

The President of India

(Powers, Functions, Election System, Constitutional Provisions and Analytical study of Position of President with special reference to American Presidential System)

Compiled and Edited

By

Dr. Anant Kalse,

Principal Secretary

Maharashtra Legislature Secretariat

& Secretary, Commonwealth Parliamentary Association,

Maharashtra Branch, Vidhan Bhavan, Mumbai.

MAHARASHTRA LEGISLATURE SECRETARIAT

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FOREWORD

An attempt is being made to provide a glimpse of **President of India** including Powers, Functions, Election System, and Constitutional Provisions and Analytical study of Position of President with special reference to American Presidential System. I hope this will help the Law students and Officials of this Secretariat to understand the Constitutional Law. I am also very much indebted to Hon. Shri Ramraje Naik-Nimbalkar, Chairman, Maharashtra Legislative Council, Hon. Shri Haribhau Bagade, Speaker, Maharashtra Legislative Assembly and Hon. Shri Manikrao Thakre, Deputy Chairman, Maharashtra Legislative Council for their continuous support and motivation in accomplishing this task.

I hope this brief compilation will be useful to the Law students.

I must thank Shri N. G. Kale, Deputy Secretary (Law), Shri Sunil Zore, Under Secretary (Committee), Shri Nilesh Wadnerkar, Technical Assistant (Library) and Shri Manish Patil, Reporter, Maharashtra Legislature Secretariat who have helped in preparing this publication.

Every attempt has been made to give accurate information, suggestions are most welcome

Vidhan Bhavan:
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7th March, 2017

Dr. ANANT KALSE
Principal Secretary,
Maharashtra Legislature Secretariat
& Secretary, Commonwealth
Parliamentary Association,
Maharashtra Branch

"The President occupies the same position as the king under the English Constitution. He is the head of the State but not of the Executive. He represents the nation but does not rule the nation. He is the symbol of nation. His place in the administration is that of a ceremonial device on the seal by which the nation's decision are made known."

Dr. Ambedkar in Constituent Assembly:-

1. "In our country, the Constitution is based on the Parliamentary form of Government which is crux of British Westminster model as distinguished from the American Presidential System of Government. The essence and fundamentals of the Parliamentary Form of Government is that the head of the State is mere Constitutional head, all Executive actions are to be taken in the name of the President but this Parliamentary System envisages that the real Executive power are vested in the Council of Ministers headed by the Prime Minister who is responsible to the Popularly elected House i.e. House of People (Article 73 and 74). Though the Executive power as contemplated in the Constitution is vested in the President but he has no liberty to exercise those powers independently but with the aid and advice of the Council of Ministers. The Members of the Council of Ministers are all elected by the people and they are Members of the Parliament".
2. It is most relevant to take into account the Presidential Democratic System prevailed in the America and Presidential Form of Government.
3. **Meaning of Presidential Government:** According to Dr. Garner, "Presidential Government is that system in which the executive (including both the Head of the State and his Ministers) is constitutionally independent of the legislature in respect to the duration

of his or their tenure and not responsible to it for his or their political policies. In such a system the Chief of the State is not merely the titular executive but he is real executive and actually exercises the powers which the constitution and laws confer upon him. In this system the President enjoys real powers of the government. He is not responsible to the legislature for his administration and policies.

4. **Parliamentary Form of Government:** The relation between the executive and legislature is the only way to know whether a government is Parliamentary or Presidential. If real executive is responsible to the Legislature or the parliament, the form of government is Parliamentary. A Parliamentary government is also called responsible or cabinet form of government, because the Cabinet enjoys the real powers of the government and it is under the control of Parliament.
5. **Head of the State exercises nominal powers:** In a Parliamentary government, there is a Head of the State. The main feature of a Parliamentary Government is that constitutionally the Head of the State enjoys many powers but in practice he does not utilize these powers. In practice the powers are used by the ministers and the Head of the State enjoys only nominal powers and has to act as per advice of Ministry.
6. **Collective Responsibility:**
 - a. Another feature of the Parliamentary Government is that the Cabinet is collectively responsible to the Parliament. It means that once a decision is taken by the Cabinet, it becomes the responsibility of each minister to support it in and outside the Parliament, despite the fact that he did not agree to it in the Cabinet meeting.

7. **Leadership of the Prime Minister:** The main characteristic of Parliamentary government is the leadership of the Prime Minister over the Cabinet. He being the leader of the majority party in the Lower House, is also called the leader of the House. The Head of the State appoints ministers on his advice. He presides over the meetings of the Cabinet.

The Prime Minister is the Chief Spokesman to the Head of the State (President, King or Governor-General) and he informs him about the decisions of the Cabinet and seeks his advice in vital matters. Though the Prime Minister is not bound to accept the advice of the Head of the State yet he thinks over it seriously and accepts its good points. No Minister can see the Head of the State without his permission. It has already been stated that the Prime Minister along with his Ministers is responsible to the Parliament for administration and policies. This responsibility is a collective responsibility.

Before the Constituent Assembly of India, Dr. Babasaheb Ambedkar, Chairman of the Drafting Committee delivered a speech on 4th November 1948 in which he has thrown light on the form of Draft Government what is the form of the Indian Constitution. (Speech is reproduced as follows):-

“Turning to the main question. A student of Constitutional Law if a copy of a Constitution is placed in his hands is sure to ask two questions. Firstly what is the form of Government that is envisaged in the Constitution; and secondly what is the form of the Constitution? For these are the two crucial matters which every Constitution has to deal with. I will begin with the first of the two questions.

In the Draft Constitution there is placed at the head of the Indian Union a functionary who is called the President of the Union. The title of this functionary reminds one of the President of the United States. But beyond identity of names there is nothing in common between the form of Government prevalent in America and the form of Government proposed under the Draft Constitution. The American form of Government is called the Presidential system of Government. What the Draft Constitution proposes is the Parliamentary system. The two are fundamentally different.

Under the Presidential system of America, the President is the Chief Head of the Executive. The administration is vested in him. Under the Draft Constitution the President occupies the same position as the King under the English Constitution. He is the head of the State but not of the Executive. He represents the Nation but does not rule the Nation. He is the symbol of the nation. His place in the administration is that of a ceremonial device on a seal by which the nation's decisions are made known. Under the American Constitution the President has under him Secretaries in charge of different Departments. In like manner the President of the Indian Union will have under him Ministers in charge of different Departments of administration. Here again there is a fundamental

difference between the two. The President of the United States is not bound to accept any advice tendered to him by any of his Secretaries. The President of the Indian Union will be generally bound by the advice of his Ministers. He can do nothing contrary to their advice nor can he do anything without their advice. The President of the United States can dismiss any Secretary at any time. The President of the Indian Union has no power to do so long as his Ministers command a majority in Parliament.

The Presidential system of America is based upon the separation of the Executive and the Legislature. So that the President and his Secretaries cannot be members of the Congress. The Draft Constitution does not recognize this doctrine. The Ministers under the Indian Union are members of Parliament. Only members of Parliament can become Ministers. Ministers have the same rights as other members of Parliament, namely, that they can sit in Parliament, take part in debates and vote in its proceedings. Both systems of Government are of course democratic and the choice between the two is not very easy.

A democratic executive must satisfy two conditions - (1) It must be a stable executive and (2) it must be a responsible executive. Unfortunately it has not been possible so far to devise a system which can ensure both in equal degree. You can have a system which can give

you more stability but less responsibility or you can have a system which gives you more responsibility but less stability. The American and the Swiss systems give more stability but less responsibility. The British system on thither hand gives you more responsibility but less stability. The reason for this is obvious. The American Executive is a non-Parliamentary Executive which means that it is not dependent for its existence upon a majority in the Congress, while the British system is a Parliamentary Executive which means that it is not dependent for its existence upon a majority in the Congress, while the British system is a Parliamentary Executive which means that it is dependent upon a majority in Parliament. Being a non-Parliamentary Executive, the Congress of the United States cannot dismiss the Executive. A Parliamentary Government must resign the moment it loses the confidence of a majority of the members of Parliament. Looking at it from the point of view of responsibility, a non-Parliamentary Executive being independent of parliament tends to be less responsible to the Legislature, while a Parliamentary Executive being more dependent upon a majority in Parliament become more responsible. The Parliamentary system differs from a non-Parliamentary system in as much as the former is more responsible than the latter but they also differ as to the time and agency for assessment of their responsibility.

Under the non-Parliamentary system, such as the one that exists in the U.S.A., the assessment of the responsibility of the Executive is periodic. It is done by the Electorate. In England, where the Parliamentary system prevails, the assessment of responsibility of the Executive is both daily and periodic. The daily assessment is done by members of Parliament, through questions, Resolutions, No-confidence motions, Adjournment motions and Debates on Addresses. Periodic assessment is done by the Electorate at the time of the election which may take place every five years or earlier. The Daily assessment of responsibility which is not available under the American system is it is felt far more effective than the periodic assessment and far more necessary in a country like India. The Draft Constitution in recommending the Parliamentary system of Executive has preferred more responsibility to more stability.

President in Parliamentary Form of Government

- Article 52 of the Constitution says that there shall be a President of India. He is the Head of the State. The Executive power of the union shall be vested in the President and it shall be exercised by him in accordance with the constitution either directly or through officers subordinate to him.
- The expression 'executive power' is not defined in the Constitution. Article 73, however, provides that the executive power of the Union shall extend to the matters with respect to which Parliament has power to make laws and includes the exercise of such rights, authority and jurisdiction as are exercisable by the Government of India by virtue of any treaty of agreement. Thus the executive power of the Union which is exercisable by the President is co-extensive with the legislative powers of the Union. The executive power of a modern state is not capable of any precise definition.
- In Ram Jawaya Kapur v. State of Punjab, even the Supreme Court also finds it difficult to explain the context of the executive power. The Court has observed, "It may not be possible to frame an exhaustive definition of what executive functions mean and imply. Ordinarily, the executive power connotes the residue of government functions that remain after the legislative and judicial functions are taken away".
- It is neither necessary nor possible to give an exhaustive enumeration of the kinds and categories of executive functions which may comprise both the formulations of the policy as well as its execution. Under Articles 73 and 163 the executive power is not confined merely to administration of laws already enacted but it includes determination of the Government policy, initiation of legislation, maintenance of law and order, promotion of social

and economic welfare, the direction of foreign policy, in fact, the carrying on or supervision of the general administration of the State.

