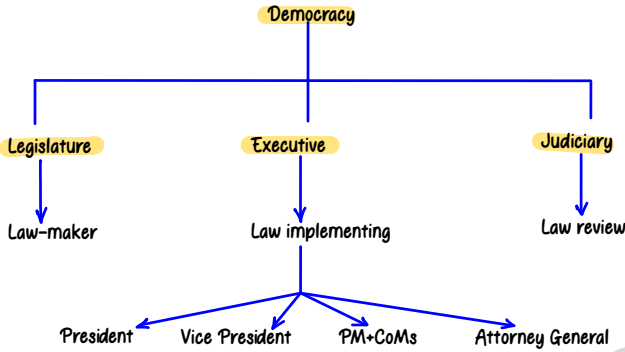


# PRESIDENT AND VICE PRESIDENT



Part V: Union Executive → Art 52-78



Union Executive

**PRESIDENT**

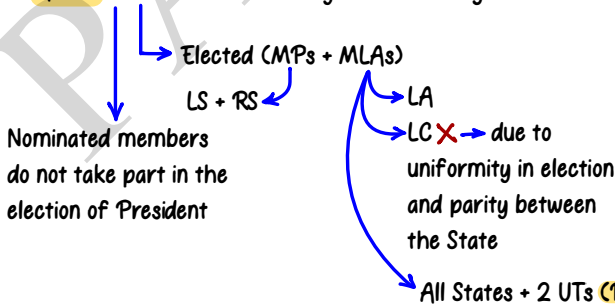
Part V of Constitution deals with 'The Union Government' based on 5 chapters

- Chapter I: Union Executive - President and Vice President (Art 52-78)
- Chapter II: Parliament- Council of States and House of the people (Art 79-122)
- Chapter III: Legislative powers of the President (Art 123)
- Chapter IV: Union Judiciary- SC and HC (Art 124-147)
- Chapter V: Comptroller and Auditor-General of India (Art 148-151)

Art 52: There shall be a President of India, who shall be the Head of Union Executive

Art 53: Executive power of Union shall vest in President + Supreme Commander of all the defence forces (Army, Navy, Airforce)

Art 54: President is elected by electoral college



- President is the head of the country
- First citizen of India
- Vice President is the second citizen of India

• **Art 55: Manner of election**

No defection provision in President's case

- Indirect (not directly by the people): RS, President, V. President
- Proportional representation + Single Transferrable Vote (STV)
- By secret ballot

• 50 proposers + 50 seconders → President elections

$$\text{Quota} = \frac{\text{Total votes} + 1}{\text{No. of candidates} + 1}$$

$$\text{Value of vote of all MLAs} = \frac{\text{Total population of state}}{\text{No. of elected MLA}} \times \frac{1}{1000}$$

$$\text{Value of vote of MP} = \frac{\text{Total value of votes of all MLAs}}{\text{Total no. of elected MPs}}$$

• **Art 56: Term of President** → 5 yrs

Resigns to → Vice President

- Max. serving President: Dr. Rajendra Prasad
- Served as Vice President 2 times: Dr. Sarvepalli Radhakrishnan

• **Art 57: Re-election of President: any no. of times**

↳ Naturalised citizen can become President

- In USA → A person can remain as President for max. 2 yrs
- No naturalised citizen can become President

• **Art 58: Qualification of President**

- ① — Citizen of India
- ② — Age: Min. 35 yrs
- ③ — Should be qualified to be appointed as a member of Lok Sabha
- ④ — Should not hold office of profit → Not defined in the Constitution

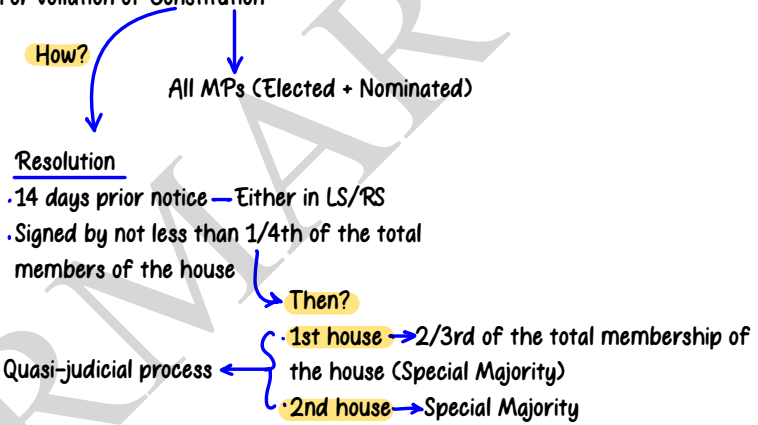
↳ President, Vice President, Minister, PM (not under Office of Profit)

• **Art 59: Conditions of office of President**

- ① — President shall not be member of either house of Parliament and State Legislature  
↓  
If a member — should deem to vacate his seat before being appointed as President
- ② — Emolument and allowances shall not be diminished during his term

• **Art 60: Oath of President** → by Chief Justice of India  
↓ If not present then  
Senior most judge

