

PRESIDENT OF REPUBLIC OF INDIA

Introduction

- **The President of India** is a constitutional post under **Article 52** of the Constitution.
- The President is the **First citizen of India** and his wife is the **First Lady of India**. If the President is a woman, then her husband is known as the **First Gentleman of India**.
- **The Rule of Law & Equality before Law** is applicable to every citizen of India but our President is an exception. He is **above law**. **No police officer can arrest him under any circumstances. No court can issue summons to the President to appear before the court and give his witness.** (President VV Giri voluntarily once appeared before the court but he was not issued any summons by the court).
- **The President is the supreme commander of our Armed Forces.**
- **Mrs Draupdi Murmu** is the **15th President of India**.
- **“THE PRESIDENT REIGNS BUT DOES NOT RULE”** [The real power lies to Union Council Of Ministers headed by Prime Minister]

Appointment of President

The President is appointed by an **electoral college** consisting of the **elected members of both Houses of Parliament and the elected members of the Legislative Assemblies of the States, including Legislative Assemblies of Union Territories of Puducherry, Jammu and Kashmir and National Capital Territory of Delhi**. Nominated members of Parliament and State Legislatures, as well as members of Legislative Councils, are excluded from this process. This indirect method reflects the federal character of the Indian polity by ensuring representation of both the Union and the States.

Tenure:

- The Tenure of President is of **five years** and **it is fixed** i.e, he cannot be removed from his post before the completion of his tenure under any circumstance.
- The **only exception is Impeachment by the Parliament**.
- The tenure of President starts from the day he assumes office, e.g, President Mrs. Droupadi Murmu **assumed her office on 25th July 2022** and will hold the post till the new President assumes office on 25th July 2027.
- Re-election is permissible but Dr. Rajendra Prasad made the convention that one should not be elected for the post of President more than twice. This is a convention, not a Constitutional provision in India.

Eligibility:

Any Indian citizen over the age of 35 years is **eligible** to be the President of India. He should be **eligible to be elected as a member of Lok Sabha** and must not be holding any office of Profit under the Government of India, the government of a state or under any local or other authority under the control of any said governments. (may hold the post of President, Vice President, Prime Minister, Governor, Minister of Union or of any state Government).

Important Facts:

- **Dr. Rajendra Prasad** became the first President of India on 26th Jan 1950.
- **Mrs. Pratibha Devi Singh Patil** was the first woman President of India. **Devisingh Ransingh Shekhawat** being India's **First Gentleman** when Pratibha Patil was President.
- **Sh. K.R. Narayanan** was the first President from the Dalit community and **Sh. Ram Nath Kovind** was the second.
- **Mrs. Droupadi Murmu** is the second woman President and the first President from the Tribal Community. She is also the first President of India who was born in Independent India. She belongs to the **Santhal Tribe**. This Tribe has a reasonable population mainly in West Bengal, Assam, M.P., Chhattisgarh, Jharkhand & Odisha.
- In case the President wants to resign, then he submits his **resignation to the Vice- President**.
- The **Oath of office** to the President is **administered by the Chief Justice of India**.
- In case of death or resignation by the President, our Vice President holds this post as the **Acting President for a maximum period of six months**. It is mandatory for the Election Commission of India to conduct the election of the new President within six months after the death or resignation by the President. Our two Presidents, **Sh. Zakir Hussain & Sh. Farkruddin Ali Ahmed** could not complete their tenure due to their deaths.
- In 1969, after the death of President **Dr. Zakir Hussain**, Vice President **V.V. Giri** was sworn in as the acting president but he too resigned after one month. Thereafter, Chief Justice of India **Justice Mohammad Hidayatullah** took over as the **Acting President**. Thereafter, **V.V. Giri** became the President after winning the Presidential election.
- In 1977, after the death of **Farkruddin Ali Ahmed**, Vice President **Sh B.D. Jatti** became the **Acting President of India**. Elections were Conducted by ECI to elect a new President. **Mr. Neelam Sanjeev Reddy** was elected and he became our President and **Sh. B.D. Jatti** returned back to the office of Vice-President.
- When the Vice President takes charge as the Acting President, he does not perform the duties of the Chairman of the Rajya Sabha.
- Any dispute regarding the election of President is resolved by the Supreme Court.

