



# Polity Class Notes for IAS and PCS

## Chapter No 20: The President

<b>President – Part V</b>	
<b>Election of president</b>	
<ul style="list-style-type: none"> <li>➤ Union executive consists of President, vice-president, prime minister, council of minister and attorney general of India.</li> <li>➤ Participate in Election <ul style="list-style-type: none"> <li>• Elected member of State Assembly &amp; House of Parliament</li> </ul> </li> <li>➤ Not Participate in election of president <ul style="list-style-type: none"> <li>• Nominated member of state Assembly</li> <li>• State legislative council</li> <li>• Nominated member of Parliament</li> <li>• Nominated Assemblies of Delhi &amp; Pondicherry</li> </ul> </li> </ul>	
<ul style="list-style-type: none"> <li>➤ Value of vote of MLA (always different, depend upon the population of state)</li> </ul> $= \left[ \frac{\text{Total Population of state}}{\text{Total no.of elected member in state legislative assembly}} \right] \times \frac{1}{1000}$	
<ul style="list-style-type: none"> <li>➤ Value of vote of MP (Always same) = <math>\left[ \frac{\text{Total value of vote of all MLA of states}}{\text{Total no.of elected member of Parliament}} \right]</math></li> </ul> <p>It mean, value of vote of (MP) remains constant, whereas value of MLA is different, depend on Population of state.</p>	
<ul style="list-style-type: none"> <li>➤ Electoral quota = <math>\left[ \frac{\text{Total no.of valid voted polled}}{(1+1)} \right] + 1</math></li> </ul>	
<ul style="list-style-type: none"> <li>➤ Voter, while casting his vote is required to indicate his preference by making 1, 2, 3, 4 etc. against the name of candidate.</li> </ul>	
<ul style="list-style-type: none"> <li>➤ Age 35, must qualified for election of LS</li> <li>➤ Nomination of candidate for election of President must be subscribe at least 50 electors as proposes &amp; 50 electors as secondary</li> <li>➤ 1/6 voter had to secure deposit fees (15000 Rs)</li> <li>➤ Oath of office of President by CJI</li> <li>➤ He cannot arrested imprisoned. After giving 2 month notice, civil proceeding can be started</li> <li>➤ He can eligible for Re – election to office (Any no.) But in USA – only two times elected</li> <li>➤ For impeachment (1/4) of total membership of house, needed Passed by (2/3) majority.</li> <li>➤ He can resign, at any time to UP</li> <li>➤ President can be removing from office by a process of independent for – violation of constitution.</li> <li>➤ Impeachment of President is Quasi-Judicial Procedure – Nominated Member of either house can participate.</li> </ul>	

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- Nominated member of Legislative Assembly of state & UT of Delhi & Puducherry participate in Impeachment of President though they not participate in election.
- He can appoint inter – state council to Promote centre – state & inter – state cooperation.
- He nominated 12 member in Rajya sabha & 2 from Anglo community.
- He decides on question as disqualification of Member of Parliament in constitution with FC.
- He constitutes Financial Commission, every after 5 years for distribution of Revenue between centre and state.
- He appoint CJI & judge of SC & HC
- Prior Recommendation alternation of border
- He can seek advice from SC on any question of law fact; advice tendered by SC is not binding on president.
- He have veto power (within hold), on bill.
- In first case president can send for reconsideration of bill but in second time, President must passes to bill.

### **Veto Power**

- Absolute veto – with holding the bill
- Suspension veto – overridden by legislature with ordinary majority
- Pocket veto – No Action regarding bill
- Qualified veto – overridden by legislature, with higher majority
- Qualified veto is not under Indian President, it reside only American President.
- Ordinance is approved by both house, it became an Act.
- If Parliament takes no Action at all, ordinance cease to operate expires of 6 weeks from reassembly of Parliament.
- Also withdraw an ordinance at any time
- He can promulgate or withdraw an ordinance only an advice of council minister.
- Ordinance making power not found in USA/UK.
- President can pardon sentence in Military court, but governor not

### **Pardon power of president**

- Pardon in any sentence
- Commutation – change one punishment in lighter form
- Remission – reduce the period of time (without changing character)
- Respite– awarding lesser sentence in place of one originally ( In case of pregnancy)
- Reprieve- Stay of execution
- President cannot be arrest under or imprisoned.
- Two Month notice in civil proceeding against him during the office.
- President in USA can elected only 2 time
- President in India can elected any time

### **Impeachment**

- In the case of Impeachment of president can initiated by either house of parliament , These charges should be signed by 1/4<sup>th</sup> of member of house and 14 days' notice given to president

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- It should be passed by majority of 2/3th of total membership of that house, it is sent to other house which should be investigating the charges. Until investigate President continue, not success, – “No Interim that (VP) take office

#### **Prior Permission of president**

- Alter boundary
- Expenditure from Consolidated fund of India (CFI)
- In case of Money bill
- Absolute veto – withhold, assets the bill
- Pocket veto – No time line limit, but in USA – 10 days

#### **Suspension Veto**

- When bill present to president in first time , president may send for Reconsider
- But in second time , it is Mandatory to Assets (no need with high majority)
- But in USA – Need high majority for reconsider called “Qualified Veto”.
- So India President have not Qualified Veto.
- In case of constitution amendment – President no veto passed obligate to President to Asset

#### **Ordinance**

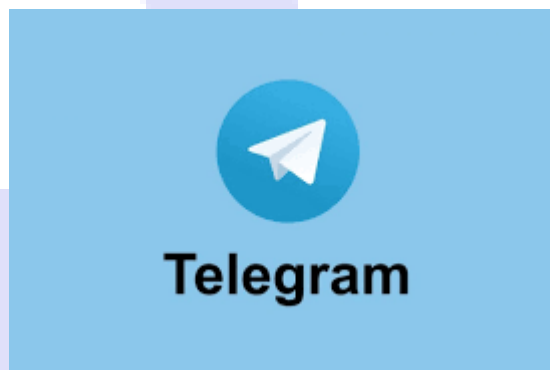
- Issue of Ordinance under Art 123, when Parliament house is not in session
- Ordinance cannot abridge or take away Fundamental Right
- When assembly reassemble – must be need rectified in 6 weeks
- So life of ordinance is minimum 6 weeks & 6 months.
- President can withdraw at any time .he can promulgate or withdraw an ordinance only advice of council of minister needed by PM.
- Ordinance not found in USA & UK.



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