- Article 54 and 55 deals with Election of President (*Please see Annexure 1*).
- **Qualifications** - Article 58 lays down the qualifications which a person must possess for being elected to the office of the President of India;
 - (a) He must be a citizen of India.
 - (b) He must have completed the age of 35 years.
 - (c) He must be qualified for election as a member of the House of the People (i.e., he must be registered as a voter in any Parliamentary Constituency).
 - (d) He 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.

But the following persons shall not be deemed to hold any office or profit and hence qualified for being a candidate for Presidentship. They are (a) the President and Vice-President of the Union, (b) the Governor of any State, (c) the Minister of the Union or of any State. [Art. 58].

- **Condition of President's Office** - Article 59 says that the President cannot 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 of a State Legislature is elected President he shall be deemed to have vacated his seat in that House on the date on which he enters upon his office as President. The President shall not hold any other office of profit.
- In *In re*, Presidential Elections, the holding of the election of President was challenged on the ground that the Electoral College as provided in Articles

54 and 56 would be incomplete because the Gujarat State Legislative Assembly was dissolved. It was contended that the Presidential election should be postponed until fresh elections are held in the State of Gujarat. The Supreme Court held that the election to the office of the President must be held before the expiration of the term of the President, notwithstanding the fact that at the time of such election the Legislative Assembly of a State was dissolved.

- **Oath by the President** - According to Article 60, before entering upon his office, the President has to take, an oath or an affirmation in the presence of the Chief Justice of India, or, in his absence, the senior most Judge of the Supreme Court available, *'to preserve, protect and defend the Constitution and the law and to devote himself to the service and well-being of the people of India.*
- **Term of Office of the President** - Article 56 says that the President shall hold office for a term of five years from the date on which he enters upon his office. Even after the expiry of his term he shall continue to hold office until his successor enters upon his office. He is also eligible for re-election. He may be elected for any number of terms. But in America after 22nd Amendment to the U. S. A. (27-02-1951) Constitution a person cannot be elected to the office of the President more than twice. The President in India may, however, resign his office before the expiry of his normal term of five year by writing to the Vice-President. He may be removed from his office for the violation of the Constitution by the process of impeachment.
- **Time of holding election on expiry of term and filling casual vacancies**
- Article 62 (1) provides that elections to fill the vacancy caused by the expiry of the term of office of the President must be completed before the

expiration of the term. According to Article 62 (2) an election to fill a vacancy in the office of President occurring by reason of his death, resignation or removal or otherwise shall be held as soon as possible and in no case later than six months from the date of occurrence of the vacancy. The person so elected shall, subject to the provisions of Art. 56, hold office for the full term of five years from the date on which he assumes his-office.

- If any vacancy occurs in the office of the President the Vice-President shall act as the President. If the Vice-President is not available for any of the above reasons, the Chief Justice of India and the senior most Judge of the Supreme Court available will be in the line of succession to discharge function of the President.
- In *In re* Presidential Election case, the Supreme Court held that the election to fill the vacancy in the office of the President must be completed before the expiration of the term of the President having regard to Articles 62(1), 54 and 55 of the Constitution. Art. 56 (1) (c) applies to a case where a successor has not entered in his office and only in such circumstances can a President whose term has expired continue in his office.
- **Procedure for Impeachment of the President** - Article 61 of the Constitution lays down the procedure for the impeachment of the President. The President can be removed from his office by a process of impeachment for the violation of the Constitution. The impeachment charge against him may be initiated by either House of Parliament. The charge must come in the form of a proposal contained in a resolution signed by not less than 1/4th of the total number of the members of the House and moved after giving at least 14 days advance notice.

- Such resolution must be passed by a majority of not less than 2/3rd of the total membership of the House. The charge is then investigated by the other House. The President has right to appear and to be represented at such investigation. If the other House after investigation passes a resolution by 2/3rd majority declaring that the charge is proved, such resolution shall have the effect of removing the President from his office from the date on which the resolution is so passed.
- Under Article 2, Section 4 of the American Constitution, the President and all Civil Officers of the United States can be removed from office on impeachment for, and conviction of, "Treason, Bribery, other High crimes and misdemeanorurs." In America the power to initiate the impeachment proceedings lies with the Lower House which appoints a Committee to investigate the charge. The findings of the House are then sent to the Senate for action. The Senate which hears the impeachment is presided over by the Chief Justice of the Supreme Court of America. If the Senate by 2/3rd majority of the members present at the trial agrees to the charges, the President is convicted and removed.
- **Privilege of the President** - Article 361 of the Constitution guarantees the following privileges to the President :-
 - (1) The President shall not be answerable to any court for the exercise and performance of the powers and duties of his office or for any act done or purporting to be done by him in the exercise of those powers and duties. However, the conduct of the President may be brought under review by any court, tribunal or body appointed or designed by either Houses of Parliament for the investigation of the charge in impeachment proceedings. Thus the immunity afforded to the

President will not restrict the right of any person to bring suit against the Government of India.

- (2) No criminal proceedings whatsoever shall be instituted and continued against the President in any court during the term of office.
- (3) No process for the arrest or imprisonment of the President shall be issued from any court during his term of office.
- (4) No civil proceedings in which relief is claimed against the President shall be instituted during his term of office in any court in respect of any act done or purporting to be done by him in his personal capacity whether before or after he had entered upon his office until (a) a notice in writing has been given to the President, (b) two months have passed after the service of such notice, and (c) the notice states the nature of proceeding, the cause of action, the name, residence and description of the party taking the proceedings and the relief claimed.

POWERS OF THE PRESIDENT

- **Executive Powers** –

1. The Constitution has conferred extensive executive powers on the President. The executive power of the Union of India is vested in him. He is the head of the Indian Republic. All executive functions are executed in the name of the President, authenticated in such manner as may be prescribed by rules to be made by the President (Art. 77).
2. He has power to appoint the Prime Minister and on his advice other Ministers of the Union, the Judges of the Supreme Court, and the High Courts, the Governors of the States, the Attorney-General, the Comptroller and Auditor-General, the Chairman and Members of the Public Service Commission, the Members of the Finance Commission and Official Commissions, Special Officer for Scheduled Castes and Scheduled Tribes, Commission to report on the administration of scheduled Areas, Commission to investigate into the conditions of backward classes, Special Officer for linguistic minorities: the above mentioned officials holds their office during the pleasure of the President. This means that he has the power to remove them from their post.
3. This power is, however, to be exercised subject to the procedure prescribed by the Constitution. It is, however, to be noted that he has to exercise his executive powers on the advice of the Council of Ministers.

- **Military Powers** –

1. The President is the Supreme Commander of the Defence Forces of the Country. He has powers to declare war and peace. However, the exercise of these powers by the President is "regulated by law".
2. The Parliament is empowered to regulate or control the exercise of the military powers by the President. The military power of the President is thus subordinate to his executive power which is exercisable by him on the advice of the Cabinet.

- **Diplomatic Powers** - As the head of the State, the President sends and receives Ambassadors, and other diplomatic representatives. All treaties and international agreements are negotiated and concluded in the name of the President though subject to ratification by Parliament.

- **Legislative Powers** –

1. The President of India is a component part of the Union Parliament. In theory he possesses extensive legislative powers.
 2. He has power to summon and prorogue the Parliament and he can dissolve the Lok Sabha. Article 85 (1), however, imposes a restriction on his power.
 3. The President is bound to summon Parliament within six months from the last sitting of the former session. If there is a conflict between the two Houses of Parliament over an ordinary Bill he can call a joint sitting of both Houses, to resolve the deadlock (Art. 108).
- At the commencement of each session the President addresses either House of Parliament or a joint session of a Parliament. In his address to joint session of Parliament he outlines the general policy and programme of the Government. His speech is like that of the King in England and is

prepared by the Cabinet headed by the Prime Minister. He may send message to either Houses of Parliament (Art. 86).

- (1) Every Bill passed by both Houses of Parliament is to be sent to the President for his assent (Art. 111). He may give his assent to the Bill, or withhold his assent or in the case of a bill other than a money-bill, may return it to the House for reconsideration on the line suggested by him. If the bill is again passed by both the Houses of the Parliament with or without amendment, he must give his assent to it when it is sent to him for the second time.
- (2) A bill for the recognition of a new State or alteration of State boundaries can only be introduced in either House of the Parliament after his recommendation [Art. 3].
- (3) The State Bills for imposing restrictions on freedom of trade and commerce require his recommendation (Art. 304).
- (4) He nominates 12 members of the Rajya Sabha from among persons having special knowledge or practical experience of Literature, Science, Art and Social Services [Art. 80 (3)].
- (5) He is authorized by the Constitution to nominate two Anglo-Indians to the Lok Sabha, if he is of opinion that the Anglo-Indians community is not adequately represented in that House (Art. 331).
- (6) The President has to lay before the Parliament the Annual Finance Budget, the report of Auditor-General, the recommendations of the Finance Commission, Report of the Union Public Service Commission, and report of the Special Commission for Scheduled Castes and Scheduled Tribes, the report of the Commission of the Backward Classes and the report of the Special Officer for linguistic minorities.

- **Ordinance-making power of the President - Art. 123:**

(1) The most important legislative power of the President is his Ordinance-making power. If at any time, when both Houses of the Parliament are not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action, he may issue such Ordinance as the circumstances appear to him to require.

(2) The Ordinances issued by him shall have the same force as an Act of Parliament. Such Ordinances, however, must be laid before both Houses of Parliament and shall cease to operate, at the expiry of six weeks from the date of re-assembly of Parliament, unless a resolution disapproving it is passed by both Houses before the expiration of six weeks. The President may, if he likes, withdraw such an Ordinance at any time. An Ordinance promulgated under Art. 123 is a law having the same force and effect as an Act of Parliament. It cannot be treated as an executive action or an administrative decision. The Ordinance-making power has been vested in the President to deal with unforeseen or urgent matters.