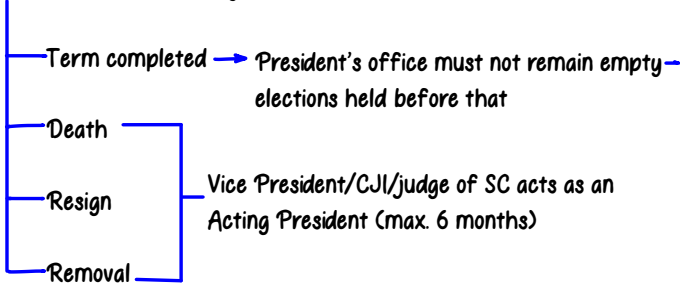
• **Art 61: Impeachment for violation of Constitution**



Difference

- MLAs participate in President's election, but not in impeachment
- Nominated MPs do not participate in election but participate in impeachment

**Art 62: Election to fill vacancy**



Articles Related to President		TRICK
Article 52	The <u>P</u> resident of India	Pr
Article 53	<u>E</u> xecutive power of the Union	E
Article 54	<u>E</u> lection of President	E
Article 55	<u>M</u> anner of election of President	M
Article 56	<u>T</u> erm of office of President	T
Article 57	<u>R</u> eligibility for re-election	Re
Article 58	<u>Q</u> ualifications for election as President	Q
Article 59	<u>C</u> onditions of President's office	C
Article 60	<u>O</u> ath or affirmation by the President	Ome
Article 61	<u>I</u> mpeachment of the President	In
Article 62	<u>T</u> ime of holding election to fill vacancy in the office of president	T

**VICE PRESIDENT**

**14th VP: Jagdeep Dhankar**

**List Of Vice-Presidents Of India Till Now**



**3rd VP: V. V. Giri**

**2nd VP: Zakir Hussain**

**1st VP: Dr. Sarvepalli Radhakrishnan**



• **Art 63:** there shall be a Vice President of India

→ Seeking election?

→ Security deposit of 15,000/-

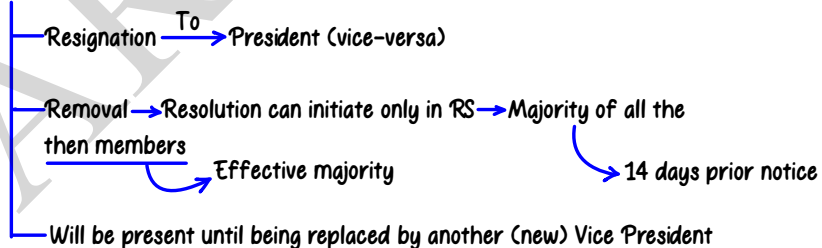
• **Art 64:** Vice President shall be ex-Official Chairman of Council of State (RS)

• **Art 65:** Vice President to act as president during casual vacancies

• **Art 66:** Election of Vice President

- ① — **Electoral collage:** All MPs
- ② — **Manner of election:** Proportional representation + STV  
    ↳ Voting through secret ballot
- ③ — Vice president shall not be a member of either house of Parliament and State Legislature (same as President)
- ④ — Eligibility
  - ↳ Citizen of India
  - ↳ **Age:** 35 yrs
  - ↳ He should be qualified to be elected as a member of RS
- ⑤ — Should not hold any office of profit

• **Art 67:** Term of Office of Vice President



• **Art 68:** Time of holding election to fill vacancy Within 60 days

• **Art 69:** Oath <sup>by</sup> —> President

• **Art 70:** Discharge of President's function in other contingencies

**Art 71: Matters relating to election of President and Vice President**

- ① All the doubts and disputes arising out of or in connection with election will be dealt by SC
- ② If the election of VP is declared void by SC, then the acts done by the person in performance of powers and duties of office on and before the date of decision to be considered valid
- ③ Parliament may by law regulate any matter relating to or connected with the election of a President or Vice President
- ④ The election of VP or President cannot be challenged on the ground that electoral college electing the person was incomplete

Proportional representation + Single Transferable Vote

In case of President, RS, Vice President

→ 20 proposers + 20 electors as proposers

• A person who votes → has power of multiple votes

Candidate vote	A	B	C	D
	4	1	3	2
	1	3	2	4
	2	4	1	3

Preference based  
 • 1st preference?  
 • Quota? → Winner

• **Art 72:** Pardoning power of President

Can pardon death  
sentence

Difference

- Governor cannot pardon death sentences
- Governor cannot pardon Court Martial

• **Art 161:** Pardoning power of Governor

Types of pardoning power of President

- **Pardon:** Gives President authority to remove both the punishment and judgement
- **Commutate:** Form of punishment that replaces one penalty form with another less rigid one
- **Remission:** The President decreases the time duration of the punishment, but the nature of the verdict stays the same
- **Respite:** This power lets the President reduce the punishment which is officially granted because of some specific reason  
**Eg:** in case of pregnancy of a women culprit, or if the convict is dealing with a physical disability
- **Reprieve:** The power indicates a stay of the enactment of a death penalty for a temporary duration

- **Longest serving VP:** Hamid Ansari (Only VP to serve under three Presidents)