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# Election of the President under Articles 52-62 of the Indian Constitution

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***Read this post to learn more about the Election of the President of India.***

## Introduction

The President of India is the ceremonial/nominal head of the country and the supreme commander of the armed forces. He is also called ‘de jure’ head of India while the Prime Minister is referred to as the ‘de-facto’ head of the nation.

While the role of the President largely ceremonial, he plays a crucial part in upholding the Constitution and ensuring the smooth functioning of the democratic process. Per **Article 52** of the Indian Constitution, the President is the constitutional executive and the symbol of the nation’s unity and integrity.

**Article 53 of the Constitution** states that all executive powers of the Union are vested in the President, who exercises these powers directly or through subordinate officers in accordance with the Constitution.

**Article 55 of the Constitution** outlines the method for electing the President, ensuring uniformity in representation across states and parity between the states and the Union.

## Who is Eligible to be the President?

To contest the election for the office of the President, a candidate must meet the following qualifications listed under **Article 58 of the Constitution**.

1. The candidate must be an Indian citizen.
2. The candidate must have completed 35 years of age.
3. The candidate must be qualified to be a member of the Lok Sabha (House of the People).

4. The candidate must not hold any office of profit under the Government of India or the government of any state. Exceptions include the Vice-President, Governor, or Minister of the Union or any state.

Additionally, the candidate must secure the support of at least 50 proposers and 50 seconders, all of whom must be members of the electoral college. A security deposit is also required, which is forfeited if the candidate fails to secure one-sixth of the valid votes polled.

## Electoral College

As stated in **Article 55**, the President is elected by an electoral college consisting of:

1. Elected Members of Parliament (MPs): This includes members of both the Lok Sabha and the Rajya Sabha.
2. Elected Members of Legislative Assemblies (MLAs): This includes members of the legislative assemblies of the states and union territories of Delhi, Jammu & Kashmir, and Puducherry.

Nominated members of the Rajya Sabha, Lok Sabha, and legislative assemblies are not part of the electoral college.

## Which Voting System Is Followed In the Presidential Election?

The election of the President follows the system of proportional representation by means of a single transferable vote. The voting process is conducted by secret ballot. Here is how the process works:

- The value of an MLA’s vote depends on the population of the state they represent, as per the 1971 census. The formula used is:Value of an MLA’s vote = (Population of the state / Number of elected MLAs in the state) × 1000
- The value of an MP’s vote is calculated by dividing the total value of all MLAs’ votes by the total number of elected MPs.

## Process of Election

1. Each voter (MP or MLA) is given a ballot paper with the names of all candidates.

2. Voters mark their preferences (1, 2, 3, etc.) for the candidates. They are not required to rank all candidates but must mark at least one preference for their vote to be valid.
3. The quota needed to win is determined by dividing the total number of valid votes by 2 and adding 1.
4. Counting of Votes:
    1. In the first round, only the first preferences are counted.
    2. If no candidate meets the quota, the candidate with the least votes is eliminated, and their votes are transferred based on the second preference marked on the ballot.
    3. This process continues until a candidate meets the required quota.

## Oath and Term of the President

Once elected, the President takes an oath administered by the Chief Justice of India (or in their absence, the senior-most judge of the Supreme Court). The term of the President is five years, but they can seek re-election **[Per Article 57 of the Constitution]**.

There is no limit to the number of terms a President can serve.

## Time for Election and Filling Vacancies

If the office of the President falls vacant due to death, resignation, removal, or otherwise, the election for a new President must be held within six months. If the President's term expires, the successor must assume office without delay.

## Conclusion

The election of the President of India is a well-planned process that represents the federal structure of the country. It balances the voices of the states and the Union while ensuring democratic principles are followed. This process highlights the importance of the President's role and promotes cooperation between the states and the central government.