- The Ordinance-making power is exercised by the President on his own 'satisfaction'. The court cannot inquire into the reason for the subjective satisfaction of the President or into the sufficiency of those reasons. The existence of necessity for promulgating the Ordinance is not justiciable. The validity of an Ordinance cannot be tested on grounds similar to those on which an executive or judicial action is tested. The question whether a statute is constitutional or not is always a question of power of the Legislature concerned depending on the subject-matter of the statute-the manner in which it is accomplished and the mode of enacting it. The motive

of the Legislature in passing a statute is beyond the scrutiny of courts. The propriety, expediency and necessity of a legislative act are for the determination of the legislative authority and are not for determination by the Courts. An Ordinance passed under Arts. 123 and 213 stands on the same footing. Thus the validity of an Ordinance cannot be challenged on the grounds of non-application of mind, more so when it has been promulgated on the basis of a policy decision taken by the government.

- An Ordinance can be issued only when both the Houses of the Parliament are not in session. It follows from this that an Ordinance can be issued when only one House is in session because a law cannot be passed by one House alone. It is to be noted that the satisfaction is not the personal satisfaction of the President. In reality, it is the satisfaction of the Cabinet on whose advice the President exercises his Ordinance-making power.
- The Ordinance-making power of the President is co-extensive with the legislative power of the Parliament, that is to say, that it may be related to any subject in respect of which Parliament has power to legislate. Hence, an Ordinance will be void in so far it makes any provision which under the Constitution the Parliament is not competent to make [Cl. (3)]. Thus an Ordinance cannot violate the fundamental rights.
- The validity of the Ordinance-making power of the President had been challenged in a number of cases and the court has upheld it's constitutionally in all its decisions. In R. K. Garg vs. Union of India, a five-Judge Bench of the Supreme Court by 4:1 majority (Gupta, J. dissenting) held that the Special Bearer Bonds (Immunities and Exemptions) Ordinance, 1981, was not ultra vires of Art. 123 of the Constitution. The President is competent to issue an Ordinance amending or altering the tax

laws. The Ordinance making power is co-existence with the power of Parliament to make laws and no limitation can be read into the legislative power of the President. The object of conferring the Ordinance making power on President is to enable the executive to deal with the unforeseen or urgent matters which might well include a situation created by a law being declared void by a court of law. Art. 123 or 213 cannot be said to be undemocratic.

- The power to issue an Ordinance is power of the executive to legislate. The power is plenary within its field and there are no limitations upon that power except those to which legislative power of the State is subject to. Therefore, though an Ordinance can be invalidated for contravention of constitutional limitations it cannot be invalidated on grounds of non-application of mind or mala fides. An executive act can be struck down on the ground to non-application of mind, not the Act of a Legislature.
- The case of D. C. Wadhwa v. State of Bihar, furnishes a glaring example of abuse of Ordinance-making power. The Court pointed out that between 1967 and 1981 the Bihar Governor promulgated 256 Ordinances and all these were kept alive for periods ranging from one to 14 years by re-promulgation from time to time. Out of these 256, 69 were re-promulgated several times with the prior permission of the President of India. The Court called it a "subversion of the democratic process" and "colourable exercise of powers" and held that this 'amounted to a fraud on the Constitution and hence unconstitutional. The Executive cannot usurp the function assigned to the legislature under the Constitution. The matter was brought before the Court by a professor who had carried a detailed research in the matter. The Court directed the Bihar Government to pay Rs. 10,000 to the petitioner for

expenses as a result of whose research work the abuse of the Ordinance-making power by the Government was brought to the knowledge of the Court.

- **Pardoning Power** - Under Article 72 President has power to grant pardons, reprieves, respites or remissions -of punishment or to suspend, remit or commute the sentence of any person convicted of any offence (1) by Court Martial: (2) an offence against any law relating to a matter to which the executive power of the Union extends; or (3) in all cases in which the sentence is one of death. The object of conferring the "judicial" power on the President is to correct possible judicial errors, for no' human system of judicial administration can be free from imperfections.
 - (1) A pardon completely absolves the offender from all sentences and punishments and disqualifications and places him in the same position as if he had 'never committed the offence.
 - (2) Commutation means exchange of one thing for another. Here it means 'substitution of one form of punishment for another of a lighter character, e.g., for rigorous imprisonment simple imprisonment. Remission means reduction of the .amount of sentence without changing its character, e.g., a sentence of one year may be remitted to six months.
 - (3) Respite means awarding a lesser punishment on some special grounds, e.g., the pregnancy of a woman offender.
 - (4) Reprieve 'means temporary suspension' of death sentence, e.g., pending a proceeding for pardon of commutation.
- In America, the President can grant pardon for offence against United States, except in cases of impeachment. In Nanavati's Case, the Supreme Court held that in view of the language of Arts. 72 and 161, which was

similar to that used in Section 295 (2) of the Government of India Act, 1935, and also similar to that used in Art. 2, Section 2 of the American Constitution; the President and the Governors, in India had the same powers of pardon both in its nature and effect, as is enjoyed by the King in Great Britain and the President in the United States. Therefore, in India also the pardoning power can be exercised before, during, or after trial.

- In Kehar Singh v. Union of India, a five-judge Bench of the Supreme Court has examined in detail the scope of the President's' pardoning power under Art. 72. The petitioner, Kehar Singh, was convicted of an offence of murder for assassinating the P. M. Smt. Indira Gandhi and sentenced to death which was confirmed by the High Court and his appeal to the Supreme Court was also dismissed.
- Thereafter, he presented a petition to the President for the grant of pardon. He prayed that his representatives may be allowed to see the President personally in order to explain his case. The President rejected his petition on the advice of the Union Government without going into the merits of the decision of the Supreme Court confirming the death sentence.
- The Court held that while exercising his pardoning power it was open to the President to scrutinize the evidence on the record and come to a different conclusion both on the guilt of Kehar Singh and the sentence imposed upon him: In doing so, the President does not amend' or modify or supersede the judicial record. The judicial record remains intact, Kehar Singh had no right to be heard by the President. The manner of consideration of the petition lies entirely within the discretion of the President.
- The Court need not spell out specific guidelines for the exercise of power under Art. 72 this is so because the power under Art. 72 is of the "widest-

amplitude", and can contemplate a myriad kinds and categories of cases with facts and situations varying from case to case. The President cannot 'be asked to give reasons for this order. The power of-pardon is part of the Constitutional scheme. The order of the President cannot be subjected to judicial review on its merits. Accordingly it was held that the President must-consider the matter afresh in accordance with the law laid down in the case.

- **Pardoning power-subject to judicial review** - In a significant judgment in *Epuran Sudhar vs. Government of Andhra Pradesh*, the Supreme Court has held that the pardoning powers of the President under Article 72 and the Governors under Article 161 is subject to judicial review. Pardoning power cannot be exercised on the basis of caste or political reasons. In the instant case a Congress worker was convicted for murder of a worker of the Telgu Desham.
- **Emergency Powers** - Part XVIII (i.e., Articles 352 to 360) of the Constitution arms the President with enormous emergency powers. The emergencies envisaged under the Constitution are of three kinds: (1) emergency arising but of war, external aggression or armed rebellion, (2) emergency due to failure of constitutional machinery in the State, and (3) financial emergency.

POSITION OF THE PRESIDENT

- This literal interpretation is, however, not in tune with the spirit of the Constitution. No sane President would like to be so ambitious as depicted by Gladhill. None can dispute the fact that the form of Government adopted by the Constitution is a Parliamentary one. It is the essence of the Parliamentary Government that the real executive powers should be exercised by the Council of Ministers responsible to the Lok Sabha. The

President cannot exercise his powers without the aid and advice of a Council of Ministers, i.e., the existence of a Council of Ministers is obligatory. Even when the Lok Sabha is dissolved the Council of Ministers remain in office to aid and advice the President. Explaining the position of the President in the Constituent Assembly Dr. Ambedkar said:

- "Under the Draft Constitution the President occupies the same position as the King under the English Constitution. He is the Head of the State but not of the Executive. He represents the nation but does not rule the nation. He is the symbol of the nation. His place in the administration is that of a ceremonial device on a seal by which the nation's decisions are made known. He will be generally bound by the advice of the Ministers. He can do nothing contrary to their advice nor can do anything without their advice."
- The President of the Constituent Assembly, Dr. Rajendra Prasad, expressed a similar view in these words: "Although there is no specific provision of the Constitution itself making it binding on the President to accept the advice of his Ministers, it is hoped that the convention under which in England the King always acted on the advice of his Ministers, would be established in this country also and the President would become constitutional President in all matter."
- The Supreme Court of India has consistently taken the view that the position of the President and the Governors under the Indian Constitution is similar to the position of the Crown under the British Parliamentary system.
- In *U. N. Rao vs. Indira Gandhi*, the Supreme Court held that even after the dissolution of the Lok Sabha the Council of Ministers does not cease to hold office. Article 74 (1) is mandatory and, therefore, the President cannot exercise the executive power without the aid and advice of the Council of

Ministers. Any exercise of executive power without such aid and advice will be unconstitutional in view of Article 75 (1).

