Election of the President

The election of President is mentioned under Articles 54 and 55 of Indian Constitution. Article 54 mentions the details of the Electoral College for the purpose of the election of the President. The Electoral college refers to the persons who are eligible to vote in the election of the President.

Article 55 mentions the methodology for the election of the President such as proportional representation, single transferable vote and voting through secret ballot.

Let us discuss all the aspects involved in the election of President one by one.

1. Electoral College

As mentioned above, Article 54 mentions the composition of Electoral College for the election of the President. The Electoral College for the election of the President refers to the persons who are eligible to vote in the election of the President. It consists of elected members of Parliament, elected members of legislative assemblies of the states and elected members of legislative assemblies of the Union Territories. It is to be noted that all the members of Electoral College of the President are elected and no member is nominated. Also, though the elected members of Rajya Sabha participate in the election of the President, the members (both elected as well as nominated) of Legislative Councils of States do not participate in the election.

Indirect Election

It is implied from the composition of the Electoral college that only the representatives of people (and not the common people of the country) are allowed to vote in the election of President. Thus, the election of President is indirect election, and not the direct election.

In an indirect election, people don't directly vote in the election. However, it is the representatives of the people who vote on behalf of the people.

During the Constituent Assembly debates, it was proposed by some members that the President should be elected through direct, and not indirect election. However, this proposal was refused on the following grounds:
1. The Indian President does not enjoy the real powers like the President of the US. He is only the ceremonial head of State. Thus, there is no requirement of separate direct elections to choose the President of India.

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2. The direct election for choosing President would be a time consuming and costly exercise considering the size of the population of the country. Such time consuming and costly exercise is not warranted keeping in mind that the President is only the ceremonial head of State and the real powers are with the Council of Ministers headed by prime Minister.

President of India vs President of Union

Some members of the Constituent Assembly argued that only members of the Parliament should have role in the election of the President. In other words, the members of the Legislative assemblies of the States and the Union Territories should not have any role in the election of the President. However, this suggestion was rejected on account of the following reasons:

1. The Parliament is usually dominated by a single Political Party which is in power at the Centre. Thus, if only Members of Parliament vote for the President, then the Presidential candidate shall be representative of only the party in power at the Centre, without any representation of States.

2. Moreover, the members of the Legislative assemblies give primary importance to the local interests. If they are not given representation in the election of the President, then the chosen President cannot be called the President of India. Rather, he would be called the 'President of the Union'.
Thus, the President is chosen by the electoral college consisting of representatives of both the Union as well as State governments.

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2. Proportional representation

There is two-fold proportional representation in the election of president.

1) In the Electoral College of the President, the states (as well as UTs) are represented in proportion to their population. Larger the population of a state (or UT), greater the representation a state (or UT) enjoys in the Electoral College and vice versa.

Representation of a State (or UT) = Population of a State (or a UT) (1971 census) $\times \frac{1}{1000}$

Population of a State (or UT) is divided by 1000 to make the calculations easier. The representation of the States (as well as UTs) was frozen on the basis of 1971 census because the representation of the States on the basis of recent census was rewarding those states which have witnessed larger increase in their population by way of greater representation in the election of President.

States (and UTs) are represented through elected MLAs.

Therefore, Value of vote of elected MLAs of a State (or UT) =

Population of a State (or a UT) (1971 census) $\times \frac{1}{1000}$

Value of vote of an elected MLA of a particular state =

$\frac{Popn.\ of\ a\ state\ (1971\ census)}{Number\ of\ elected\ MLAs\ of\ a\ state} \times \frac{1}{1000}$

For instance, Value of vote of each Haryana MLA = $\frac{1,00,36,808}{90} \times \frac{1}{1000} = 111.52 = 112$ (Round off as required by provisions of Art.55)

Similarly, each MLA of UP has the highest value of vote = 208

Each MLA of Sikkim has the lowest value of vote = 7

The Total Value of Votes of 4033 MLAs in 2022 Elections was 5,43,231.

Note: The Legislative Assemblies of Union territories were given representation in the election of President by 70th amendment act, 1992. In 1992, UTs of Delhi and Puducherry became eligible to participate in the election of the President. After the passage of Jammu and Kashmir Reorganisation Act, 2019, the J&K is also eligible to participate in the election of President as Union territory, and not as State.

2) In the electoral college of President, all the States and UTs on one hand and Union on the other hand are equally represented.

Therefore, Value of vote of elected MPs = Value of vote of elected MLAs of States and UTs

Thus, Value of vote of an elected MP = $\frac{Value\ of\ vote\ of\ elected\ MLAs}{Number\ of\ elected\ MPs}$

For instance, in the 2022 elections, Value of vote of an elected MP = $\frac{5,43,231}{543+233\ (766)} = 700.04 = 700$

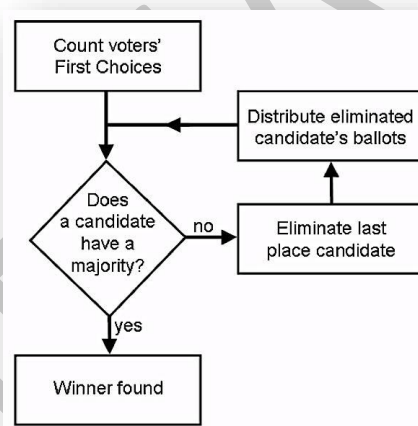Total Value of Votes of MPs = 700 x 776 = 5,43,200

Thus, the total Value of Votes for 2022 elections = 5,43,231+5,43,200 = 10,86,431

3. Single transferable vote

Under the system of single transferable vote, a voter (elected MP or MLA voting in election of President) has the right to indicate more than one preference for the candidates.

A candidate is declared elected if he or she obtains more than 50 per cent of the votes or the absolute majority of the votes. In the first round of counting only first preference votes are taken into consideration. If a candidate secures more than 50% of the votes, then he or she is declared elected.

If no candidate is able to obtain majority in the first round of counting, the candidate who gets the least number of first preference votes gets eliminated and his balance of votes is distributed among rest of the candidates according to second preference of votes. Counting of votes is undertaken again. Thereafter, if a candidate secures more than 50% of the votes, then he/she is declared elected. If not, this process continues till a candidate gets majority of votes.

4. Voting by Secret Ballot

Voting in the Presidential election is undertaken through Secret Ballot. Secret ballot is a voting method in which a voter's identity in an election is anonymous. In other words, it is not known that which voter has voted for which candidate.