Election of President

Our President is indirectly elected. He/She is elected by an **Electoral College** (i.e. the group of persons having the right to vote in a particular election). The **Electoral College for election of President consists of the Elected Members of both the houses of Parliament, the Elected Members of the Legislative Assemblies of 28 States and the elected members of Legislative Assemblies of three UTs (Delhi, Puducherry and Jammu & Kashmir).** The **Nominated members of Parliament and the Legislative Assemblies do not have the right to vote in the election of the President.**

Total Number of Electoral College Members at Present

543 Elected Members of Lok Sabha

$$+ \quad = \quad 776$$

233 Elected Members of Rajya Sabha

Elected Members of 28 State Legislative Assemblies

$$+ \quad = \quad 4123$$

Elected Members of 3 UTs Legislative Assemblies.

Total Electoral College Members $776 + 4123 = 4899$

In the election of the President, the vote value of the MLAs of different states & UTs is different. Our Constitution has prescribed a formula to determine the vote value of an MLA as follows.

$$\text{The Vote value of an MLA} = \frac{\text{Population of the state (in 1971)}}{\text{No of elected members in state Legislative Assembly} \times 1000}$$

$$\text{Let us find out vote value of an MLA of UP} = \frac{84000000}{403 \times 1000} = 208$$

$$\text{The Vote value of an MLA of Sikkim} = \frac{209000}{32 \times 1000} = 7$$

$$\text{The Vote value of an MLA of Delhi} = \frac{4065000}{70 \times 1000} = 58$$

By this formula we can find out the vote value of an MLA of 28 states & 3 UTs.

Then we find out the total vote value of all MLAs of India as follows.

The Total vote value of UP = $208 \times 403 = 83824$

The Total vote value of Sikkim = $7 \times 32 = 224$

The Total vote value of Delhi = $58 \times 70 = 4060$

The Total vote value of Karnataka = „ „

The Total vote value of Bihar = „ „

etc. = „ „

The Total vote value of all MLAs of 28 states & 3 UTs = 550000 (App.)

By this formula we can find out the total vote value of all MLAs of India which is about 550000. Our Constitution states that the total vote value of all MLAs shall be equal to the vote value of all MPs. We have 543 elected members in Lok Sabha and 233 in Rajya Sabha. Total 776. The total vote value of these 776 members is about 550000. So the vote value of an MP is $550000/776 = 708$.

So, the Maximum vote value is of the MLAs of the state of **Uttar Pradesh (208)**, Minimum vote value is of the MLAs of the state of **Sikkim (7)**. The vote value of an **MP is (708)**.

System of Election

The Election is made by system of **Proportional Representation System by Single Transferable Vote**. The Election is conducted simultaneously at Parliament House & 31 Legislative Assemblies. The Election is by **secret ballot**. **Political parties are not allowed to issue WHIP in Presidential Election**. Generally MPs cast their votes at the Parliament House & MLAs at their respective State Legislative Assemblies.

All the ballot boxes are brought to Delhi and first of all, all the valid votes are counted. In our presidential elections, we have a total of 550000 votes of MLAs (app) and 550000 votes of MPs (app) Total 1100000 votes (app). Since all voters do not cast their vote and some votes are declared invalid by election commission, let us presume that total votes

polled are of value 1070000 and votes of value 10000 are declared invalid by election commission, then 1060000 votes are valid and 7 candidates were contesting the election. Then a Quota is calculated by Election Commission as under

$$\text{Quota} = \frac{\text{Total No of valid votes}}{\text{Total No of candidates to be elected} + 1} + 1$$

$$= \frac{1060000}{1+1} + 1 = 530000 + 1 = 530001$$

Any candidate who secures this quota is declared as the winner & becomes the next President of India.