- Kasab and Afzal Guru Cases have been turned down by President and then they were executed.
- In Shamsheer Singh vs. State of Punjab, the Supreme Court held that the President and the Governors are only "constitutional or formal heads." They exercise their powers and functions under the Constitution only with the aid and on the advice of the Council of Ministers, "save in spheres where the Governor is required to exercise his functions in his discretion." Wherever the Constitution requires the satisfaction of the President or the Governor the satisfaction is not the personal satisfaction of the President or the Governor but the satisfaction is the satisfaction of the Council of Ministers.
- The Court said, "Our Constitution embodies generally the Parliamentary or Cabinet system of Government on the British model, both for the Union and the States. It is a fundamental principle of English Constitutional Law that Ministers must accept responsibility for every executive Act. In England the sovereign never acts on his own responsibility, the power of the sovereign is constituted by the practical rule that the Crown must find advisors to bear responsibility for his action. Those advisors must have the confidence of the House of Commons. This rule of English Constitutional Law is incorporated in our Constitution.
- The framers of the Indian Constitution relied more on constitutional conventions which had developed in England and therefore they did not make any specific provision that the President was to bound to accept the advice of the Council of Ministers. However, certain important safeguards have also been incorporated in the Constitution which support the view that

the President was never intended to be either a dictator or an autocrat. They are:

- (3) The Council of Minister is responsible to the Lok Sabha. If the President ignores the advice of Minister enjoying the confidence of a Parliament it may resign and create a constitutional crisis. It is obligatory on the President to have always a Council of Ministers. If the same person again gains majority and forms a Ministry it would be difficult for the President to work with the ministry.
 - (4) If he dismisses any ministry having solid support of Lok Sabha, they may bring impeachment proceeding against the President. This power of impeachment of Parliament serves as a deterrent against the President assuming real power.
 - (5) The power of taxation, legislation and appropriation of funds from Consolidated Funds can be made only by Parliament's authorization.
 - (6) The working of the Constitution since 1950 has established that President is a nominal Head of the real executive power vest in the Council of Ministers.
- **After the 42nd Amendment Act, 1976** - This amendment removes all doubts about the position of the President under the Indian Constitution. It has amended Article 74 of the Constitution which makes it clear that the President shall be bound by the advice of the Council of Ministers. It says, "there shall be a Council of Ministers with the Prime Minister at the head to aid and advice the President *who shall, in exercise of his functions act in accordance with such advice.*" In view of the *Constitution 42nd Amendment* the President could not play even the role of an advisor or a guide.

- **44th Amendment Act, 1978** - This amendment has inserted the following proviso in clause (1) of Article 74 :

"Provided that the President may require the Council of the Ministers to reconsider such advice, either generally or otherwise, and the President shall act in accordance with the advice tendered after such reconsideration."

- This amendment is intended to prevent the recurrence of the situation which arose in 1975 when the President had to sign the Emergency Proclamation only on the advice of the then Prime Minister, Indira Gandhi, without consulting her Cabinet Colleagues.
- It is submitted that it would have never been intention of the framers of the Constitution to make the President a puppet. Though they were clear that the President would be a constitutional head, but they never intended that he would be a passive spectator. In view of the oath which he takes under the Constitution "to preserve, protect and defend the Constitution and the law and that I will devote myself to the service and well-being of the people of India" he is duty bound to advise, to guide and exert his influence of the decisions taken by the Prime Minister. Indeed, this is the real spirit of the Constitution and it is hoped that the holders of that highest office would always abide by it.
- The 44th Amendment recognises this limited but essential role of the President under the Indian Constitution. But the weak position of the President does not mean that his office is superfluous. He is the symbol of Indian National Unity. He plays a vital role in the working of the Government. Being impartial and above party politics, he exerts or is likely to exert his influence on the decisions of the Prime Minister. The influence of the

President, however, will depend on his sterling character, magnetic personality and selfless devotion to the nation. In the ultimate analysis, M. P. Jain observes, "it is the Council of Ministers which will prevail and not the President. The President's role at best may be advisory, he may act as the guide philosopher and friend to the Ministers. But cannot assume to himself the role of their master a role which is assigned to the Prime Minister.

- In Uttar Pradesh, while exercising powers under Article 74(1) of the Constitution which was added by 42nd Constitutional Amendment Act, the President Mr. R. K. Narayanan exercised his powers under the proviso of Article 74(1). First time on 20th October 1997 in that President returns Cabinet advice imposing president rule for reconsideration.
- **President - Prime Minister Controversy 1987** – the controversy regarding the President's position under the Constitution and his relationship with the Prime Minister was again raised during the tenure of the President, Zail Singh and with the Prime Minister, Rajiv Gandhi. The controversy mainly arose due to the mistrust created by the Prime Ministers not meeting with the President frequently and keeping him informed about the affairs of the Government particularly about the Bofors gun deal.
- In fact, both the constitutional position and the actual working of the President's office can best be described in Dr. B. R. Ambedkar's words; *"The President's place in the administration is that of a ceremonial device, on a seal by which the nation's decision are made known. The President of the Indian Union will be generally bound by the advice of his Ministers. He can do nothing contrary to their advice nor can he do anything without their advice. The President of the United States can dismiss any Secretary at*

any time. The President of the Indian Union has no power to do so, so long as his Ministers command a majority in the Parliament.

Indian President and American President

- The American President is the real executive head and is directly responsible to the people of his country. While Indian President is the nominal head, the real executive is the Council of Ministers.
- The members of the cabinet are appointed by the President in America and are responsible to him. In India, the President has no choice but to appoint the leader of the majority party in the Lok Sabha as the Prime Minister.
- Dr. Ambedkar, the Chairman of the Drafting Committee, has summed up the true position of the Indian President in the following words;-

"In the draft constitution there is placed at the head of the Indian Union a functionary who is called the President of the Union. The title of the functionary reminds one of the Presidents of the United State. But beyond identity of names, there is nothing in common between the form of Government prevalent in the American and the form of Government proposed under the Draft Constitution. The American Form of Government called the Presidential System of Government what the Draft Constitution proposes is the Parliamentary Form.

Under the Presidential System of America, the President is the Chief Head of the Executive and administration is vested in him, however, under the Indian Constitution;

"The President occupies the same position as the king under the English Constitution. He is the head of the State but not of the Executive. He represents the nation but does not rule the nation. He is the symbol of nation. His place in the administration is that of a ceremonial device on the seal by which the nation's decisions are made known."

PRESIDENTIAL ELECTION – 2012

1. The term of office of the present President of India is up to 24th July 2012. Thus an election is due to be held for electing a new President before the 24th July 2012. Under the provisions of sub-section (3) of section 4 of the Presidential and Vice- Presidential Elections Act, 1952, the notification under sub-section (1) of section 4 of the said Act calling the election can be issued by the Election Commission on or after the sixtieth day before the expiry of the term of office of outgoing President. That is, the notification containing the programme of election to the office of the President, can be issued by the Election Commission on any day after 25th May, 2012.

CONSTITUTIONAL PROVISIONS:

2. The President of India is elected by the Members of an Electoral College consisting of (a) the elected members of both Houses of Parliament and (b) the elected members of the Legislative Assemblies of the States [including National Capital Territory of Delhi and the Union Territory of Puducherry vide the Constitution (Seventieth Amendment) Act, 1992] (Article 54). The members nominated of either House of Parliament or the Legislative Assemblies of State are not eligible to be included in the Electoral College.

3. Vide Section 2 of the Constitution (Seventieth Amendment) Act, 1992, an amendment was made to the EXPLANATION below article 54 of the Constitution. The amended Explanation is as under:-

“Explanation – In this Article and in Article 55 “State” includes the National Capital Territory of Delhi and the Union Territory of Puducherry”.

4. That amendment came into force w.e.f. 1st June 1995, by the notification G.S.R. No. 375(E) dated 2nd May 1995 issued by Ministry of Law, Justice & Company Affairs, Government of India, New Delhi.

5. The Electoral College for the ensuing Presidential Election shall now consist of (a) the elected members of both Houses of Parliament and (b) the elected members of the Legislative Assemblies of the States including NCT of Delhi and Union Territory of Puducherry.

6. The Constitution also stipulates that there shall be uniformity, as far as practicable, in the scale of representation of the different States at the election (Article 55). For securing such uniformity among the States inter-se as well as parity between the States as a whole and the Union, a formula based on the population of each State is given in the Constitution for determination of the value of vote which each elected Member of Parliament and of the Legislative Assembly of each State is entitled to cast.

7. The Constitution (Eighty-fourth) Amendment Act, 2001 provides that until the relevant population figures for the first census to be taken after the year 2026 have been published, the population of the States for the purposes of calculation of value of votes for the Presidential Election shall mean the population as ascertained at the 1971-census.

ILLUSTRATION

Total population of Andhra Pradesh (1971 census)	:	43,502,708
Total No of elective seats in the State Assembly	:	294
No. of votes for each member	:	43,502,708

		1000 x 294
		= 147.96 or 148

8. Total Value of votes of all members of each State Assembly is worked out by multiplying the number of elective seats in the Assembly by the number of votes for each member, e.g., $294 \times 148 = 43,512$ for Andhra Pradesh. The total value of votes of all the States added together is divided by the total number of elected members of Parliament (Lok Sabha 543 + Rajya Sabha 233) to get the value of votes per each Member of Parliament.

9. A statement showing the value of votes of each Member of the Legislative Assemblies of 28 States, NCT of Delhi and the Union Territory of Puducherry, total value of votes of each of the said States, the value of votes of each Member of Parliament, the total value of votes of the MPs and the grand total of value of all the members in the List of Electoral College for the Presidential Election, 2012 may be seen at **APPENDIX-I**.

10. The election shall be held in accordance with the system of **Proportional Representation** by means of the **single transferable vote** and the voting at such election shall be by secret ballot.

SYSTEM OF PROPORTIONAL REPRESENTATION BY MEANS OF SINGLE TRANSFERABLE VOTE - DETAILED PROCEDURE

The manner of voting at Presidential Election is contained in Rule 17 of the Presidential and Vice-Presidential Elections Rules, 1974.

10.1 The ballot paper does not contain any election symbol. There will be two columns in the ballot paper. Column 1 of the ballot paper contains the heading **“Name of Candidate”** and column 2 contains the heading **“Mark order of preference”**.

10.2 Each Elector shall have as many preferences as there are candidates, but no ballot paper shall be considered invalid solely on the ground that all such preferences are not marked.

10.3 An elector in giving his vote shall place the figure 1 in the space opposite the name of the candidate whom he chooses for his first preference and may, in addition, mark as many subsequent preferences as he wishes by placing on his ballot paper the figures 2, 3, 4 and so on in the spaces opposite the names of other candidates, in order of preference. The figures may be marked in the international form of Indian numerals or in the Roman form or in the form used in any Indian language **BUT SHALL NOT BE INDICATED IN WORDS.**

VALUE OF VOTES

10.4 The value of vote of each elector is pre-determined as may be seen from the Statement at **APPENDIX-I**. For example, the value of vote of each Member of Parliament is

708. The value of vote of each Member of the Legislative Assembly of Uttar Pradesh is 208 and that of Sikkim is 7. Thus the value of votes for the Members of each Legislative Assembly varies.

