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President of India – Election Process YouTube Lecture Handouts

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Salient Features

- Head of executive, legislature and judiciary
- Residence – Rashtrapati Bhavan, New Delhi
- Presidential retreat - Retreat in Chharabra, Shimla and Rashtrapati Nilayam (President's Place) in Hyderabad

Qualifications – Article 58

- Citizen of India
- Completed age of 35 years
- Qualified for election as member of Lok Sabha
- Not hold any office of profit under State and Central government

Election of President – Article 54

Elected by member of electoral house – both the Houses of Parliament, and the Legislative Assemblies of the States and the two Union Territories, namely Delhi and Puducherry.

Proportional representation by single transferable votes

Term: 5 years

Re-election: Any number of times

Oath: By Chief Justice of India (in his absence – most senior judge of Supreme Court)

A prospective candidate should deposit Rs. 15,000 as security deposit. This can be forfeited if, at the election where poll has been taken, candidate is not elected and number of valid votes polled

by such candidate does not exceed $\frac{1}{6}^{\text{th}}$ of votes necessary to secure the return of a candidate at such election

Which office holders can stand as Presidential candidates?

- Vice-President
- Governor
- PM, CM
- Should not hold office of Profit

Election Process

- Constitution (84th) Amendment Act, 2001 provides that until relevant population figures for the first census to be taken after the year 2026 have been published, the population of the States for the purposes of calculation of value of votes for Presidential Election shall mean the population as ascertained at 1971-census.
- The total number of members in the Electoral College for the Presidential election in 2017 is 4896, as detailed below:

	HOUSE	SEATS
(a)	Rajya Sabha	233
(b)	Lok Sabha	543
(c)	State Assemblies	4120
	Total	4896

TABLE OF THE TOTAL NUMBER OF MEMBERS IN THE ELECTORAL COLLEGE FOR THE PRESIDENTIAL ELECTION IN 2017 IS 4896

- At least 50 MP/MLAs should sign nomination as proposers or seconders (can do so for more than 1 candidate)
- Value of vote is not same – based on population 1971 census
- Value of vote of MLA = $\frac{\text{Population of state}}{\text{Number of assembly seats}}$
- Total value of votes of MLA = Value of vote \times Number of Seats

Example,

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- Total population of Andhra Pradesh (1971 census) : 2,78,00,586
- Total No of elective seats in the State Assembly : 175
- No. of votes for each member : $\frac{2,78,00,586}{1000 \times 175} = 158.8 \cong 159$
- Total value of votes $175 \times 159 = 27,825$ for Andhra Pradesh
- Value of vote of MP = $\frac{\text{Total value of votes of MLA}}{\text{Total number of MPs}}$
- Value of vote of each Member of Parliament is 708.
- Value of vote of each Member of the Legislative Assembly of Uttar Pradesh is 208 and that of Sikkim is 7

For example, 2017

- Total value of votes of all MLAs = 5,49,495
- Total number of MPs = 543 (LS) + 233 (RS) = 776
- Value of the vote of each MP = $\frac{5,49,495}{776} = 708$
- Total value of votes of all the MPs = $776 \times 708 = 5,49,408$
- Total Electors for Presidential Election = MLAs (4120) + M.Ps (776) = 4896
- Total value of MLA votes in 2017 = 5,49,495
- Total value of MP votes in 2017 = 5,49,408
- $$\frac{\text{Total value of votes for the presidential election in 2017}}{\text{Total value of votes for the presidential election in 2017}} = 10,98,903$$

Polling

- Voter gives the preference
- MPs ballot is green
- MLAs ballot is pink

Counting

Candidate must get 50% votes+1 to be winner

If no candidate gets required preference, candidate with least 1st preferential vote is eliminated and votes are re-distributed (Single Transferable Vote) (same happens for 2nd preferential vote if not finalized for first)

Powers of President

Legislative powers

- Summons both houses of Parliament and can dissolve Lok Sabha
- All bill become law only after President's assent – Article 111
- President can also withhold his assent to a bill when it is initially presented to him (rather than return it to Parliament) & exercise pocket veto on the advice of PM or council of ministers per Article 74 if it is inconsistent to the constitution

Executive Powers

Article 142: Duty of President to enforce decrees of Supreme Court.

Judiciary Powers

- President appoints Chief Justice of India and other judges on the advice of the Chief Justice
- Can dismiss judges if and only if the two Houses of Parliament pass resolutions to that effect by 2/3rd majority of the members present.

Appointment Powers: Appoints

- PM and Council of Ministers
- 12 members of Rajya Sabha
- Governors of State
- Chief Justice of India
- CM of Delhi
- Attorney General
- CAG
- Chief Election Commissioner
- Chairman & Members of UPSC
- VC of Central Universities
- Ambassadors and High Commissioners to other countries

Financial Powers

- Money bill can be introduced in Parliament only with President's recommendation
- Lays Annual Financial Statements
- Take advances from Contingency Funds of India

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- Constitute financial committee after every 5 years

Diplomatic Powers

- All agreements are negotiated on behalf of President
- Sends and receives diplomats

Military Powers

- Supreme Commander of Defence forces
- Can declare war or conclude peace on advice of Council of Ministers
- Appoints chiefs of armed forces

Pardoning Powers

Grand pardon to death sentence, military punishment and for offence against union law

Emergency Powers

- Has emergency powers (both internal and external) – in financial emergency – can reduce salary of government officials
- 3 National emergencies – By S. Radhakrishnan in Indo-China war, By VV Giri in Indo-Pak war, By F A Ahmed (internal emergency during Indira Gandhi)

US President Versus Indian President

US President	Indian President
Direct election	Indirect election
Head of state and head of government (real executive)	Head of state (titular head)
Term of 4 years	Term of 5 years
Re-election once	Re-election – any number of times
More veto power	Lesser veto power (can send bill for reconsideration only once)
Use pocket veto power – keep bill on table	Can keep bill for indefinite period as there is no

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till the session of congress ends and the bill dies

constitutionally prescribed time limit to give his assent.

Cannot dissolve parliament

Can dissolve Parliament

TABLE OF US PRESIDENT VERSUS INDIAN PRESIDENT

Pocket veto was first exercised by the President Giani Zail Singh w.r.t. Indian Postal Bill which was passed by Rajiv Gandhi government & later was withdrawn in 1989

-Mayank

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