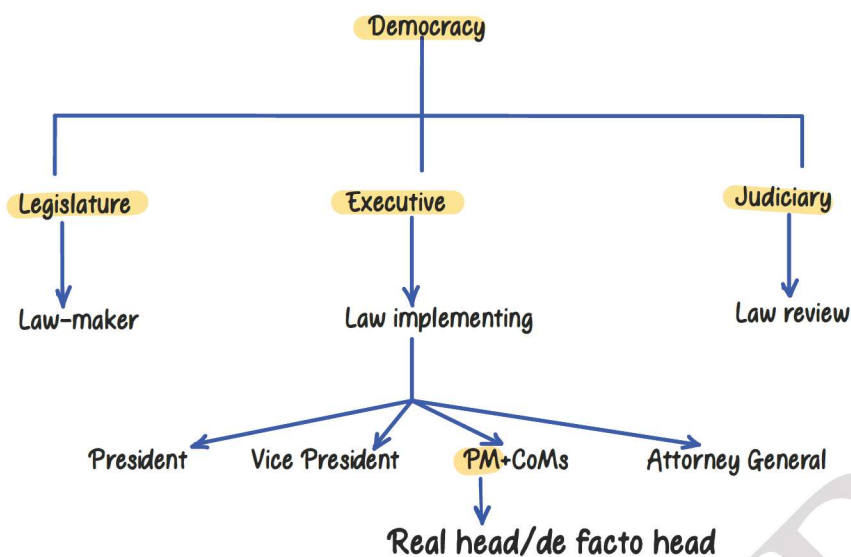


PRESIDENT AND VICE PRESIDENT



• Part V: Union Executive → Art 52-78



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

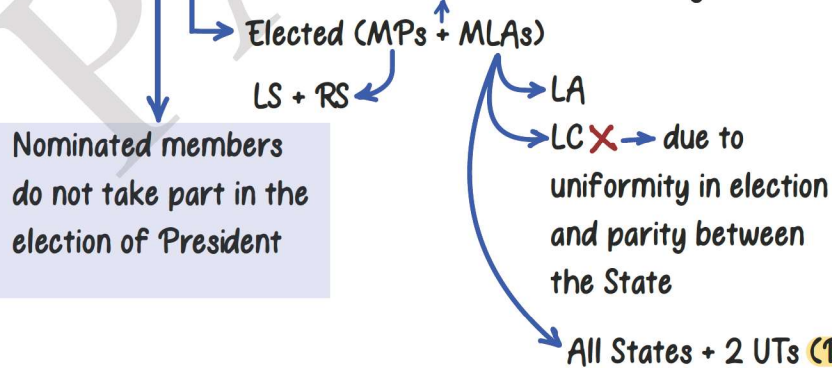
- **Chapter I:** Union Executive - President and Vice President (Art 52-78)
- **Chapter II:** Parliament- Council of States and House of the people (Art 79-122)
- **Chapter III:** Legislative powers of the President (Art 123)
- **Chapter IV:** Union Judiciary- SC and HC (Art 124-147)
- **Chapter V:**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

Union Executive

PRESIDENT

- **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
- State nominal head
- Titular head
- de jure head of the country

• 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

* Every candidate has to make a security deposit of ₹15,000 in Reserve Bank of India

• 50 proposers + 50 seconders → President elections

• Electoral Quota = $\frac{\text{Total number of valid votes polled}}{\text{Vacancies} + 1} + 1$

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

• 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 terms
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
 ↗ He/She should not hold any other office of profit
- 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"

Removal procedure
 How? → Not defined in Constitution
 All MPs (Elected + Nominated)

Resolution

- 14 days prior notice — Either in LS/RS
- Signed by not less than 1/4th of the total members of the house

Then?

