

Veto Power of President

According to Article 111, there are three types of veto powers of the President of India that he can exercise during the bill approval. To become law or act, the bill should be passed by the parliament of India in both houses and have the President's approval; if due, for any reason, the President refuses to sign the bill, then it is not eligible to become law or act.

The objective behind the Veto Power of the President of India is to prevent the legislation from being hasty and ill-considered legislation and to prevent legislation that is not in the spirit of the constitution of India. The Veto power of the President of India allows him/her to refuse assent to a bill passed by Parliament.

Types of Veto Power of President

The President of India possesses limited veto power, which is outlined in the Indian Constitution under Article 111. The President has three types of veto powers:

1. Absolute Veto Power
2. Suspensive Veto Power
3. Pocket Veto Power

The different types of veto powers vested in the President of a country typically serve various objectives. Veto Powers of the President are designed to safeguard constitutional principles, ensure proper scrutiny of legislation, maintain a balance of power, and prevent the enactment of potentially harmful or unconstitutional laws.

Absolute Veto Power of President

The President exercises absolute power when any bill is presented to him after getting approved by the parliament and refuses to approve or reject it. Therefore, it will not lead the bill to become law or act. When the Absolute Veto of the President is used, the bill becomes stagnant and dead because even after it is passed in the parliament, it does not get the President's Assent.

Cases in which the Absolute Veto Power of President is used:

1. When the parliament passed the private member bill.
2. If the cabinet resigns before getting approval from the President, the bill gets rejected because the new cabinet will not demand to pass the bill left by the old cabinet.
3. India used Absolute veto power earlier. For example, Dr. Rajendra Prasad used it in 1954, and K Venkatraman used it in 1991.

Suspensive Veto Power of President

Under the Suspensive Veto, the President sends back the bill to the parliament for reconsideration. Still, if the parliament repeatedly proposes the same bill to the President without making any amendments, the President will have to pass that bill.

- This advantage is not given to the state legislature where, if state legislation represents the bill with or without amendment, the President can again withhold its approval or refuse to approve the bill under Suspensive Veto power.
- President follows only an ordinary majority, not a higher majority while considering the bill. The Suspensive Veto Power of President cannot be used on the money bill.

Pocket Veto Power of President

In Pocket Veto, the President can withhold the bill presented to him by the parliament for an infinite time without telling reason or rejecting it, if he does not want to act upon it. For better understanding, the president can use the Pocket Veto in India and keep the bill in their pocket without taking action.

- But the US president does not have such an option of Pocket Veto; they must return the bill within 10 days to the parliament. So unlimited time benefits are only for the Indian President. The Pocket Veto Power of President was also used in the past by Giani zail Singh in 1986
- The President cannot use this power regarding the Constitutional Amendment Bill. This bill cannot be withheld from the President for any reason; the President has acted upon it quickly.

Veto Power of President of India Article

Under Article 111, veto power article, power is provided to the President regarding approving a bill when the parliament has passed it. President has three choices related to the bill.

- President can accept the bill
- President can withhold the bill
- President can return the bill
- And if parliament sends the bill again, the President has to accept the bill.

Suspensive Veto Power as per Article 111: If the President thinks parliament is violating the constitutional law by making a bill, he can return the bill for reconsideration to parliament. The President cannot refuse to accept and approve the bill if it is of the constitutional amendment.

Pocket Veto in India: As per the pocket veto power meaning, the President can withhold the bill presented to him for an infinite time, which means the President can keep the bill with him as long as it won't if he does not want to act upon it.

Types of Veto Power for Bill

President can use the veto power for approval in a different bill:

Type of Bill	Veto Power of President
Ordinary Bill	President has three choices - He can accept it - He can withhold it - He can return the bill
Money Bill	The President has the following choices - He can accept it - He can keep it pending - He can not return the bill; This bill cannot be returned for reconsideration.
Constitutional Amendment Bill	President must accept it

Qualified Veto Power of President

The difference between the power of Indian & American Presidents is that the President of the US has more veto power than the President of India, whereas India's President has only three types of Veto Power. The US president has four veto powers; the President of the US has qualified veto power as the fourth power.

What is a Qualified Veto Power of President?

- In these cases, if the President sends back the bill to the parliament for reconsideration, then the parliament sends it back to the President with a special majority to override the President's veto power.
- The Indian President does not have any time limit within which they have to return the bill, but the President of the US has to return it within ten days after the parliament presents it.

Use of Veto Power of President

Following are some instances when the Veto Power of the President of India was exercised as per the constitution.

Use of Absolute Veto Power of President

Rajendra Prasad used it in 1954; he withheld the consent for the PEPSU appropriation bill, although the parliament passed the bill but revoked presidential approval. R Venkataraman withholds the sales allowance and pension of a member of the parliament bill.

Use of Pocket Veto Power of President

Absolute Veto Power of President was used by President Zail Singh, who exercised power to withhold the bill because the bill has caused so much criticism as it violates the right to freedom & speech of the press. Gyani Zail did not take any action on the Indian post office amendment bill and withheld the bill with him for so long, exercising the Pocket Veto.

Use of Suspensive Veto Power of President

Suspensive Veto Power of President is the power in which the President sends the bill back to the parliament for reconsideration. If Parliament sends the bill again, then they have to approve it. While K Venkatraman used suspensive veto power in 1989 to send the India post office bill back for reconsideration, the national front government dropped the bill.

Examples Related to Veto Power of President

- The speaker of Tamil Nadu has asked for the time frame within which the President should return the bill for reconsideration, which the governors reserved.
- Sometimes the governor reserved the bill for a very long period rather than passing it to the President; unlike in a constitutional provision, the governor should return them within a particular time frame limit.
- Governor is also taking months to reserve the bill for the President, although they need to send it immediately to the President. It affects the authority of legislation and the governors given by the union government.

President Veto Power over State Legislation

Bill framed by state legislation can only become an act if the President passes it with the majority of the parliament. Article 200 & 201 gives the power to the governor to reserve the bill to get the President's approval. Although the President can withhold the bill, accept it, or send it for reconsideration, and if the parliament sends it again, the President has to accept the bill. But in the cases of state legislation, the president is not bound to approve even if they send the bill again to the President. According to article 200, the President has four choices in all

- To approve the bill
- To withhold the bill
- To return the bill for reconsideration
- To reject the bill altogether.

Veto Power of the Governor

The Governor can only reserve the bill if it derogates and endangers the high court's position; it means the governor can keep the bill to himself if it derogates the position of the High Court.

- Governors can reserve the bill to get approval from the President, and in many bills like the property bill, bills related to impositions of Taxation in India, and some others.
- Once the President reserves the bill, the governor has no role in it.

- Any bill sent by the state legislature to the President for approval, and if he returns the bill, and if the state again sends the bill, Then the President can again send it back to the state, withhold it, or reject it. So it shows that states do not have the power to override the president's veto power.

