

Presidential Election in India

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Abstract: *The President is the head of our country, who is elected by the electoral college consisting of elected members of both houses of Parliament and elected members of Legislative Assembly of the states, including the National Territory of Delhi and Pondicherry. The President is the symbol of India. The Chief Justice of India, Prime Minister and governors are appointed by the president. The President is called the protector, preserver and defender of the constitution. The President has power to make law if the either Houses of Parliament is not in session and the government needs and immediate procedure, such law shall have the same effect as an act passed by the Parliament.*

Keywords: Parliament Legislature Electoral Uniformity Emoluments Privileges Affirmation Constitution

1. Introduction

1.1 The President is the first citizen of India because he/she represents our country, and also the constitutional head of the nation. All executive decisions are taken on the name of the President. Article 52 of the Constitution says that there shall be a President of India [1]. The president holds the highest elective office in the country, currently the country to elect its 15th President. The winning candidate has to secure a required quota of votes to be declared elected, for example, 50% of valid votes polled + 1.

The previous president elections results

No. of election	Winning candidate	Votes in favour	Party	Year of election
1	Rajendra Prasad	5, 07, 400	Congress	1952
2	Rajendra Prasad	4, 59, 698	Congress	1957
3	Sarvapalli Radhakrishnan	5, 53, 067	Congress	1962
4	Zakir Hussain	4, 71, 244	Congress	1967
5	Varahagiri Venkata Giri	4, 01, 515	Independent	1969
6	Fakhrudin Ali Ahmad	7, 65, 587	Congress	1974
7	Neelam Sanjiva Reddy	Unopposed	Congress	1977
8	Ghaini Zail Singh	7, 54, 113	Congress	1982
9	Ramaswamy Venkataraman	7, 40, 148	Congress	1987
10	Shankar Dayal Sharma	6, 75, 804	Congress	1992
11	K.R Narayan	9, 56, 290	Independent	1997
12	A.P.J. Abdul Kalam	9, 22, 884	Congress	2002
13	Pratibha Singh Patil	6, 38, 116	UPA	2007
14	Pranabh Mukherjee	7, 13, 763	UPA	2012
15	Ram Nath kovind	7, 02, 044	BJP	2017
16	Droupadi Murmu	6, 76, 803	NDA	2022

1.4 Manner of election of President

Article 55 of the Constitution talks about the manner of election of President, as far as practicable; there shall be uniformity in election of President. For the purpose of securing such uniformity of the states inter se as well as between the states as a whole and the union, the number of votes which each elected member of the Parliament and of the legislative assembly of each state is entitled to cast. The voting at the Presidential election shall be by secret ballot. [4]

1.5 Term of office of President

According to article 56 of the constitution the president shall be entitled to hold the office for 5 years from the date on

1.2 Presidential Election Process in India According to article 54 of the constitution the President shall be elected by the members of an electoral college, consisting of (a) the elected members of both houses of Parliament (b) the elected members of the legislative assemblies of the states. [2]

1.3 Value of votes

The votes of MLAs and MPs are weighted. MLAs votes are determined by the population of each state as per census 1971. [3]

which he enters upon his office. He shall continue to hold office after the expiry of his term until his successor enters upon his office. The President may be removed from his office by impeachment provided in article 61, if he violates the Constitution. [5]

1.6 Eligibility for election as President

According to article 58 of the constitution no person shall be eligible for election as President (a) if he is not a citizen of India, (b) if he has not completed the age of 35 years and (c) if he is not qualified for election as a member of the House of the People. [6]

1.7 According to Article 57 of the Constitution

Any person who has held or holds office as president shall, subject to the provisions of this Constitution be eligible for re-election to that office of President. [7]

1.8 Conditions for President's office

According to article 59 of the Constitution there are some conditions namely;

- a) The President shall not be member of either House of Parliament or of a house of the legislative Assembly of any state and if a member of either House of Parliament or if a member of the legislative Assembly of any state be elected as President, he shall be deemed to vacate his seat in that house on the date on which he enters upon his office as President.
- b) The President shall not hold any office of profit.
- c) The President shall be entitled without payment of rent to the use of his official residence and shall also be entitled to such a monuments, allowances and privileges as may be determined by Parliament by law and, until provisions in that behalf is so made, such a email, allowances and privileges as are specified in the second schedule of the Constitution.
- d) The emoluments and allowances of the President shall not be diminished during his term of office. [8]

