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Discretionary powers of the President

Discretionary Powers of the President

The President of India almost always acts on the aid and advice of the Council of Ministers except under the following circumstances where he acts on his discretion:

- In appointing the Prime Minister from among the contenders when no single party attains majority after elections to the Lok Sabha.
- A Council of Ministers is voted out and after resigning advises the President to dissolve, the Lok Sabha and hold fresh elections (or resigns and advises so without being voted out). The President is expected to exercise his discretion in such circumstances as much of the Lok Sabha's life may still be intact and it is worthwhile to explore the possibility of forming an alternative Government.
- While exercising a pocket veto.
- Disqualifying members of the legislature when the Council's advice is not taken.
- Can return the advice of the Council of Ministers once for its reconsideration.
- Can return the Bill passed by the Parliament once for its reconsideration.

Bills That Require Prior Recommendation of the President

There are certain Bills which can be introduced in the Parliament only on the recommendation of the President such as-

- A Bill to alter the boundaries of the States or to change the names of the States (Article 3),
- A Money Bill as detailed in Article 110.
- A Financial Bill (category one) involving Article 110 but containing other provisions as well.
- A Financial Bill (category two) which is an Ordinary Bill but seeking to draw from the Consolidated Fund of India can be taken up for 'consideration' that is 'reading two' in the process of passage of a Bill.
- Legislation involving Article 31 A.
- Any legislation involving items of taxation in which the States are interested or one that seeks to redefine agricultural income etc.

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