive.

- This can be seen from the oath that contains two solemn promises.
    - The President shall preserve, protect and defend the Constitution.
    - The President shall devote himself or herself to the service and the well-being of the people of India.
- **Influence the government**- There were Presidents such as Rajendra Prasad and Sarvepalli Radhakrishnan who openly differed with the government on certain policy issues and could exert tremendous influence on the government.
- It is possible for a President to intervene on behalf of the citizenry against the tyranny of the executive and persuade it to give up its ways.

References

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