PARMAR SSC

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President and Vice-President



Part V of the Constitution is Divided into 5 Chapters :

Chapter 1:
Union Executive (President + Vice President + Prime Minister + Council of Ministers + Attorney General)

Chapter 2:
Parliament(Art 79-122)

Chapter 3:
Legislative Powers of the President (Art 123)

Chapter 4:
Union Judiciary (Art 124-147)

Chapter 5:
Comptroller and Auditor General of India (Art 148-151)

President Of India Article (52-62)

Article 52

There shall be a President of India, who shall be the Head of the Union Executive.

Article 53

Executive Power of Union shall vest in President.

- He is the Supreme Commander of all the Defence forces (Army, Navy, Airforce)

Article 54

Election of President

President is elected by an electoral college; i.e. Elected members of both Houses of Parliament (Lok Sabha + Rajya Sabha) + Elected Members of the Legislative Assemblies of (States + Union Territories of Delhi and Puducherry)

Nominated Members of Parliament and Members of Legislative Council do not Participate in the election of the President.

The President is:

- Head of the Country
- First Citizen of India.
- Nominal Head / Titular Head / De jure head of the Country

Article 55

Manner of Election

- Indirect Election (not directly by the people)
- Proportional Representation + Single Transferable Vote (STV)
- Voting done by Secret Ballot

Vote Value Calculations:

$$\text{Value of vote of all MLAs} = \frac{\text{Total Population of the state}}{\text{Total Number of Elected MLAs}} \times \frac{1}{1000}$$

$$\text{Value of vote of an MP} = \frac{\text{Total value of votes of all MLAs}}{\text{Total number of elected MPs.}}$$

$$\text{Electoral Quota} = \frac{(\text{Total number of Valid votes polled})}{(\text{vacancies} + 1)} + 1$$

Article 56

Term of Office of President

- Term of Office of President is 5 Years.
- He can resign by addressing the resignation letter to Vice-President.

Article 57

Eligibility for Re-election of President

- Naturalised citizen can become President.
- Eligible for re-election any number of times.

Article 58

Qualification for election as President

Must be:

- A citizen of India.
- Minimum 35 years of age.
- Qualified for election as a member of Lok Sabha.
- Must not hold any office of profit. (Office of profit is not defined in the Constitution)

Article 59

Conditions of office of President.

1. Shall not be a member of either House of Parliament or State Legislature
   - If he is a member, he/she should vacate the seat before the appointment.

2. Entitled to emoluments and allowances as maybe determined by the Parliament.
   - Emoluments and allowances shall not be diminished during his term.

Office of Profit

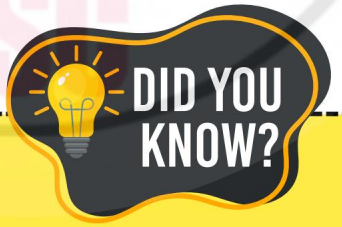
Offices in which people are appointed and removed by the government, however offices of President, Vice President, PM, Governor are not considered as office of profit.

Article 60

Oath or affirmation by the President

In the presence of Chief Justice of India.

- If Chief Justice of India is unavailable then Senior-Most Judge of the Supreme Court will take this charge.



- President is immune from any criminal proceedings during his term of office.
- After giving 2 months notice civil proceedings can be carried against him.

- Dr. Rajendra Prasad :- Longest serving and the 1st President of India. (1950-62)
- Dr. Sarvapalli Radhakrishnan : Served twice as Vice President.

Article 61

Procedure for impeachment of the President

Grounds of Removal:

Violation of the Constitution. (Not defined in Constitution)

Procedure for impeachment of the President

1. Impeachment charges can be initiated by either house of Parliament.
2. Charges should be signed by 1/4 members of that House.
3. A 14 days notice should be given to the President.
4. After this the Resolution should be passed by Special Majority by both the Houses (Majority of two-thirds of the Total Membership of that House).
5. President has right to appear & to be represented at such investigation.

- All Members of Parliament (elected + nominated) take part in the Impeachment process.
- Impeachment is a removal process borrowed from USA.
- Impeachment is a Quasi-judicial process.
- No President has been impeached till date.
- MLAs participate in President's election, but not in impeachment.

Trick : PrEEM TReQing pe chalna hai, so COme In Time.

- Pr- President
- E- Executive
- E- Election
- M- Manner of Election
- T- Term
- Re- Re-election
- Q- Qualifications
- C -Conditions of office
- O- Oath
- In- Impeachment
- Time- Time to fill Vacancy

Article 62

Time of holding election to fill vacancy

If term ends normally:

- Election should be held before the expiration of President's term.

If vacancy is created due to death, resignation, removal, then:

- Election must be held within 6 months, till then:
  1. The Vice President acts as Acting President.
  2. If Vice President is not available, then Chief Justice of India (CJI) acts as Acting President.
  3. If CJI is also unavailable, then Senior-most Judge of the Supreme Court acts.

Ex: Zakir Hussain - V.V Giri (Acting President) - M. Hidayatullah

VICE-PRESIDENT (VP) OF INDIA
[Article 63-71]

Article 63

There shall be a Vice-President of India.

Article 64

- Vice President shall be the ex-officio Chairman of the Council of States (Rajya Sabha).
- VP holds second highest constitutional post.
- VP can act as President only for a maximum period of 6 months.

Article 65

Vice-President to act as President.

In the absence of the President:

- Vice President performs functions as an Acting President.