10.5 While counting the votes, the Returning Officer counts the votes State wise in so far as the votes are cast by the members of each Legislative Assembly, and in one lot that of Members of Parliament.

10.6 The Returning Officer scrutinizes the ballot papers first and if found valid, puts the valid ballot paper in the Tray meant for the candidate to whom the first preference was marked. After distributing the ballot papers of one State, the R.O. totals the valid ballot

Parliament, the R.O. totals up the value of valid votes secured by each candidates.

QUOTA FOR ELECTION

10.7 After calculating the total value of votes polled by each candidate, the Returning Officer totals up the value of all valid votes polled. The quota for declaring a candidate as elected is determined by dividing the valid votes by 2 and adding one to the quotient, ignoring the remainder, if any. For example, assuming the total value of valid votes polled by all candidates is 1,00,001. The quota required for getting elected is: -

$$1,00,001 + 1 = 50,000.50 + 1 \text{ (Ignore.50)}$$

2

$$\text{Quota} = 50,000 + 1 = 50,001.$$

10.8 After ascertaining the quota, the Returning Officer has to see whether any candidate secured the quota for being declared as elected on the basis of the total value of first preference votes polled by him/her.

10.9 If no candidate gets the quota on the basis of first preference votes, then the Returning Officer proceeds further to second round of counting during which the candidate having lowest value of votes of first preference is excluded and his votes are distributed among the remaining candidates according to the second preference marked on these ballot papers. The other continuing candidates receive the votes of excluded candidate at the same value at which he/she received them in the first round of counting.

10.10 The Returning Officer will go on excluding the candidates with lowest number of votes in subsequent rounds of counting till either one of the continuing candidates gets the required quota or till only one candidate remains in the field as the continuing candidate and shall declare him/her as elected.

ELIGIBILITY FOR ELECTION

11. No person shall be eligible for election as President unless he - (1) is a citizen of India;
(2) has completed the age of 35 years; and
(3) is qualified for election as a member of the House of the People (Article 58).

12. A person shall not be eligible for election as President if he holds 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 State Governments.

13. However, a person shall not be deemed to hold any office of profit by reason only that he is the President or Vice-President of the Union or the Governor of any State or is a Minister either for the Union or for any State.

14. Detailed provisions regarding the election are contained in the Presidential and Vice- Presidential Elections Act, 1952 (No.31 of 1952) and the rules made thereunder, viz., “The Presidential and Vice-Presidential Elections Rules, 1974”.

PREVIOUS ELECTIONS

15. The Presidential election to be held in 2012, will be the fourteenth of such elections to the office of the President. The earlier elections to this office were held in 1952, 1957, 1962, 1967, 1969, 1974, 1977, 1982, 1987, 1992, 1997, 2002 and 2007. Details of each of the earlier elections are given in brief in the **APPENDIX-III**.

16. The experience of the five elections to the office of President held earlier in 1952, 1957, 1962, 1967 and 1969 revealed that some persons offered themselves as candidates for the office of the President without even a remote chance of getting elected. Another matter of concern was the manner in which some persons approached Courts of Law challenging the election to the office of the President.

17. In order to remedy these shortcomings, the Commission made a number of recommendations, as a result of which, the Parliament enacted "The Presidential and Vice- Presidential (Amendment) Act, 1974 (5 of 1974)". An Ordinance was also promulgated on 5th June, 1997 to further amend the Presidential and Vice-Presidential Elections Act, 1952, which was later converted into an Act. These Acts introduced various important provisions relating to the mode and manner of elections to the offices of the President and Vice- President. The Central Government issued a new set of "The Presidential and Vice- Presidential Elections Rules, 1974" replacing the Rules of 1952 in consultation with the Election Commission. The Central Government further amended these rules vide Ministry of Law and Justice

Notification No. F.13 (1)/97-Leg.II dated 06.06.1997. Some of the important amendments in the law are: -

17.1 A prospective Presidential candidate should get his nomination paper subscribed by at least fifty electors as proposers and at least fifty electors as seconders. In the case of prospective Vice-Presidential candidate, the nomination paper should be subscribed by at least twenty electors as proposers and at least twenty electors as seconders. No elector shall subscribe whether as proposers or as seconder, more than one nomination paper at the same election and if he does so, his signature shall be inoperative on any paper other than the one first delivered.

17.2 Not more than four nomination papers can be filed by or on behalf of a candidate or received by the Returning Officer.

17.3 A prospective candidate should deposit a sum of Rupees fifteen thousand as security deposit. This amount is liable to be forfeited if at the election where the poll has been taken the candidate is not elected and the number of valid votes polled by such candidate does not exceed one-sixth of the votes necessary to secure the return of a candidate at such election.

17.4 An election petition calling in question an election to the office of the President may be presented – within 30 days from the date of publication of the declaration of the result of election- to the Supreme Court by any candidate at such election or any twenty or more electors joined together as petitioners; and in the case of the election to the office of the Vice-President, by any candidate at such election or by ten or more electors joined together as petitioners.

ELECTORAL COLLEGE

18. Under rule 40 of the Presidential and Vice-Presidential Elections Rules, 1974, the Election Commission is required to maintain a list of members of the Electoral College referred to in Article 54 with their addresses corrected up to date.

19. The list will contain the names of elected members of the Rajya Sabha, Lok Sabha and the elected members of State Legislative Assemblies in that order. The names will be numbered in a continuous series. The names will be arranged in alphabetical order of the State/Union Territory. Members in respect of whom the appropriate Court i.e. High Court or Supreme Court has given a limited stay of operation of the order of setting aside of his election by the Court, are not entitled to vote at the election, though their names would have been included in the electoral college. The list of Electoral College for the Presidential Election will be made available for sale to public shortly.

NOMINATION AND SECURITY DEPOSIT

20. For a valid nomination, the following qualifications and requirements are to be satisfied:-

- 20.1 (a) The candidate should be a citizen of India;
(b) He should have completed the age of 35 years; and
(c) He should be qualified for election as a member of Lok Sabha.

The candidate shall not hold any office of profit under the Government of India or the Govt. of any State or under any local or other authority subject to the control of any of the said Governments.

20.2 A nomination paper of a candidate for the election in the prescribed form (Form 2 appended to 1974 rules) has to be subscribed by at least fifty electors as proposers and at least fifty electors as seconders. The nomination paper must be presented in person to the Returning Officer, either by the candidate himself or by any of his proposers or seconders.

20.3 The security deposit for the election is Rs.15,000/- which will be required to be made along with the nomination paper. This amount can either be deposited in cash with Returning Officer at the time of presentation of the nomination paper or receipt showing that such amount has been deposited by the candidate or on his behalf in the Reserve Bank of India or in a Government Treasury can be furnished along with the nomination paper.

20.4 Each nomination paper shall be accompanied by a certified copy of the entry relating to the candidate in the electoral roll for the Parliamentary constituency where he is registered as an elector.

20.5 No elector shall subscribe, whether as proposer or as seconder, more than one nomination paper at the same election and if he does so, his signature shall be inoperative on any paper other than the one first delivered to the Returning Officer.

20.6 The Returning Officer shall not accept any nomination paper, which is presented on any day, appointed for that purpose, before 11.00 a.m. and after 3.00 p.m.

TOTAL ELECTORS

21. The total number of members in the Electoral College for the Presidential election in 2012 is 4896, as detailed below:

	<u>HOUSE</u>	<u>SEAT</u>
(a)	Rajya Sabha	233
(b)	Lok Sabha	543
(c)	State Assemblies	4120

	Total	4896

RETURNING OFFICER/ASSISTANT RETURNING OFFICERS

22. By convention, the Secretary General, Lok Sabha and the Secretary General, Rajya Sabha are appointed as the Returning Officers by rotation. For the 2007 Presidential Election, the Secretary General, Lok Sabha was appointed as Returning Officer. Therefore, for the 2012 Presidential Election, the Secretary General, Rajya Sabha has been appointed as the Returning Officer. Two other senior officers of Rajya Sabha Secretariat and the Secretaries and one more senior officer of Legislative Assemblies of all States including NCT of Delhi and Union Territory of Puducherry have also been appointed as the Assistant Returning Officers.

23. The Commission is taking steps to fill vacancies of both Houses and State Legislative Assemblies, if any, as far as practicable. The list of Electoral College for the Presidential election in 2012 is complete.

24. During 2007, the following was the programme for the Presidential Election: -

a) Issue of Notification	16-06-2007 (Saturday)
b) Last date for making nominations	30-06-2007 (Saturday)
c) Scrutiny of nominations	02-07-2007 (Monday)
d) Last date for the withdrawal of candidatures	04-07-2007 (Wednesday)
e) Date of Poll	19-07-2007 (Thursday)
f) Counting of Votes	21-07-2007 (Saturday)

25. The programme for the 2012 Presidential Election will be notified in due course. A statement at **Appendix-II** shows the programme for the previous 13 Presidential elections.

PLACES OF POLL

26. A Room in the Parliament House in New Delhi and a room in all State Legislative Assembly Secretariats are generally fixed as places of poll. The Members of Parliament normally vote in New Delhi and the members of the State Legislative Assemblies, including the members of the Legislative Assemblies of NCT of Delhi and Union Territory of Puducherry, normally vote at the place fixed in each State Capital / UT Capital. However, facilities are provided by the Commission for any Member of Parliament to vote in the capital/UT Capital of his State and similarly if any Member of any State Legislative Assembly unavoidably stays in Delhi on the date of poll, he is given the facility to vote at the polling booth set up in the Parliament House. However, due intimation of such intention to vote at a place other than the

place where a member is designated to vote must be received in the Commission well in advance to make necessary arrangements.