- 1st house → 2/3rd of the total membership of the house (Special Majority)
- 2nd house → Special Majority

Quasi-judicial process

Impeachment is

Difference

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

Elected members of LA + UT of Delhi and Puducherry

- Till date, no president has been impeached
- Process of impeachment taken from USA

Art 62: Election to fill vacancy

Term completed → President's office must not remain empty—
elections held before that

Death

Resign

Removal

Vice President/CJI/judge of SC acts as an
Acting President (max. 6 months)

• An election to fill a vacancy caused by the expiration of term of office of President shall be completed before the expiration of the term

An election to fill a vacancy in the office of President occurring by the above reasons or otherwise shall be held as soon as possible after or in no case later than 6 months from, the date of occurrence of the vacancy

Articles Related to President

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>E</u> ligibility for <u>r</u> e-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

TRICK

PRESIDENTS OF INDIA				
1 st Dr. Rajendra Prasad  26 January 1950 to 13 May 1962 (2 terms)	2 nd Dr. Sarvepalli Radhakrishnan  13 May 1962 to 13 May 1967	3 rd Dr. Zakir Husain  13 May 1967 to 3 May 1969	4 th Shri Varahagiri Venkata Giri  24 August 1969 to 24 August 1974	5 th Dr. Fakhruddin Ali Ahmed  24 August 1974 to 11 February 1977
6 th Shri Neelam Sanjiva Reddy  25 July 1977 to 25 July 1982	7 th Giani Zail Singh  25 July 1982 to 25 July 1987	8 th Shri R Venkataraman  25 July 1987 to 25 July 1992	9 th Dr Shankar Dayal Sharma  25 July 1992 to 25 July 1997	10 th Shri K.R. Narayanan  25 July 1997 to 25 July 2002
11 th Dr. A.P.J. Abdul Kalam  25 July 2002 to 25 July 2007	12 th Smt. Pratibha Devisingh Patil  25 July 2007 to 25 July 2012	13 th Shri Pranab Mukherjee  25 July 2012 to 25 July 2017	14 th Shri Ram Nath Kovind  Sworn in on 25 July 2017	
				
Acting Presidents: Shri V. V. Giri: (3 May 1969 to 20 July 1969); Justice M. Hidayatullah (20 July 1969 to 24 August 1969); Shri B. D. Jatti: (11 February 1977 to 25 July 1977)				

• 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

In absence of President

• Vice President is the second citizen of India

• Art 66: Election of Vice President

- ① Electoral college All MPs (of both houses)
- 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

- Resignation → To President (vice-versa)
- Can hold office up to 5 years
- Removal → Resolution can initiate only in RS → Majority of all the then members
 - Effective majority
 - 14 days prior notice
- Will be present until being replaced by another (new) Vice President

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

• Art 69: Oath → by President

→ On expiry of tenure/resignation/removal by Parliament/death/disqualification to hold office when declared null and void

Or any person appointed on behalf of him

• 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	<p>Preference based</p> <ul style="list-style-type: none"> • 1st preference? • Quota? <p>Winner</p>
	1	3	2	4	
	2	4	1	3	



• **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
- **Commute:** 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)

Kehar Singh vs Union of India Case: 1988

In Kehar Singh case (1988), SC examined the pardoning power of President and said that:

- The exercise of pardoning power by President is not subject to **judicial review**, except where the presidential decision is arbitrary, irrational, mala fide, or discriminatory

Judicial Power

1. He/she appoints the Chief Justice and the judges of Supreme Court and High Courts
2. He/she can seek advice from the Supreme Court on any question of law or fact. However, the advice tendered by the Supreme Court is not binding on the President
3. He/she can grant pardon, reprieve, respite and remission of punishment or suspend, remit or commute the sentence of any person convicted of any offence



Dr. Sarvepalli
Radhakrishnan
May 13, 1952 to May 12,
1962

Dr. Zakir Hussain
May 13, 1962 to May 12,
1967

Sh. V.V. Giri
May 13, 1967 to May 3, 1969

Sh. Gopal Swarup
Pathak
August 31, 1969 to August
30, 1974



Venkiah Naidu
11 Aug 2017-10 Aug 2022



Sh. B.D. Jatti
August 31, 1974 to August
30, 1979

Sh. M. Hidayatullah
August 31, 1979 to August
30, 1984

Sh. R. Venkataraman
August 31, 1984 to July 24,
1987

Dr. Shanker Dayal
Sharma
September 3, 1987 to July 24,
1992



Jagdeep Dhankar
11 Aug 2022-Present



Sh. K.R. Narayanan
August 21, 1992 to July 24,
1997

Sh. Krishan Kant
August 21, 1997 to July 27,
2002

Sh. Bhairon Singh
Shekhawat
August 19, 2002 to July 21,
2007

Sh. M. Hamid Ansari
August 11, 2007 to August
10, 2017