

PRESIDENT (DISCHARGE OF FUNCTIONS) ACT, 1969

16 of 1969

[28th May, 1969]

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STATEMENT OF OBJECTS AND REASONS Under Article 70 of the Constitution, Parliament may make such provisions as it thinks fit for discharge of the functions of the President in any contingency not provided for in Chapter 1 of Part V of the Constitution. Article 65 provides for the Vice-President acting as President or discharging his functions during casual vacancies in the office or during the absence of the President. The Constitution does not provide for cases where a vacancy occurs in the office of the Vice-President or where the Vice-President is unable to discharge his functions while acting as President or discharging the functions of the President. Government, therefore, consider it necessary to make provision to cover such cases. The Bill accordingly seeks to provide that in such cases, the Chief Justice of India or, in his absence the seniormost Judge of the Supreme Court available shall discharge the functions of the President."-Gazette of India, 14-5-1969, Pt. II, section 2, Extra., p. 459.

1. Short title :-

This Act may be called The President (Discharge of Functions) Act, 1969.

2. Definitions :-

In this Act "President", "Vice-President" and "Second Schedule" shall mean the President of India, the Vice-President of India and

the Second Schedule to the Constitution, respectively.

3. Discharge of Presidents functions in certain contingencies :-

(1) In the event of the occurrence of vacancies in the offices of both the President and the Vice-President, by reason in each case of death, resignation or removal, or otherwise, the Chief Justice of India or in his absence, the seniormost Judge of the Supreme Court of India available shall discharge the functions of the President until a new President elected in accordance with the provisions of the Constitution to fill the vacancy in the office of the President enters upon his office or a new Vice-President so elected begins to act as President under Article 65 of the Constitution, whichever is earlier.

(2) When the Vice-President, while discharging the functions of the President, dies, resigns, or is removed or otherwise ceases to hold office, the Chief Justice of India or, in his absence, the seniormost Judge referred to in sub-section (1) shall discharge the said functions until the President resumes his duties or a new Vice-President is elected as aforesaid, whichever is earlier.

(3) When the Vice-President-

(a) while acting as President, or

(b) while discharging the functions of the President, is unable to discharge the functions of the President owing to absence, illness or any other cause, the Chief Justice of India or, in his absence, the seniormost Judge referred to in sub-section (1) shall discharge the said functions-

(i) in the case referred to in clause (a), until a new President elected as aforesaid enters upon his office or until the Vice-President acting as President resumes his duties, whichever is earlier;

(ii) in the case referred to in clause (b), until the President resumes his duties, or the Vice- President resumes his duties, whichever is earlier.

(4) The person discharging the functions of the President under this section shall, during, and in respect of the period while he is so discharging the said functions, have all the powers and immunities . of the President and be entitled to such emoluments, allowances and privileges as may be determined by Parliament by law and,

until provision in that behalf is so made, such emoluments, allowances and privileges as are specified in the Second Schedule.