DISPUTE OVER ELECTION

27. (i) An election petition calling in question an election to the office of the President may be presented by any candidate at such election or by any twenty or more electors joined together as petitioners.
- (ii) The authority having jurisdiction to try an election petition is the Supreme Court of India.
- (iii) An election petition shall be presented within 30 days from the date of publication of the declaration containing the name of the returned candidate.

RETURN OR FORFEITURE OF CANDIDATE'S DEPOSIT

28. The deposit shall be forfeited if the candidate is not elected and the number of valid votes polled by him does not exceed one-sixth of the number of votes necessary to secure return of a candidate at such election. In other cases, the deposit will be returned to the candidate.

PRESIDENTIAL ELECTION, 2012
STATEMENT OF VALUE OF VOTES OF ELECTED MEMBERS
OF THE STATE LEGISLATIVE ASSEMBLIES AND
BOTH HOUSES OF PARLIAMENT AS PER PROVISIONS OF
ARTICLE 55(2) OF THE CONSTITUTION OF INDIA

SL. No.		NUMBER OF ASSEMBLY (ELECTIVE)	POPULATION	VALUE OF VOTE M.L.A.	TOTAL VALUE OF VOTES FOR THE STATE
(1)	(2)	(3)	(4)	(5)	(6)
1.	ANDHRA PRADESH	294	43502708	148	148 X 294 = 43512
2.	ARUNACHAL	60	467511	8	008 X 060 = 480
3.	ASSAM	126	14625152	116	116 X 126 = 14616
4.	BIHAR	243	42126236	173	173 X 243 = 42039
5.	CHHATTISGARH	90	11637494	129	129 X 090 = 11610
6.	GOA	40	795120	20	020 X 040 = 800
7.	GUJARAT	182	26697475	147	147 X 182 = 26754
8.	HARYANA	90	10036808	112	112 X 090 = 10080
9.	HIMACHAL PRADESH	68	3460434	51	051 X 068 = 3468
10.	JAMMU & KASHMIR*	87	6300000	72	072 X 087 = 6264
11.	JHARKHAND	81	14227133	176	176 X 081 = 14256
12.	KARNATAKA	224	29299014	131	131 X 224 = 29344
13.	KERALA	140	21347375	152	152 X 140 = 21280
14.	MADHYA PRADESH	230	30016625	131	131 X 230 = 30130
15.	MAHARASHTRA	288	50412235	175	175 X 288 = 50400
16.	MANIPUR	60	1072753	18	018 X 060 = 1080
17.	MEGHALAYA	60	1011699	17	017 X 060 = 1020
18.	MIZORAM	40	332390	8	008 X 040 = 320
19.	NAGALAND	60	516449	9	009 X 060 = 540
20.	ODISHA	147	21944615	149	149 X 147 = 21903
21.	PUNJAB	117	13551060	116	116 X 117 = 13572
22.	RAJASTHAN	200	25765806	129	129 X 200 = 25800
23.	SIKKIM	32	209843	7	007 X 032 = 224
24.	TAMIL NADU	234	41199168	176	176 X 234 = 41184
25.	TRIPURA	60	1556342	26	026 X 060 = 1560
26.	UTTARAKHAND	70	4491239	64	064 X 070 = 4480
27.	UTTAR PRADESH	403	83849905	208	208 X 403 = 83824
28.	WEST BENGAL	294	44312011	151	151 X 294 = 44394
29.	NCT OF DELHI	70	4065698	58	058 X 070 = 4060
30.	PUDUCHERRY	30	471707	16	016 X 030 = 480
TOTAL		4120	549302005		= 549474

* Constitution (Application to the Jammu & Kashmir) Order

(A) VALUE OF EACH VOTE OF MEMBERS OF PARLIAMENT TOTAL MEMBERS

LOK SABHA (543) + RAJYA SABHA (233) = 776

$$\text{VALUE OF EACH VOTE} = \frac{549474}{776} = 708$$

(B) TOTAL VALUE OF VOTES OF

776 MEMBERS OF PARLIAMENT = 708 X 776 = 549408

(C) TOTAL ELECTORS FOR THE

PRESIDENTIAL ELECTION = MLAs (4120) + M.Ps (776) = 4896

(D) TOTAL VALUE OF 4896 ELECTORS FOR

THE PRESIDENTIAL ELECTION 2012 = 549474 + 549408 = 1098882

ELECTION PROGRAMME FOR PRESIDENTIAL ELECTIONS OF 1952 TO 2007

Sl.	Year of (1)	Notified (2)	Last date for making Nominations (3)	Scrutiny on (4)	Last date for withdrawal (5)	Date of Poll & Hours (6)	Counting on (7)
1.	1952	04-04-1952	12-04-1952	14-04-1952	17-04-1952	02-05-1952 11 A.M.-5 P.M.	06-05-1952
2.	1957	06-04-1957	16-04-1957	17-04-1957	20-04-1957	06-05-1957 10 A.M.-4 P.M.	10-05-1957
3.	1962	06-04-1962	16-04-1962	18-04-1962	21-04-1962	07-05-1962 10 A.M.-4 P.M.	11-05-1962
4.	1967	03-04-1967	13-04-1967	15-04-1967	18-04-1967	06-05-1967 10 A.M.-4 P.M.	09-05-1967
5.	1969	14-07-1969	24-07-1969	26-07-1969	29-07-1969	16-08-1969 10 A.M.-5 P.M.	20-08-1969
6.	1974	16-07-1974	30-07-1974	31-07-1974	02-08-1974	17-08-1974 10 A.M.-5 P.M.	20-08-1974
7.	1977	04-07-1977	18-07-1977	19-07-1977	21-07-1977	06-08-1977 10 A.M.-5 P.M.	Elected
8.	1982	09-06-1982	23-06-1982	24-06-1982	26-06-1982	12-07-1982 10 A.M.-5 P.M.	15-07-1982
9.	1987	10-06-1987	24-06-1987	25-06-1987	27-06-1987	13-07-1987 10 A.M.-5 P.M.	16-07-1987
10.	1992	10-06-1992	24-06-1992	25-06-1992	27-06-1992	13-07-1992 10 A.M.-5 P.M.	16-07-1992
11.	1997	09-06-1997	23-06-1997	24-06-1997	26-06-1997	14-07-1997 10 A.M.-5 P.M.	17-07-1997
12.	2002	11-06-2002	25-06-2002	26-06-2002	28-06-2002	15-07-2002 10 A.M.-5 P.M.	18-07-2002
13.	2007	16-06-2007	30-06-2007	02-07-2007	04-07-2007	19-07-2007 10 A.M. – 5 P.M.	21-07-2007

PRESIDENTIAL ELECTION

FROM 1952 TO 2007

BRIEF NOTES**FIRST PRESIDENTIAL ELECTION, 1952****RETURNING OFFICER:**

Shri M. N. Kaul, Secretary to Parliament

ASSTT. RETURNING OFFICERS

Secretaries of various State Legislative Assemblies

ELECTION PROGRAMME

1.	Notified on	04-04-1952
2.	Last date for making nomination	12-04-1952
3.	Scrutiny of Nominations on	14-04-1952
4.	Last date for withdrawal	17-04-1952
5.	Date of Poll	02-05-1952 (11.00 A.M. to 5 P.M.)
6.	Counting of votes	06-05-1952

ELECTORAL COLLEGE

The Electoral College consisted of elected members of Lok Sabha, Rajya Sabha and 23 State Legislative Assemblies. The total electors were 4,056.

NO. OF VOTES FOR EACH MEMBER

Each Member of Parliament had 494 votes and the number of votes for each Member of the State Legislative Assemblies differed from State to State on the basis of the population. The lowest value of votes was for the MLAs of Coorg State (7) and highest

value of votes was for MLAs of Uttar Pradesh (143). The value of votes was calculated on the basis of 1951 census.

CANDIDATES

The contesting candidates and the votes secured by them were as follows: -

	CANDIDATE	VOTES POLLED
1.	Dr. Rajendra Prasad	5,07,400
2.	Shri K.T. Shah	92,827
3.	Shri Thatte Lakshman Ganesh	2,672
4.	Shri Hari Ram	1,954
5.	Smt. Krishna Kumar Chatterjee	533
	TOTAL	6,05,386

Dr. Rajendra Prasad was declared as elected and the notification announcing this was published on 06.05.1952. Dr. Rajendra Prasad assumed the office of the President of India on 13.05.1952.

SECOND PRESIDENTIAL ELECTION, 1957

The term of Dr. Rajendra Prasad as President expired on 12.05.1957. Before that date an election was held to the office of the President.

RETURNING OFFICER

Shri S.N. Mukherjee, Secretary of the Council of States.

ASSTT. RETURNING OFFICERS

Two Under Secretaries of the Council of States and Secretaries of various State Legislative Assemblies.

ELECTION PROGRAMME

1.	Notified on	06.04.1957
2.	Last date for making nomination	16.04.1957
3.	Scrutiny of Nominations on	17.04.1957
4.	Last date for withdrawal	20.04.1957
5.	Date of Poll	06.05.1957 (10 A.M. to 4.P.M.)
6.	Counting votes	10.05.1957

ELECTORAL COLLEGE

The Electoral College consisted of elected members of Lok Sabha, Rajya Sabha and 14 State Legislative Assemblies.

NO. OF VOTES FOR EACH MEMBER

Each Member of Parliament had 496 votes and the number of votes for each Member of the State Legislative Assemblies differed from State to State on the basis of the population. The lowest value of votes was for the MLAs of Jammu & Kashmir State (59) and the highest value of votes was for the MLA of Uttar Pradesh (147). The value of votes was calculated on the basis of 1951 census.

CANDIDATES

The contesting candidates and the votes secured by them were as follows:-

	CANDIDATE	VOTES POLLED
1.	Dr. Rajendra Prasad	4,59,698
2.	Shri Nagendra Narayan Das	2,000
3.	Chowdhry Hari Ram	2,672
	TOTAL	4,64,370

Dr. Rajendra Prasad was declared as elected for a second term and the notification announcing this was published on 10.05.1957.