Article 66

Election of Vice-President.

1) Elected by Electoral College:

- All members of both Houses of Parliament (Lok Sabha + Rajya Sabha)
- Includes nominated members also.

2) Method of Election:

- Proportional Representation + Single Transferable Vote (STV)
- 20 proposers + 20 electors as seconders
- Secret ballot voting
- Required Security deposit: 15,000/-
- Each voter has multiple preferences of voting.

3) Eligibility criteria:

- Must be a citizen of India
- Must be of 35years or more
- Qualified for election as a member of the Rajya Sabha.

4) He shall not be a member of either house of the parliament and/or State Legislature (Same as President)

Article 67

Term of Office of Vice-President.

- Can hold office upto 5 years.
- Can resign to the President (and vice-versa)

Removal if:

- Resolution initiated (only in Rajya Sabha)
- Passed by effective majority in RS and simple majority in LS.
- 14 days prior notice required.
- Will continue in office until successor takes charge.

Article 68

Time of holding election to fill vacancy.

- Vacancy caused due to expiration of the term of office of VP shall be completed before the expiration of the term.
- If vacancy arises due to resignation, removal by Parliament, or death, then - Election must be held as soon as possible.

Article 69

Oath or affirmation by Vice-President.

- Administered by the President or any person appointed on behalf of him.

Article 70

Discharge of President's functions in other contingencies.

- Parliament may make provisions for the discharge of the President's functions in any contingency.

Article 71

Matters relating to election of President and Vice-President.

1. All doubts and disputes related to elections are handled by the Supreme Court, whose decision is final
2. If election is declared void by the SC, then the acts done by VP/President before the date of declaration are considered valid.
3. Parliament may regulate matters related to election of P/VP.
4. Election cannot be challenged on the ground that electoral college electing that person was incomplete.

- Longest serving VP: M. Hamid Ansari (2007-2017).
- He is the only VP to serve under 3 Presidents.

Article 72

Pardoning power of the President

Types of Pardoning Power of President:

1. **Pardon** - Completely removes punishment and conviction.
2. **Commutation** - changes the form of punishment.
3. **Remission** - Reduce the punishment period.
4. **Respite** - Lessen the punishment due to special conditions. (e.g pregnancy)
5. **Reprieve** - Stay on execution for a temporary duration.

The President can pardon death sentences and court-martial punishments while the Governor cannot. (Pardoning power of Governor is given in Article 161)

Kehar Singh vs Union of India Case (1988):

Pardoning power of the President is not subject to judicial review, unless the decision is arbitrary, mala fide, irrational, or discriminatory.

Judicial Powers of the President

- Appoints Chief Justice and judges of the Supreme Court and High Courts.
- Can seek advice from Supreme Court on any law or fact. However, the advice tendered by the SC is not binding on him.
- Exercises pardoning powers as mentioned above.

Some Important Facts:

- Dr. Rajendra Prasad was the longest serving President of India (12 Years)
- Dr. Zakir Hussain was the first Muslim President. He died in Harness.
- V.V Giri was the first acting President to be later elected.
- Fakhruddin Ali Ahmed Died in Office and B.D Jatti appointed as acting President.
- Neelam Sanjiva Reddy was the only president who was elected unopposed.
- Giani Zail Singh was the first Sikh President of India.
- R. Venkataraman had served during Coalition era.
- K.R Narayanan was the first Dalit President.
- Dr. A.P.J Abdul Kalam was also known as 'Missile Man' and 'People's President)
- Pratibha Patil was first Women President of India.
- Droupadi Murmu is the First Tribal and Second Women President of India.
- Dr. Zakir Hussain was the first Muslim Vice President of India.

Presidents of India	Term
1. Dr. Rajendra Prasad	1950 - 1962
2. Dr. Sarvepalli Radhakrishnan	1962 - 1967
3. Dr. Zakir Hussain	1967 - 1969
4. V.V Giri	1969 - 1974
5. Fakhruddin Ali Ahmed	1974 - 1977
6. Neelam Sanjiva Reddy	1977 - 1982
7. Giani Zail Singh	1982 - 1987
8. R. Venkataraman	1987 - 1992
9. Dr. Shankar Dayal Sharma	1992 - 1997
10. K.R Narayanan	1997 - 2002
11. Dr. A.P.J Abdul Kalam	2002 - 2007
12. Pratibha Patil	2007 - 2012
13. Pranab Mukherjee	2012 - 2017
14. Ram Nath Kovind	2017 - 2022
15. Droupadi Murmu	2022 - Present

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Vice Presidents of India	Term
1. Dr. Sarvepalli Radhakrishnan	1952 - 1962
2. Dr. Zakir Hussain	1962 - 1967
3. V.V Giri	1967 - 1969
4. Gopal Swarup Pathak	1969 - 1974
5. B.D Jatti	1974 - 1979
6. Mohammad Hidayatullah	1979 - 1984
7. R. Venkataraman	1984 - 1987
8. Shankar Dayal Sharma	1987 - 1992
9. K.R Narayanan	1992 - 1997
10. Krishan Kant	1997 - 2002
11. Bhairon Singh Shekhawat	2002 - 2007
12. Mohammad Hamid Ansari	2007 - 2017
13. M. Venkaiah Naidu	2017 - 2022
14. Jagdeep Dhankar	2022 - 2025
15. C.P Radhakrishnan	2025 - Till Date

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