Every voter has to mark his/her preference on the ballot paper. Let us presume that a voter Ram Kumar, marks his preferences as follows:

Sample Image of a Ballot Paper:

Name of the Candidates.	Preference for example.
A	2
B	7
C	1
D	4
E	6
F	5
G	3

First of all, invalid votes are separated and rejected. Then the first preference votes are counted. If any candidate receives the desired quota, he is declared elected. If none of the candidates receive the desired quota, then the candidate with the least votes is eliminated and second preference votes are counted. Then if any candidate secures the desired quota, by adding 1st and 2nd preference vote, then he is declared elected and this process continues till a candidate gets the desired quota. **Only in 1969, Sh. V.V. Giri** was elected as the President by counting the second preference vote. **In 1977, Sh. Neelam Sanjeev Reddy was elected unopposed.**

The Election of the 15th President Of India

- The Election Commission of India announced the schedule for the election of the **15th** President of India. The tenure of **President Shri Ram Nath Kovind** was to be completed on the 24th July, 2022. The Election of the New President is a mandatory constitutional requirement before the completion of his tenure (of Shri Ram Nath Kovind).
- **Secretary General of Rajya Sabha Shri Pramod Chandra Modi** was appointed as the **Returning Officer** for this election.
- 4754 electoral college members casted their votes representing 1072377 votes.
- The Total number of invalid votes were 53, representing the vote value of 15397.
- The Total valid votes were 4701, representing the total vote value of 1056980 votes.

- **Quota** $= \frac{1056980}{1 + 1} + 1$
 $= 528490 + 1$
 $= 528491$

- In this Election, Mrs. Droupadi Murmu got 676803 votes & Mr. Yashwant Sinha 380177 votes. Mrs. Murmu defeated him by 296626 votes and got elected and became the 15th President of India on 25th July 2022.
- The new President Mrs. Droupadi Murmu was sworn in by the Chief Justice of India Justice N.V. Ramana on 25th July, 2022.
- The salary of our President is Rs. 5 Lakh per month and is taxable.
- The Joint sitting of the Parliament is called by our President.
- The Joint sitting of the Parliament is Presided by the Speaker of Lok Sabha.

To eliminate non-serious candidates, the nomination papers of a candidate must be **proposed** by at least 50 members of the electoral college and **seconded** by at least 50 members of the electoral college. All the candidates have to submit a security deposit of Rs. 15000/-. **Security deposit of candidates securing less than 1/6 of valid votes is forfeited.** The Secretary General of Lok Sabha & the Secretary General of Rajya Sabha are appointed as the **returning officer** alternatively in the Presidential election.

Impeachment of the President

Article 61 - Although the tenure of the President is fixed and he cannot be removed before the completion of his tenure but as an exception, he can be removed by the process of Impeachment as mentioned in Article 61 of the Constitution. Only our Parliament can Impeach the President on the charges of.

- (1) **Violation of Constitution or**
- (2) **If President has committed heinous crime such as rape, murder etc.**

The Impeachment motion can be introduced in either house of the Parliament. It has to be passed separately by each house by special majority (i.e, 2/3rd majority). In India an impeachment motion has never been introduced in any house of parliament to remove any President from his post.

On 27th December 2024, the **acting President of South Korea Mr. Han Duck-soo** was **impeached** by the South Korean Parliament (National Assembly) for blocking the appointment of three justices of the Constitutional Court of Korea whose nominations had been approved by the National Assembly.

On 14th December 2024, **the President of South Korea Mr. Yoon Suk Yeol** was **impeached** by the South Korean Parliament as well for the declaration of the provisional state of Emergency and plans to implement Martial Law.

Ms Dilma Rouseff, the President of Brazil was impeached and removed in Aug 2016 for breaking budgetary laws and was removed from her office.

