

## UPSC Civil Services Examination

### Political Science & International Relations

#### Topic: President of India – Indian Polity Notes

#### Who is President of India?

Indian President is the head of the state. He is the first citizen of India and is a symbol of solidarity, unity and integrity of the nation. He is a part of Union Executive along with Vice-President, Prime Minister, Council of Ministers and Attorney-General of India.

#### How is President elected?

There is no direct election for the Indian President. An electoral college elects him. The Electoral College responsible for President's elections comprises **elected members of:**

1. Lok Sabha and Rajya Sabha
2. Legislative Assemblies of the states (Legislative Councils have no role)
3. Legislative Assemblies of the Union Territories of Delhi and Puducherry

**Note:**

- Value of the vote of an MLA is given below:

$$\begin{aligned} &\text{Value of the vote of an MLA} \\ &= \frac{\text{Total population of state}}{\text{Total number of elected members in the state legislative assembly}} \times \frac{1}{1000} \end{aligned}$$

- Value of the vote of MP is given below:

$$\begin{aligned} &\text{Value of the vote of an MP} = \\ &\frac{\text{Total value of votes of all MLAs of all states}}{\text{Total number of elected members of Parliament}} \end{aligned}$$

#### Who does not take part in the President's elections?

The following group of people are not involved in electing the President of India:

1. Nominated Members of Lok Sabha (2) and Rajya Sabha (12)
2. Nominated Members of State Legislative Assemblies
3. Members of Legislative Councils (Both elected and nominated) in bicameral legislatures
4. Nominated Members of union territories of Delhi and Puducherry

## What is the term of President's office?

Once President is elected, he holds office for five years. He sits in the office even after the completion of five years given no new election have taken place or no new President has been elected till then. He can also be re-elected and there is no cap on his re-election.

## Questions related to President's elections for UPSC

There are a few facts which an IAS aspirant must know for UPSC 2020. Those facts are in given in a question-answer format in the table below:

What is the principle of election used in the President's election?	Proportional Representation with means of a single transferable vote
How does voting take place in the election of Indian President?	It is a secret ballot system of voting
What is a quota of votes in President's elections?	$\text{Electoral quota} = \frac{\text{Total number of valid votes polled}}{1+1 = (2)} + 1$
How is the Supreme Court (SC) involved in the President's election?	<p>Any dispute related to his election is taken up by SC. SC's decision is final.</p> <p><b>Note:</b> After the election of President is declared null and void, the acts done by the President in his office remain valid even after his removal.</p>

## What are the qualifications of President?

A candidate has to meet some qualifications to be elected as the president. Those qualifications of the President are:

1. He should be an Indian Citizen
2. His age should be a minimum of 35 years
3. He should qualify the conditions to be elected as a member of the Lok Sabha
4. He should not hold any office of profit under the central government, state government, or any public authority

## What are the conditions of the President's office?

There are a few conditions for the candidate running for the President's elections:

1. He cannot be a member of Lok Sabha and Rajya Sabha. If he has been a member of either of the house, he should vacate the seat on his first day as President in the office
2. He should not hold any office of profit
3. For his residence, Rashtrapati Bhavan is provided to him without the payment of rent
4. Parliament decides his emoluments, allowances and privileges
5. Parliament cannot diminish his emoluments and allowances during his term of office
6. He is given immunity from any criminal proceedings, even in respect of his personal acts

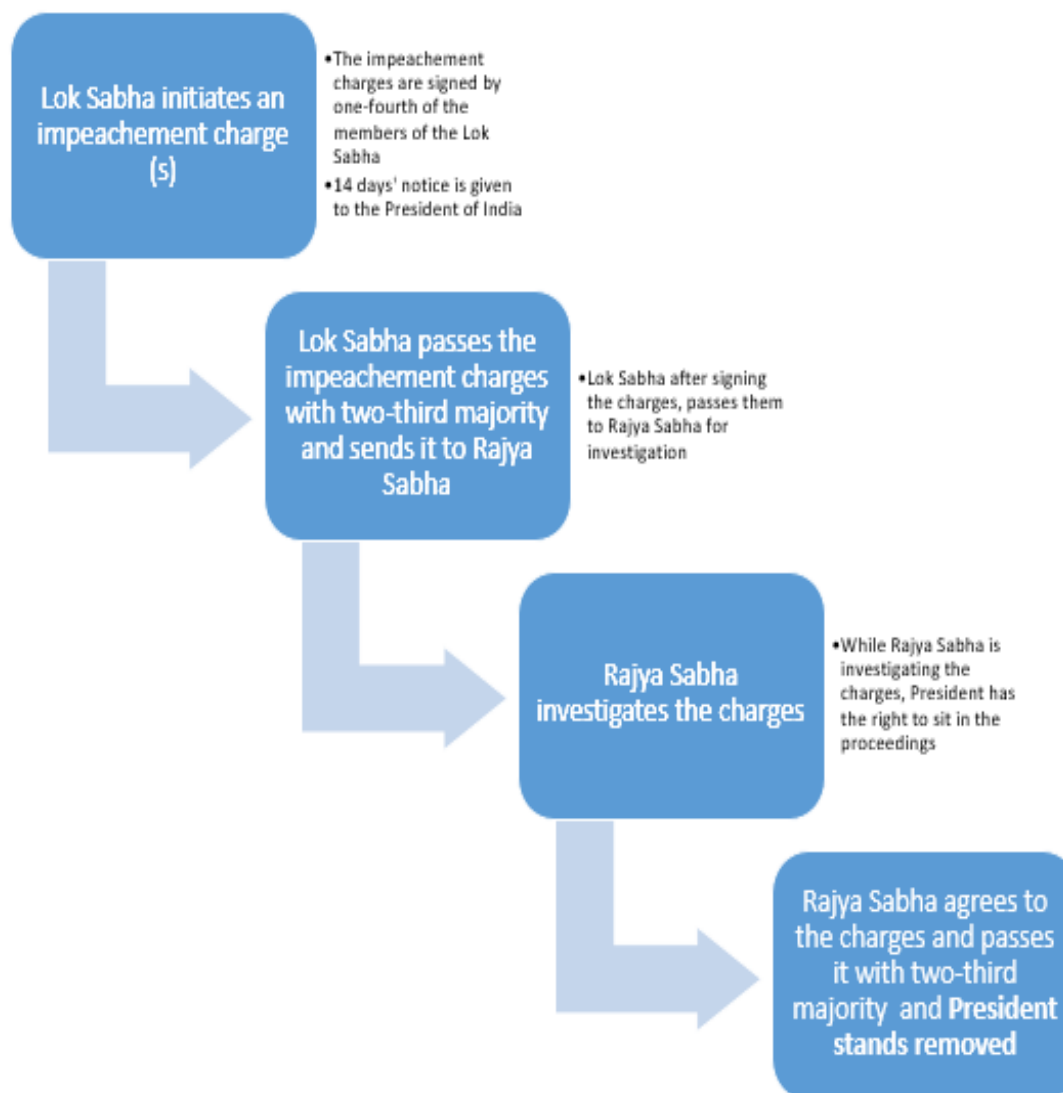
- Arrest or imprisonment of President cannot take place. Only civil proceedings can be initiated for his personal acts that too after giving two months' of prior notice.

