

## Executive of the Union The President

- President is the head of the Union Executive.
- The President of India is indirectly elected by an electoral college, in accordance with the system of proportional representation by means of the single transferable vote.
- The electoral college for the President consists of:
  - ❖ The elected members of both Houses of Parliament;
  - ❖ The elected members of the Legislative Assemblies of the states, and
  - ❖ The elected members of the Legislative Assemblies of Union Territories of Delhi and Pondicherry (now Puducherry) (Ref. :Art. 54).
- In the President's election vote value of an
- $$MLA = \frac{\text{Total population of the state}}{\text{Total population of the statemembers of state}} \div 100$$
- In the President's election vote value of an
- $$MP = \frac{\text{The sum of vote value of elected members of all the Legislative Assemblies}}{\text{The sum of elected members of both the houses of Parliament}}$$
- Indirect election of the President is supported on two grounds:
  - ❖ Direct election by a large electorate of people would be very costly.
  - ❖ Real power is vested in the Ministry, so, it would be anomalous to elect the President directly without giving him real powers.
- Qualifications for election as President are :
  - ❖ Be a citizen of India;
  - ❖ Have completed the age of thirty-five (35) years;
  - ❖ Be qualified for election as a member of the House of the People; and
  - ❖ Must not hold any office of profit under the Government of India or the Government of any State or under any local or other authority subject to the Control of any of the said Governments (Art. 58)
- A sitting President or Vice-President of the Union or the Governor of any state or a Minister either for the Union or for any state is not disqualified for election as President (Ret: Art. 58)



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- The President's term of office is five years from the date on which he enters upon his office. President can submit resignation in writing under his hand addressed to the Vice-President of India.
- The only ground for impeachment of President specified in Art 61(1) is 'violation of the Constitution.
- An impeachment is a quasi-judicial procedure in Parliament.
- Either House may prefer the charge of violation of the Constitution by the President provided that:
  - ❖ A resolution containing the proposal is moved after a 14 days' notice in writing signed by not less than 1/4 of the total number of members of that House; and
  - ❖ The resolution is then passed by a majority of not less than 2/3 of the total membership of the House.
  - ❖ Charge preferred by one House is investigated by the other House.
- The President has a right to appear and to be represented at such investigation.
- If a resolution is passed by not less than 2/3 of the total membership of the investigating House declaring that the charge had sustained, the President shall be removed from office (Ref.: Art. 61).
- The President shall not be a member of either House of Parliament or of a House of the Legislature of any State.
- If a member of either House of Parliament or a House of the Legislature of any State is elected President, he shall be deemed to have vacated his seat in that House.
- A vacancy in the office of the President can be caused in any of the following ways:
  - ❖ On the expiry of his term of five years.
  - ❖ By his death.
  - ❖ By his resignation.
  - ❖ On his removal by impeachment.
  - ❖ Otherwise, e. g. on the setting aside of his election as President.
- An election to the office of the President must be completed before the expiration of the term.




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