Dr. Rajendra Prasad assumed the office of the President of India on 13.05.1957

THIRD PRESIDENTIAL ELECTION, 1962

The second term of Dr. Rajendra Prasad as President expired on 12.05.1962. Before that date an election was held to the office of the President.

RETURNING OFFICER:

The Secretary to the Lok Sabha.

ASSTT. RETURNING OFFICERS

The Deputy Secretary, Lok Sabha Secretariat and Secretaries of various State Legislative Assemblies.

ELECTION PROGRAMME

1.	Notified on	06.04.1962
2.	Last date for making nomination	16.04.1962
3.	Scrutiny of Nominations on	18.04.1962
4.	Last date for withdrawal	21.04.1962
5.	Date of Poll	07.05.1962 (10 A.M. to 4.P.M.)
6.	Counting votes	11.05.1962

ELECTORAL COLLEGE

The Electoral College consisted of elected members of Lok Sabha, Rajya Sabha and 15 State Legislative Assemblies.

NO. OF VOTES FOR EACH MEMBER

Each Member of Parliament had 493 votes and the number of votes for each Member of the State Legislative Assemblies differed from State to State on the basis of the population. The lowest value of votes was for the MLAs of Jammu & Kashmir State (59) and the highest

value of votes was for the MLAs of Uttar Pradesh (147). The value of votes was calculated on the basis of 1951 census since 1961 census figures were not finally published.

CANDIDATES

The contesting candidates and the votes secured by them were as follows:

	CANDIDATE	VOTES POLLED
1.	Dr. Sarvapalli Radhakrishnan	5,53,067
2.	Chowdhry Hari Ram	6,341
3.	Shri Yamuna Prasad Trisulia	3,537
	TOTAL	5,62,945

Dr. Sarvapalli Radhakrishnan was declared as elected and the notification announcing this was published on 13-05-1962.

Dr. Sarvapalli Radhakrishnan assumed the office of the President of India on 13-05-1962.

FOURTH PRESIDENTIAL ELECTION, 1967

The term of Dr. Sarvapalli Radhakrishnan as the President of India expired on 12-05-1967. An election was held to the office of President before that time.

RETURNING OFFICER;

The Secretary to the Rajya Sabha

ASSTT. RETURNING OFFICERS

The Deputy Secretary, Rajya Sabha Secretariat and Secretaries of various State Legislative Assemblies.

It was decided to have poll at two places in Jammu & Kashmir State that is at Jammu and Srinagar. Therefore, the Under Secretary of the Assembly Secretariat was also appointed as ARO in Jammu & Kashmir apart from the Secretary of the Assembly Secretariat.

ELECTION PROGRAMME

1.	Notified on	03.04.1967
2.	Last date for making nomination	13.04.1967
3.	Scrutiny of Nominations on	15.04.1967
4.	Last date for withdrawal	18.04.1967
5.	Date of Poll	06.05.1967 (10 A.M. to 4.P.M.)
6.	Counting votes	09.05.1967

ELECTORAL COLLEGE

The Electoral College consisted of elected members of Lok Sabha (520), Rajya Sabha (228) and 17 State Legislative Assemblies (3383). Thus the total electors were 4,131.

NO. OF VOTES FOR EACH MEMBER

Each Member of Parliament had 576 votes and the number of votes for each Member of the State Legislative Assemblies differed from State to State on the basis of the population. The lowest value of votes was for the MLAs of Nagaland State (08) and the highest value of votes was for the MLAs of Uttar Pradesh (174). The value of votes was calculated on the basis of 1961 census.

CANDIDATES

The contesting candidates and the votes secured by them were as follows:

	CANDIDATE	VOTES POLLED
1.	Dr. Zakir Hussain	4,71,244
2.	Shri Kota Subbarao	3,63,971
3.	Shri Khubi Ram	1,369
4.	Shri Yamuna Prasad Trisulia	750
5.	Shri Bhamburkar Shriniwas Gopal	232
6.	Shri Brahma Deo	232
7.	Shri Krishna Kumar Chatterjee	125
8.	Shri Kumar Kamla Singh	125
9.	Shri Chandradutt Senani	0
10.	Shri U.P. Chugani	0
11.	Dr. M.C. Davar	0
12.	Ch. Hari Ram	0
13.	Dr. Man Singh	0
14.	Smt. Manohara Holkar	0
15.	Shri Motilal Bhikabhai Patel	0
16.	Sh.Seetharamaiah Ramaswamy Sharma Hoysala	0
17.	Shri Satyabhakt	0
	TOTAL	8,38,048

Dr. Zakir Hussain was declared as elected and the notification announcing this was published on 09-05-1967. He assumed the office of the President of India on 13-05-1967.

FIFTH PRESIDENTIAL ELECTION, 1969

Dr. Zakir Hussain, the Third President of India, passed away suddenly on 03-05-1969. Under Article 65(1) of the Constitution, the Vice-President Shri V.V. Giri assumed office to act as President. However, Shri V.V. Giri, resigned on 20th July, 1969 as Vice- President and also as the acting President. As under article 62(2) of the Constitution, an election to fill a vacancy in the office of the President occurring by reason of his death, resignation, etc., is required to be held in any case within 6 months from the date of the occurrence of the vacancy, necessary steps to hold the election were taken immediately.

RETURNING OFFICER

The Secretary of the Lok Sabha.

ASSTT. RETURNING OFFICERS

One Deputy Secretary of the Lok Sabha and Secretaries of various State Legislative Assemblies.

ELECTION PROGRAMME

1.	Notified on	14.07.1969
2.	Last date for making nomination	24.07.1969
3.	Scrutiny of Nominations on	26.07.1969
4.	Last date for withdrawal	29.07.1969
5.	Date of Poll	16.08.1969 (10 A.M. to 5.P.M.)
6.	Counting votes	20.08.1969

CANDIDATES

The contesting candidates and the votes secured by them were as follows:

	CANDIDATE	VOTES POLLED
1.	Shri V.V. Giri	4,01,515
2.	Shri Neelam Sanjeeva Reddy	3,13,548
3.	Shri C.D. Deshmukh	1,12,769
4.	Shri Chandradatt Senani	5,814
5.	Smt. Furcharan Kaur	940
6.	Shri Rajabhoj Pandurang Nathuji	831
7.	Pandit Babu Lal Mag	576
8.	Ch. Hari Ram	125
9.	Shri Sharma Manovihari Anirudh	125
10.	Shri Khubi Ram	94
11.	Shri Bhagmal	Nil
12.	Shri Krishna Kumar Chatterjee	Nil
13.	Shri Santosh Kumar Kachhwaha	Nil
14.	Doctor Ramdular Tripathi Chakor	Nil
15.	Shri Ramanlal Purushottam Vyas	Nil
	TOTAL	8,36,337

The quota fixed for election was 4,18,169 votes. As no candidate secured the required quota in the first count as above, candidate after candidate was excluded till only two candidates, namely, Shri V.V. Giri (with 4,20,077 votes) and Shri N. Sanjeeva Reddy (with 4,05,427 votes) remained in the field. Shri V.V. Giri who secured the quota was declared elected by the Returning Officer on 20.08.1969 and the newly elected President assumed office on 24-08-1969.

SPECIAL FEATURES OF THE ELECTION

1. An innovation was introduced for the first time to ensure strict secrecy of voting. The serial numbers on the back of the ballot papers were covered with coloured slips of paper pasted at the four corners.
2. The ballot papers were shuffled three or four times during the polling so that the agents of the candidates find it difficult to note down the serial numbers to identify the votes cast by members during counting.
3. For the first time in suitable cases, some MLAs were allowed to cast their votes at Parliament House in New Delhi instead of their State Capitals.
4. There was a gap of 4 days between the date of the poll and the date of counting. For this, there was some amount of unjustified criticism of the Commission. The reasons why such a gap was given were several. First, there were numerous postal ballot papers for electors who were under preventive detention. They were detained at outlying stations and the Commission wanted to ensure that they had sufficient time to send their votes to reach the Returning Officer before counting. The polled ballot boxes had to come from distant States of North East like Nagaland and Assam and weather conditions in August in these places were extremely inclement and unfavorable. The Commission was in constant touch with the meteorological authorities. The Air Flights were badly delayed or cancelled. Ultimately the ballot boxes had to be carried from Guwahati by the army courier plane under special escorts. All previous Presidential Elections in 1952, 1957, 1962 and 1967 were held in first half of May when the weather was in good condition and in 1969, for the first time, the election was to be held in August.
5. It was represented that the agents of the candidates should be allowed to travel in the same Plane from various State Capitals in which ballot boxes were being carried to Delhi. Commission agreed to this request.
6. The Commission made the Civil Aviation authorities to permit the escort of the polled ballot boxes (the respectively Assistant Returning Officers) to keep the sealed ballot boxes by his side closely near his seat in the Plane.
7. Another criticism was that the votes should have been counted at the State Capitals themselves instead of being brought to Delhi. These critics were not aware that in the proportional representation by single transferable system of voting, counting cannot be done in piecemeal at different places to arrive at decisive result.

SIXTH PRESIDENTIAL ELECTION, 1974

The term of Shri V.V. Giri as the President of India expired on 23-08-1974. An election was held before that date.

CHANGES IN THE LAW

The experience of the past five elections to the office of the President held in 1952, 1957, 1962, 1967 and 1969 had revealed that persons often offered themselves as candidates for the highest office of President without even a remote chance of getting elected. Another matter of concern was the light-hearted manner in which persons resorted to a court of law for challenging the election to the office of the President. In order to remedy these shortcomings, the Government, on the recommendations of the Commission, got an Act passed by Parliament on 23-03-1974 amending the Presidential and Vice- Presidential Act, 1952. The main features of the amendment are:

1. The nomination paper of a Presidential candidate shall be subscribed by at least 10 electors as proposers and 10 electors as seconders.
2. The security deposit is made Rs.2,500/-.
3. Election petition challenging an election can be presented only before the Supreme Court by any contesting candidate or by minimum 20 electors joined together as petitioners.
4. The timetable for the elections to the office of the President and Vice-President was made statutory. It was provided that the last date for making nominations shall be the 14th day after the publication of the notification calling the election, the scrutiny will be on the day following such last date for filing nominations, the last date for withdrawal will be the second day following the date of scrutiny and the date of poll, if necessary, shall be not earlier than the fifteenth day after the last date for withdrawal.