## What is the procedure for impeachment of a president?

The only condition for the initiation of impeachment of Indian president is the '**violation of the constitution.**'

**Note:** Indian Constitution contains no definition of 'violation of constitution.'

The impeachment process of President is given below. (We have taken Lok Sabha as the first house to initiate the impeachment charges, however, Rajya Sabha too can initiate the impeachment charges against President and in that case, it will pass the resolution and send the charges to Lok Sabha which will investigate and pass it if it finds those charges valid.)



## Can the President's office be vacant?

Yes, his office can be vacant in the following ways:

1. When President of India completes his term of five years in the office
2. If the President resigns by putting forward his resignation to the Vice-President of India
3. If Lok Sabha/Rajya Sabha initiates an impeachment charge and they stand valid, he is removed
4. If he dies in the office
5. If Supreme Court declares his election invalid

## What are the powers and functions of President of India?

### Executive Powers of President

1. For every executive action that the Indian government takes, is to be taken in his name
2. He may/may not make rules to simplify the transaction of business of the central government
3. He appoints the attorney general of India and determines his remuneration
4. He appoints the following people:
  - Comptroller and Auditor General of India (CAG)
  - Chief Election Commissioner and other Election Commissioners
  - Chairman and members of the Union Public Service Commission
  - State Governors
  - Finance Commission of India chairman and members
5. He seeks administrative information from Union government
6. He requires PM to submit, for consideration of the council of ministers, any matter on which a decision has been taken by a minister but, which has not been considered by the council
7. He appoints National Commissions of:
  - Scheduled Castes
  - Scheduled Tribes
  - Other Backward Classes
8. He appoints inter-state council
9. He appoints administrators of union territories
10. He can declare any area as scheduled area and has powers with respect to the administration of scheduled areas and tribal areas

### Legislative Powers of President

1. He summons or prorogues Parliament and dissolve the Lok Sabha
2. He summons a joint sitting of Lok Sabha and Rajya Sabha in case of deadlock
3. He addresses the Indian Parliament at the commencement of the first session after every general election
4. He appoints speaker, deputy speaker of Lok Sabha and chairman/deputy chairman of Rajya Sabha when the seats fall vacant He nominates 12 members of the Rajya Sabha
5. He can nominate two members to the Lok Sabha from the Anglo-Indian Community
6. He consults Election Commission of India on questions of disqualifications of MPs.
7. He recommends/ permits the introduction of certain types of bills He promulgates ordinances
8. He lays the following reports before the Parliament:
  - Comptroller and Auditor General
  - Union Public Service Commission
  - Finance Commission, etc.

## Financial Powers of President

1. To introduce the money bill, his prior recommendation is a must
2. He causes Union Budget to be laid before the Parliament
3. To make a demand for grants, his recommendation is a pre-requisite
4. Contingency Fund of India is under his control
5. He constitutes the Finance Commission every five year

## Judicial Powers of President

1. Appointment of Chief Justice and Supreme Court/High Court Judges are on him
2. He takes advises from Supreme Court however, those advises are not binding on him
3. He has pardoning power. (Read below)

## Diplomatic Powers of President

1. International Treaties and agreements that are approved by the Parliament are negotiated and concluded in his name
2. He is the representative of India in international forums and affairs

## Military Powers of President

He is the commander of defence forces of India. He appoints:

1. chief of the Army
2. chief of the Navy, and
3. chief of the Air Force

## Emergency Powers of President

He deals with three types of emergencies given in the Indian Constitution:

1. National Emergency (Article 352)
2. President's Rule (Article 356 & 365); and
3. Financial Emergency (Article 360)

## What is the Ordinance Making Power of President?

Article 123 deals with the ordinance making power of the President. President has many legislative powers and this power is one of them. President promulgates an ordinance on the recommendation of the union cabinet.