

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.

Election Procedure

According to Article 54 of the Constitution, president is elected by an electoral college consisting of (a) the elected members of both Houses of the Parliament and (b) the elected members of the Legislative Assemblies of the State. The nominated members of Parliament and Assemblies have no place in Electoral College. The president is elected by the system of proportional representation by means of a single transferable vote. The Constitution prescribed two principles for the election:

- States *inter se* are given uniformity or near uniformity in the scale of representation and
- Parity is established between states on a whole and the Union of India.

Normally, uniformity could have been achieved by assigning each member of the Electoral College one vote. But such uniformity is difficult to arrive at because different states have different ratio with regard to population and the number of legislators.

The principle of uniformity is made possible by giving each voter (i.e. a member of the Legislative Assembly), voting strength in proportion to the population he represents. This is obtained by dividing the population of each state as per the latest census by the total number of elected members in the Assembly of the state. The resultant figure indicates the value of the **vote** of each member. This can be given in the form of a formula as follows:

Total Population of the State

Total number of elected members in the Legislative Assemblies < > * * * 1000
In calculation, if the remainder is 500 or more, it is counted as one; if it is less than 500 it is ignored.

The second principle of parity between the Union of India and the States is achieved by laying down the total value of the votes of all the **members** of the Legislative Assemblies divided by the total number of elected members of both Houses of Parliament. The derived figure is the vote of each elected member of both Houses of Parliament. The value of the votes of all the elected members is obtained by multiplying the votes of one member of Parliament with the total number of members in Parliament. The total value of the votes of all the elected members is obtained by multiplying the votes of one member of Parliament by **proportional representation** by means of a single transferable vote, it is important to fix a quota. The quota is arrived at by dividing the total number of votes polled with that of the total number of members plus one and by adding one to the quotient. Then the formula is:

$$\text{Number of members to be elected} = \frac{\text{Number of votes polled} + 1}{\text{Number of members to be elected} + 1}$$

We will make equation after setting another software]

The voters are required to indicate their preferences in favour of various candidates. First preference votes are counted first. If any candidate secures the quota in this count, he is declared elected. If no candidate is able to secure the quota, the candidate who has secured the lowest number of votes is eliminated and the second preference votes are counted and added to the number of votes obtained by the remaining candidates. This process continues till a candidate obtains the required quota.

On the whole, the entire system of election of the president sounds complex. One is however curious to know as to what made the framers of the Constitution adopt such a system of electing the president indirectly. The justification provided for indirect election of the president is as follows:

- In a Cabinet system of government, direct election of the constitutional head, as is the case with the Presidential elections in U.S, was neither necessary nor advisable. However, it was thought desirable to have the president elected by a popular body. Both these purposes have been realised under the present system.
- The Electoral College consists of not only members of both Houses of Parliament but also the members of State Legislative Assemblies. In an election of the Head of the Nation, it was believed that if the members of the Parliament alone are allowed to participate, then there is every possibility that the party in power can easily see to it that its candidate is elected as the president. But when the members of State Assemblies are also allowed to participate in the election, it is possible that the party in power at the centre may be a minority in some states. Under such circumstances, the party supported by a majority of members in Parliament will not by itself be able to elect its candidate to office.
- The election of the president is made indirect in order to make sure that the president is both a representative of the States as well as the Union. (Fadia, p. 214)

Term of Office

The term of office of the president is five years from the date on which he enters his office but is eligible for re-election. However, the president's office may be terminated within the term of five years in two ways:

- By resignation, given in writing in his hand addressed to the vice-president of India,
- By removal for violation of the Constitution, by the process of impeachment according to Article 56.

Emoluments and Allowances of the President

The president is entitled for a rent-free accommodation and also other privileges and emoluments and allowances as determined by the law of the Parliament. In 1998, by passing of President's Emoluments and Pension Act by the Parliament, the emoluments