

# **President of India**

**Qualifications, Election and Removal**

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# Key Aspects

*“We have not given him any real power, but we have made his position one of great authority and dignity.” - Jawaharlal Nehru*

- ▶ Nominal Executive Head: Head of the state but not of the executive; represents the nation, but does not rule the nation
- ▶ Elected Head: It is for this reason that India is known as a republic

# Qualifications

## Who can become the President?

- ▶ A citizen of India who is of 35 years of age or above may be a Presidential candidate. The Presidential candidate should be qualified to become a member of the Lok Sabha and should not hold any office of profit under the government.
- ▶ Certain office-holders, however, are permitted to stand as Presidential candidates. These are:

The current Vice President.

The Governor of any State.

A Minister of the Union or of any State.

In the event that the Vice President, a State Governor or a Minister is elected President, they are considered to have vacated their previous office on the date they begin serving as President.

# Who elects the President?

Not every citizen participates in the election. Only the following vote for Presidential candidates:

- ▶ Elected Members of Parliament
- ▶ Elected Members of Legislative Assemblies of Various States

This is called the **electoral college** for the office of the President

The members nominated by the President have no right to vote in this election. Similarly, the members of the Legislative Councils of the State Legislatures, wherever they exist, have also been excluded from the electoral college.

# Principle of Election

The manner of election of President is provided by Article 55. The following principles are involved in the election of the President of India:

- ▶ Indirect Election
- ▶ The system of Proportional Representation by Single Transferable Vote method.
- ▶ Secret Ballot system.
- ▶ Uniformity of Representation of Different States and the Union

# System of Proportional Representation

- ▶ The elected candidate has to take more than 50% votes. If suppose the total votes are 1,00,000. The elected candidate has to garner at least 50,001 votes.
- ▶ The voter can cast his vote to as many candidates as he desires in the order of his preference.
- ▶ If a candidate manages more than 50% first preference votes, he is declared elected. If he fails, then the single transferable vote system comes into operation.

# Single Transferable Vote System

- ▶ If any of the candidate fails to get more than 50% votes, second round of counting takes place.
- ▶ In this round the second preference votes of the candidate who has received minimum number of first preference votes are added to the votes of other candidates.
- ▶ If still the leading candidate fails to get more than 50% votes, a third round of voting takes place
- ▶ In this round the candidate who finishes last in the second round, his second preference votes are added to the candidates above him.
- ▶ The process continues till one candidate musters absolute majority, i.e., more than 50% votes.

# Uniformity in the Scale of Representation

- ▶ Not all the votes are equal in terms of their value. For instance, the value of the vote of an MP is more than that of an MLA, because he represents a larger population.
- ▶ Similarly even MLAs of different state assemblies have different vote-value. The value of the votes are in proportion to the population that the votes represent.
- ▶ Value of the vote of an MLA:  $\frac{\text{Total population of the state}}{\text{Total number of elected MLAs}}$ . The number thus received is further divided by 1000.
- ▶ Value of the vote of an elected MP:  $\frac{\text{Total votes of the members of the state legislatures}}{\text{Total number of elected MPs}}$ .



# Stages of Election

- ▶ Notification of the Election of the President
- ▶ Filing of Nomination Papers: The nomination of the candidate must be proposed by at least 50 voters and seconded by the same number of voters.
- ▶ Scrutiny of Nomination Papers
- ▶ Polling: MPs can cast their votes in Delhi, and MLAs in their state capitals.
- ▶ Counting of votes & Declaration of result.

# Oath-taking by the President

The oath is administered by the Chief Justice of India.

It reads:

*“I \_\_\_\_\_ do swear in the name of god that I will faithfully execute the office of the President or discharge the function of the president of India and will to the best of my ability preserve, protect and defend the law that I will devote myself to the service and well-being of the people.”*

# Criticism of the Method

- ▶ It is not proportional representation system because such a system is adopted for multi-member constituencies
- ▶ To mark second preference is not compulsory.
- ▶ No possibility of election of non-political personality
- ▶ Complex system

# Removal/ Impeachment Process of President

A President can be removed for violation of the Constitution.

- ▶ The process may start in either of the two houses of the Parliament.
- ▶ Either of the two houses can initiate the process.
- ▶ The charges leveled against the President have to be signed by at least one  $\frac{1}{4}$ <sup>th</sup> of the total members of that house.
- ▶ The notice is sent up to the President and 14 days later, it is taken up for consideration.
- ▶ A resolution to impeach the President has to be passed by a two-third majority of the total members of the originating house.
- ▶ It is then sent to the other house. The other house investigates the charges that have been made. During this process, the President has the right to defend himself/herself through an authorized counsel.
- ▶ If the second house also approves the charges made by two-third majority again, the President stands impeached and is deemed to have vacated his/her office from the date when such a resolution stands passed.
- ▶ Other than impeachment, no other penalty can be given to the President for the violation of the Constitution.

# References

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**THANK YOU...**