Powers Of The President Of India

1. Legislative Powers :

- The President is an **integral part of Parliament**. As parliament consists of the President, Lok Sabha and Rajya Sabha.
- Bill after passing by parliament becomes Act only after his assent.
- President summons session of parliament. **Special session** of parliament can also be called by president.
- **Joint sitting** of the parliament is called by the president.
- **Money bill and financial bill** can be introduced in Lok Sabha with **prior permission** of the President.
- After election of new Parliament, the President do appoints **Pro-tem Speaker**.
- The President **prorogues** Parliament.
- **Lok Sabha is dissolved** by President.
- **Addresses Parliament (Art. 87).**
- **Nominates:**
 - **12 members to Rajya Sabha (Art. 80)**
 - (Earlier used to nominate two Anglo-Indian members to Lok Sabha – **now this provision has been removed by 104th Constitutional Amendment Act**)
- **Assent to Bills:**
 - Can give assent, withhold assent, or return bills (except money bills, financial bills and constitutional amendment bills).
- **Ordinance Power:**
 - Under **Article 123** of the Constitution of India, the President can promulgate ordinances when **Parliament is not in session**.

2. Executive Powers: The executive power of the Union is vested in the President.

- **Appoints:**
 - Prime Minister and Council of Ministers
 - Governors of States
 - Chief Justice and Judges of Supreme Court of India and High Courts
 - Attorney General of India
 - Comptroller and Auditor General (CAG)
 - Chief Election Commissioner and two election commissioners
 - Appoints the Chairperson and members of the UPSC

- **Administration:**

- All executive actions are taken in the name of the President.
- Can seek information from the Prime Minister (Art. 78).
- The President is the **Supreme commander of the Armed forces.**

3. Judicial Powers:

- **Pardoning Powers (Article 72):** The President can grant:

- Pardon
- Reprieve
- Respite
- Remission
- Commutation

Applicable in:

- Court-martial cases
- Death sentence cases
- Union law offences
- **Chief Justice of India, judges of Supreme Court, Chief Justice and judges of high courts** are appointed by the President.

The President of India can seek **legal advice** from **the Supreme Court on any question of law or fact of public importance** under **Article 143** of the Indian Constitution.

4. Emergency Powers:

Types of Emergencies:

(a) National Emergency (Art. 352)

- Due to war, external aggression and armed rebellion.

(b) President's Rule (Art. 356)

- Failure of constitutional machinery in states.

(c) Financial Emergency (Art. 360)

5. Military Powers:

- Supreme Commander of Armed Forces.
- Appoints chiefs of Army, Navy, and Air Force.
- Can declare war or peace (subject to approval of Parliament).

The Pardoning Power of President

The President under **Article 72** has the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence against any law. The President can even grant pardon to a person who has been awarded the death sentence.

The **Governor of a state under Art. 161** also has the pardoning power but his powers are less than the pardoning powers of the President. A state governor cannot waive the death sentence of a convict but can grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence against any law.

The Election Of The US President

The President of the USA is **indirectly elected**. The citizens of the US directly elect 538 members of the Electoral college. These 538 members elect the President of the US.

In case of death or the resignation of the President, the Vice – President assumes the office of the President for the rest of the tenure of the President. The elections for the President are held only after 4 years. The elections are held in the month of November and the newly elected president assumes his office on 20th January. In the US, this is a Constitutional provision that any US citizen cannot hold the post of the President for more than 2 terms. Also to contest the presidential election, the candidate must be a US citizen by birth and not by descent, registration, naturalization etc. In the US, the elections for the President & the Vice president are held simultaneously.

Till date, no woman has been elected as the President in the US.

Presently, Mr. Donald Trump is the 47th President, and Mr. J D Vance is the 50th Vice President of the U.S.A.

The Tenure of US President is of **four years & is fixed**. He cannot be removed before the completion of his tenure. The only exception is removal by Impeachment. The US Parliament (Congress) has the power of Impeachment. An Impeachment motion has to be passed by both the Houses of the Parliament (Congress) separately by 2/3rd majority. Till date no US President has been removed by Impeachment. However, against three presidents of the US, Impeachment motions have been introduced but not passed.

- | | |
|--------------------|----------------------------|
| (1) Andrew Johnson | 1868 |
| (2) Bill Clinton | 1998 |
| (3) Donald Trump | Two Times (In 2019 & 2021) |