1.9 Place of poll for election of President

According to rule 7 of the Presidential and vice Presidential elections rules, 1974 their shall be a room in the Parliament house in New Delhi and a room in the Secretariat building of the state Legislative Assemblies in each state, including National Capital i Territory of Delhi and union territory of Pondicherry and generally fixed as places of polls, by the Election Commission of India. [9]

2. Security deposition of candidate in the Presidential Election

Section 20A of the Presidential and vice President act, 1952, talks about the deposition of security for the Presidential Election. The candidate of the Presidential election shall have to deposit Rs.15000 as security. The security deposit shall be forfeited if the candidate is not elected and the number of valid votes polled by him does not exceed one-sixth of the number of votes necessary to secure return of a candidate at such election .In other cases, the deposit shall be return to the candidate by the Election Commission of India. [10]

2.1 Colour and form of ballot papers

The colour and form of papers used in the election to the office of the President should be printed in two colours (a) in green for used by members of Parliament (b) in pink for use by the members of the Legislative Assemblies. The ballot papers are printed with two columns, first column containing the names of the candidates and the second column for marking preferences by the elector for each such candidate. The ballot papers are printed in Hindi and English for use by

MPs and in official language of the state and in English for use by the MLAs of the state concerned. [11]

2.2 Authority which conducts Presidential Election

According to Article 324 of the Constitution of India the Election Commission of India has power to conduct election of President. [12]

3. Oath or affirmation by the President

every person who is elected as President or who is acting as President or discharging the functions of the President shall before entering upon his office, make and subscribe in the presence of the chief justice of India or, in his absence, the senior most judge of the supreme court of India available and an oath or affirmation in the following form, that is to say "I, APJ Abdul Kalam, do swear in the name of God that I will faithfully execute the office of President of India and will to the best of my ability preserve, protect and defend the Constitution and the law and that I will devote myself to the service and well being of the people of India" [13]

3.1 Procedure for impeachment on the President

- a) When a President violates the Constitution, such President is to be impeached by either House of Parliament shall prefer charge.
- b) Such charge shall be contained in a resolution after at least 14 days' notice in writing signed by not less than 1-4th of the total number of members of the House has been given of their intention to move the resolution.
- c) Such resolution shall be passed by a majority of two thirds of the total members of the House.
- d) The President shall have the right to appear and to be represented at such investigation when a charge has been so preferred by either House of Parliament; the other house of the Parliament shall investigate the charge or cause the charge to be investigated.
- e) If a resolution is passed by a majority of two thirds of the total membership of the house in the result of investigation of the house by which the charge was investigated or caused to be investigated, declaring that the charge preferred against President has been sustained, such resolution shall have the effect of removing the President from his office as from the date on the solution is so passed. [14]

4. Election to fill vacancy in the office of President

The President's election shall be completed before the expiration of the term of the predecessor. IN the case of death, resignation, removal, or otherwise, then the election shall be conducted within 6 months from the date of occurrence of such death, resignation, removal, or otherwise and elected person shall be entitled to hold office (subject to the provisions of article 56) for the full term of 5 years from the date on which he enters upon his office. [15]

References

- [1] see Article 52 of the Constitution.
- [2] see article 54 of the constitution.
- [3] see Indian express newspaper page number 9 on 11 June 2022.
- [4] see Article 55 of the constitution.
- [5] see Article 56 of the constitution.
- [6] Article 58 of the constitution.
- [7] Article 57 of the constitution.
- [8] Article 59 of the constitution.
- [9] rule 7 of the presidential and vice president election rules 1974.
- [10] section 20A of the Presidential and vice Presidential act 1952.
- [11] rule 10 of the Presidential and vice Presidential elections rules 1974.
- [12] Article 324 of the Constitution.
- [13] Article 60 of the Constitution.
- [14] Article 61 of the Constitution.
- [15] Article 62 of the Constitution