

# CONSTITUTION OF INDIA

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ELECTION AND REMOVAL OF THE PRESIDENT OF INDIA



# ABOUT: THE PRESIDENT OF INDIA

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- ❑ The President of India is recognized as the first citizen of the country and the head of the state.
- ❑ The elected President of India is a part of the Union Executive along with several other members of the parliament including the Prime Minister, Attorney-General of India and the Vice - president.

# QUALIFICATIONS TO BECOME THE PRESIDENT OF INDIA

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- ❑ The qualification of be the President of India are given below:
  - ❑ He/she must be an Indian citizen.
  - ❑ A person must have completed the age of 35.
  - ❑ A person must be qualified for election as a member of the House of the People.
  - ❑ Must not hold a government (central or state) office of profit.
  - ❑ A person is eligible for election as President if he/she is holding the office of President or Vice-President.
  - ❑ A person is eligible for election as President if he/she is holding the office of the Governor.
  - ❑ A person is eligible for election as President if he/she is holding the office of Union/ State Minister.

# HOW TO BE ELECTED AS THE PRESIDENT OF INDIA

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- ❑ The President of India is elected indirectly by an Electoral College following
- ❑ the system of proportional representation using transferable vote system and secret ballots.
- ❑ MPs and MLAs vote based on parity and uniformity values.

# ELECTORAL COLLEGE COMPOSITION-

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Legislative Assemblies of the States:

According to the provision of Article 333, every state's Legislative Assembly must consist of not less than 60 members but not more than 500 members.



# UNIFORMITY IN THE SCALE OF REPRESENTATION OF STATES

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- To maintain the proportionality between the values of the votes, the following formula is used:
- Value of vote of an MLA = total no. of the population of the particular state/ number of elected MLAs of that state divided by 1000.

# ELECTION PROCESS OF THE PRESIDENT

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- The election is held in accordance with the system of proportional representation by means of the single transferable vote (STV) method wherein the preferential voting system is followed. It takes place by a secret ballot system. The electoral college for president election comprises of elected members of Lok Sabha, Rajya Sabha and State Legislative Assemblies of all states and Delhi, Jammu & Kashmir and Puducherry.

# REMOVAL OF THE PRESIDENT OF INDIA

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- **What is Meant by Impeachment?**

Impeachment is defined as an act of calling into question the integrity or validity of something. The term impeachment means the process followed in deciding the removal of a person in a position from exercising all the powers and responsibilities that the position demands. The entire process of removal is impeachment.



# IMPEACHMENT OF THE PRESIDENT

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- No president has so far faced impeachment proceedings. However, the procedure has been laid down by the law of the land. The President may be removed before his tenure through impeachment for violating the Constitution of India by the Parliament of India. The process may begin in either of the two houses of the Parliament.

# IMPEACHMENT OF THE PRESIDENT

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- A House starts by levelling charges against the President. The charges are present in a notice which must be signed by at least a quarter of the total members of that House. The notice is then sent up to the President and taken up for consideration after 14 days.

# IMPEACHMENT OF THE PRESIDENT

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- An impeachment resolution on the President must be made by a two-thirds majority (special majority) of the total members of the originating House, to be later sent to the other House. The other House conducts an investigation of the charges made.

# IMPEACHMENT OF THE PRESIDENT

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- Meanwhile, the President can defend himself through an authorized counsel. But if the second House also approves the charges levelled by a special majority, the President stands impeached. Consequently, he is deemed to have vacated his office from the date of passing the resolution.



# IMPEACHMENT OF THE PRESIDENT

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- In another instance, the Supreme Court inquires and decides disputes or ambiguities about the election of a President as per Article 71(1) of the Indian Constitution. The Supreme Court can remove the President for the electoral misconducts or upon becoming ineligible for Lok Sabha member as laid under the Representation of the People Act, 1951.



# CONSTITUTION OF INDIA

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POWERS AND FUNCTIONS OF THE SUPREME COURT IN INDIA



# INTRODUCTION : SUPREME COURT IN INDIA

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- The Supreme Court in India was established through an enactment passed in pre-independent India, with the introduction of the Regulating Act, 1773. The 1st Supreme Court started its function as a court of record at Calcutta, and the 1st Chief Justice Sir Elijah Impey was appointed. The court was established to resolve the disputes in Bengal, Orissa, and Patna. Consequently, in 1800 and 1834, the King George-III established the other two Supreme Courts in Bombay and Madras.

# IMPORTANCE OF THE SUPREME COURT IN INDIA

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- In the Constitution of India, part 5, chapter 6 deals with the power, function, appointment, retirement, jurisdiction, etc. from Article 124 to Article 147 of the Supreme Court. The followings are the importance of the establishment of the Supreme Court:

# IMPORTANCE OF THE SUPREME COURT IN INDIA

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- 1) The Supreme Court is the highest appeal court that is also known as the apex court of India and even the last resort, where the citizens of India can seek justice if they are not satisfied with the judgment of the High court.



# IMPORTANCE OF THE SUPREME COURT IN INDIA

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- 2) The citizens of India, as per Article 32 of the Constitution, can even directly sort for remedy through writs if their fundamental rights are violated.



# IMPORTANCE OF THE SUPREME COURT IN INDIA

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- 3) The Supreme Court has Judicial Review power that is being vested through Article 13 of the Constitution, which means the Supreme Court has the power to strike down any legislation and executive action if such acts are found to be inconsistent with the Constitution of India.

# FUNCTIONS OF THE SUPREME COURT

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- **a)** The SC gives the final verdict against an appeal from the other subsidiary courts i.e., High courts.
- **b)** It acts as an institution where issues from the different governmental bodies, central government, and the state government matters are resolved.
- **c)** As per Article 141 of the Constitution, laws passed by the SC, apply to all courts within the Indian Territory.
- **d)** In some matters, the Supreme Court also acts on its own and can pass suo moto.

# POWERS OF THE SUPREME COURT IN INDIA

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- The Supreme Court can take up disputes between governments, citizens and government, governments at the union and state level.
- Highest Court of justice and hears appeals against High Court decisions, civil and criminal cases.
- Guardian of our constitution and fundamental rights.
- It can declare any law of the legislature or executive invalid.
- People can approach Supreme Court if their rights are violated.

# THANK YOU

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