

edkar - Posⁿ of Prez ~ Crown in Eng. He can do nothing ^{without} the advice of CO.M, infact he can do nothing about w/o it'

SC view (Rem.)

U.N. Rao

"U.N. Rao vs. Indira Gandhi (1971)": [Even after dissolution of LS, COM continues to exist in care-taker format so that Prez shall not exercise his powers w/o aid, advice of COM.] *

Evidence of binding nature of advice

- ✓ Art. 74
- ✓ Art. 361 - (Prez personally not liable for any act in course of discharge of duty)
- ✓ Art. 78 - PM duty to furnish info
- ✓ 44th A.A - Can send back advice only once.

Discretionary Power of Prez

Discretionary powers of Prez

- 1) Choosing party to form govt in a hung p^{mt}
- 2) Returning advice once (44th A.A)
- 3) Seeking info (A. 78)
- 4) Not bound by advice of PM - who has lost majority in LS / need for such urgency. (discretionary power)
- 5) Suspensive veto / Pocket veto
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 Sending bill back ↓
 Inaction
- 6) Add views of 3rd school of thought (prev. page), 2nd school of thought (K.M. Munshi)
- * 7) ~~Discretionary power~~ reserve of unspecified powers.

Venkataraman, S.D. Sharma → invited leader of opⁿ in case of hung p^{mt}; K.R.N. - asked for letters of supp

K.R.N. - asked Vajpayee govt (1999) to prove majority on floor of house → he had to resign

K.R.N. did not yield to advice of COM (lost majority) to dissolve LS (Vajpayee govt - 13 days)

Veto examples

Prez: gets advice from EC - disqualif of MP

Rem. Post office → Pocket → V.K. Meena, Zail

Recent Ordinance on convicted lawmakers, Prez asked the

Rajendra Prasad - absolute veto - PPSU Appⁿ Bill

Venkataraman - Salary, Pension, Allowances of MP Bill - absolute veto

G. Zail Singh - Indian Post office Amend^t Bill - ^{Pocket} suspensive veto

Kalam, - Office of Profit Bill - Suspensive veto

Prez Activism: Returning advice, Seeking too much info, PURA, Pan Africa e-network - Kalam

receiving State heads etc. Some examples.

Pranab da: Dec 16, sent msg to govt; received women govt; His Excellency dropped; R. Ghosh opened to public