

Polity Class 26

18th October, 2023 at 9:00 AM

ELECTION OF PRESIDENT OF INDIA (09:14 AM)

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	President	V. President	Governor
Citizenship	Citizen of India	Citizen of India	Citizen of India
Minimum Age	35	35	35

- The electoral college related to the President's election is mentioned in Art 54.
- Art 55 describes the manner of the election of the President.
- Electoral College consists of (a) the elected members of both Houses of Parliament, and (b) the elected members of the Legislative Assemblies of all States including the National Capital Territory of Delhi and the Union Territory of Puducherry.
- The Members nominated to either House of Parliament or the Legislative Assemblies of States, including NCT of Delhi and Union Territory of Puducherry, are not eligible to be included in the Electoral College.
- Value of vote of MLA= (Total population of state/ total number no. of elected MLAs)*1/1000
- The value of the 1971 census is to be used till the first census after 2026 (Because of the difference in population growth of different states).
- Important principles
- Uniformity in the representation of states in the elections.
- There should exist parity between the role of the Union and states in President elections
- Value of all MLAs= Value of vote of all MPs= 5.49 lacs
- Value of vote of one MP = 5.49 lacs/ Total no. of elected MPs

PROCEDURE (10:15 AM)

- Mentioned under Art 55(3).
- Election is conducted under a system of proportional representation along with a single transferable vote.
- Since the election takes place through a secret ballot, there is no need to publicise the vote cast by an MLA/ MP. Thus anti-defection law does not apply.
- ECI conducts the election for both the President and vice president.

- **Cross voting/ Crossing the floor-** When an MLA/MP votes in favour of a presidential candidate opposite to the directive given by the party.
- **Disputes related to the election of the President** can be raised in only the Supreme Court through an election petition.
- **Declaration of election as invalid** shall not hold any act of the President done prior to such result shall be declared null and void.
- **Any vacancy in the electoral college** can not be a reason for declaring the elections void.
- **Types of election-** First Past the Post (FPTP) and System of Proportional Representations.
- In FPTP, A candidate wins if he gets more votes than any other candidate.
- In the PR system, a party gets seats according to the share of votes they get.
- A Party publishes a list of candidates.
- A voter votes for the party.
- In the PR system, the choice of minority voters also gets respected.
- **Quota of votes in President's election**
- A winning candidate needs to secure a quota of votes to get elected.
- $\text{Quota} = (\text{Total number of votes} / (\text{total no. of seats} + 1)) + 1$
- For India, $\text{Quota} = (\text{Total number of votes} / 2) + 1$
- A candidate needs to secure more than 50% of the total value.
- **Procedure**
- MP/MLA indicate their preference for candidates in the Ballot paper.
- If a candidate gets a quota, he is declared the winner.
- India's presidential election process is also called instant runoff.

REASONS FOR CHOOSING THE INDIRECT ELECTION METHOD FOR THE PRESIDENT'S ELECTION (11:36 AM)

- A directly elected President would have created two power centres and affected the functioning of the central government.
- The President is merely a nominal head of the government and does not exercise any real powers, electing him through a direct election process would have led to a wasteful expenditure.
- In case the President and the council of ministers would have belonged to different political parties, it would have created a situation of deadlock at the centre.

- if both of them belonged to the same political party, the role of the President to keep a check on the actions of the central government would have been compromised.

APPOINTMENT PROCEDURE OF THE GOVERNOR (11:44 AM)

- The Governor is supposed to be chosen by the President of India by issuing a warrant carrying his signature and seal.
- This appointment procedure has come into criticism because of the following reasons:
 - It is alleged that the office of the Governor has become a post for rehabilitation of rejected politicians. Therefore defeating the democratic mandate provided by the citizens.
 - Often, the appointments are made without consultation with the state CoM which leads to conflict between the ministers and the Governor.
 - In the recent past, retired judges, ex-army officials, ex civil servants have been appointed as Governors which has raised questions over the independent functioning of these offices.
 - It has created a spoils system where appointments are not based on merit but on the proximity to the ruling party at the centre.
 - The process of appointment has not been effective in addressing the conflicts between the CoM and the Governor.
 - Recommendations of the expert body on this matter
 - The 1st and the 2nd centre-state relations commission suggested that the Governor should be a person from outside the state so that he/she is not affected by the politics of the state.
 - He should be an eminent person from some walk of life to restore the lost glory associated with the position so that he can withstand any undue pressure from the central CoM.
 - He should be a person who should not have an active part in politics in recent times.
 - The Central CoM must actively consult the state CoM before making an appointment to such positions.

TOPIC OF THE NEXT CLASS- PRESIDENT (TO CONTINUE)