In view of the extensive amendments, the Central Government in consultation with the Election Commission issued a new set of Presidential and Vice-Presidential Elections Rules, 1974, replacing the Rules of 1952.

RETURNING OFFICER

The Secretary of the Rajya Sabha.

ASSTT. RETURNING OFFICERS

The Joint Secretary, Rajya Sabha Secretariat and Secretaries of various State Legislative Assemblies.

ELECTION PROGRAMME

1.	Notified on	16.07.1974
2.	Last date for making nomination	30.07.1974
3.	Scrutiny of Nominations on	31.07.1974
4.	Last date for withdrawal	02.08.1974
5.	Date of Poll	17.08.1974 (10 A.M. to 5.P.M.)
6.	Counting votes	20.08.1974

ELECTORAL COLLEGE

The Electoral College consisted of elected members of Lok Sabha [521], Rajya Sabha [230] and 21 State Legislative Assemblies [3654]. Thus the total electors were 4,405. However, the Legislative Assembly of Gujarat with 182 members was not in existence as it was dissolved on 15-03-1974 and the new House could not be constituted before the Presidential election.

NO. OF VOTES FOR EACH MEMBER

Each Member of Parliament had 723 votes and the number of votes for each Member of the State Legislative Assemblies differed from State to State on the basis of the population. The lowest value of votes was for the MLAs of Nagaland State (09) and the highest value of votes was for the MLAs of Uttar Pradesh (208). The value of votes was calculated on the basis of 1971 census.

CANDIDATES

The contesting candidates and the votes secured by them were as follows:

	CANDIDATE	VOTES POLLED
1.	Shri Fakhruddin Ali Ahmed	7,65,587
2.	Shri Tridib Chaudhuri	1,89,196
	TOTAL	9,54,783

Shri Fakhruddin Ali Ahmed was declared as elected and the notification announcing this was published on 20-08-1974. He assumed the office of the President of India on 24-08-1974.

ANNOUNCEMENT

The announcement of election of Shri Fakhruddin Ali Ahmed as President of India was signed by the Chief Election Commissioner on 20-08-1974 and sent to the Home Secretary on 21-08-1974. The announcement was read by the Home Secretary at the time of assumption of office by the President-elect on 24-08-1974.

SEVENTH PRESIDENTIAL ELECTION, 1977

Shri Fakhruddin Ali Ahmed, the fifth President of India expired suddenly on 11-02-1977. The Vice-President, Shri B.D. Jatti, assumed office to act as President under article 65(1) of the Constitution. An election to fill a vacancy in the office of the President occurring by reason of death of Shri Fakhruddin Ali Ahmed was required to be held within 6 months from the date of the occurrence of the vacancy.

2. Necessary steps to fill the vacancy could not be taken immediately as the general election to constitute a new Lok Sabha had commenced w.e.f. 10-02-1977 and the election was completed on 13-05-1977. General elections to constitute new Legislative Assemblies of 11 States were completed only in June-July, 1977.

RETURNING OFFICER

The Secretary, Lok Sabha (Shri Avtar Singh Rikhy).

ASSTT. RETURNING OFFICERS

Shri J.R. Kapoor, Chief Legislative Committee Officer, Lok Sabha Secretariat and the Secretaries of the Legislative Assemblies of the 22 States.

ELECTION PROGRAMME

1.	Notified on	04.07.1977
2.	Last date for making nomination	18.07.1977
3.	Scrutiny of Nominations on	19.07.1977
4.	Last date for withdrawal	21.07.1977
5.	Date of Poll	06.08.1977 (10 A.M. to 5.P.M.)

ELECTORAL COLLEGE

The Electoral College consisted of elected members of Lok Sabha [524], Rajya Sabha [232] and 22 State Legislative Assemblies [3776]. Thus the total electors were 4532.

NO. OF VOTES FOR EACH MEMBER

Each Member of Parliament had 702 votes and the number of votes for each Member of the State Legislative Assemblies differed from State to State on the basis of the population. The lowest value of votes was for the MLAs of Sikkim State (07) and the highest value of votes was for the MLAs of Uttar Pradesh (208). The value of votes was calculated on the basis of 1971 census.

CANDIDATES

In all 37 candidates filed their nominations. On scrutiny, the Returning Officer rejected the nominations filed by 36 candidates. Thus only one validly nominated candidate remained in the field, namely, Shri Neelam Sanjiva Reddy. Neither the preparation nor publication of the list of contesting candidates for taking the poll therefore became necessary.

After 3.00 p.m. on the last date fixed for withdrawal of candidatures, viz., 21-07-1977, the Returning Officer declared the result of election under section 8(1) of the Presidential and Vice-Presidential Elections Act, 1952 and Shri Neelam Sanjeeva Reddy was declared elected unopposed. THIS WAS THE FIRST TIME WHEN A CANDIDATE WAS DECLARED ELECTED TO THE HIGHEST OFFICE OF THE PRESIDENT OF INDIA WITHOUT A CONTEST.

ANNOUNCEMENT

The announcement of election of Shri Neelam Sanjeeva Reddy as President of India was signed by the Chief Election Commissioner on 21-07-1977 and sent to the Home Secretary. The Home Secretary read the announcement at the time of assumption of office by the President on 25-07-1977.

EIGHTH PRESIDENTIAL ELECTION, 1982

The term of the Sixth President Shri Neelam Sanjeeva Reddy was to expire on 24-07-1982. Eighth Presidential Election was to be held before that date.

RETURNING OFFICER

The Secretary General, Rajya Sabha

ASSTT. RETURNING OFFICERS

Smt. K.K. Chopra, Additional Secretary, Rajya Sabha and the Secretaries of the Legislative Assemblies of the 22 states.

ELECTION PROGRAMME

1.	Notified on	09.06.1982
2.	Last date for making nomination	23.06.1982
3.	Scrutiny of Nominations on	24.06.1982
4.	Last date for withdrawal	26.06.1982
5.	Date of Poll	12.07.1982 (10 A.M. to 5.P.M.)
6.	Counting of votes	15-07-1982

ELECTORAL COLLEGE

The Electoral College consisted of elected members of Lok Sabha [524], Rajya Sabha [232] and 22 State Legislative Assemblies [3827]. Thus the total electors were 4583.

NO. OF VOTES FOR EACH MEMBER

Each Member of Parliament had 702 votes and the number of votes for each Member of the State Legislative Assemblies differed from State to State on the basis of population. The lowest value of votes was for the MLAs of Sikkim State (07) and the highest value of votes was for the MLAs of Uttar Pradesh (208), the value of votes was calculated on the basis of 1971 census. The Assam Legislative Assembly stood dissolved.

CANDIDATES

	CANDIDATE	VOTES POLLED
1.	Gyani Zail Singh	7,54,113
2.	Shri H.R. Khanna	2,82,685
	TOTAL	10,36,798

Gyani Zail Singh was declared elected by the Returning Officer on 15.07.1982. He assumed office on 25-07-1982.

NINTH PRESIDENTIAL ELECTION, 1987

The term of the Seventh President Gyani Zail Singh was to expire on 24-07-1987. Ninth Presidential Election was to be held before that date.

RETURNING OFFICER

Dr. Subhash Kashyap, Secretary General, Lok Sabha.

ASSTT. RETURNING OFFICERS

Shri N. N. Mehra, Joint Secretary, Lok Sabha and the Secretaries of the Legislative Assemblies of the States except the State of Kerala where the post of Secretary to the State Assembly was vacant, the Additional Secretaries were appointed as AROs.

ELECTION PROGRAMME

1.	Notified on	10.06.1987
2.	Last date for making nomination	24.06.1987
3.	Scrutiny of Nominations on	25.06.1987
4.	Last date for withdrawal	27.06.1987
5.	Date of Poll	13.07.1987 (10 A.M. to 5.P.M.)
6.	Counting of votes on	16-07-1987

ELECTORAL COLLEGE

The Electoral College consisted of elected members of Lok Sabha [543]. Rajya Sabha [233] and 25 State Legislative Assemblies [3919]. Thus the total electors were 4695.

NO. OF VOTES FOR EACH MEMBER

Each Member of Parliament had 702 votes and the number of votes for each Member of the State Legislative Assemblies differed from State to State on the basis of the population. The lowest value of votes was for the MLAs of Sikkim State (07) and the highest value of votes was for the MLAs of Uttar Pradesh (208). The value of votes was calculated on the basis of 1971 census.

CANDIDATES

	CANDIDATE	VOTES POLLED
1.	Shri R. Venkataraman	7,40,148
2.	Shri V. R. Krishna Iyer	2,81,550
3.	Shri Mithilesh Kumar	2,223
	TOTAL	10,23,921

Shri R. Venkataraman was declared elected by the Returning Officer on 16-07-1987. He assumed office on 25-07-1987.

SOME IMPORTANT FEATURES OF THIS ELECTION ELIGIBILITY TO VOTE BY DISQUALIFIED MEMBERS

The Speaker, on the ground of defection, disqualified 22 members of the Punjab Legislative Assembly. During the trial of their Special Leave Petition, the Supreme Court in its interim Order dated 07-05-1987 had held that if any Presidential Election was to be held before the hearing of the matter, the disqualified members would be entitled to participate in the poll and cast their votes as if they had not been disqualified. On a clarification sought by the Commission, the Supreme Court, by an Order dated 22-06-1987, held that participation includes proposing and seconding of nominations of candidates. The votes cast by these members might be separately marked and after counting kept separately until final disposal of the case. The Court also indicated that such further directions as might be needed might be taken at the time of hearing of the matter. Pursuant to the above directions, the names of the 22 Members of Legislative Assembly concerned were included in the list of members of the Electoral College. In order to give effect to the directions of the Hon'ble Supreme Court, the Commission laid down the following procedure for observance by the Assistant Returning Officer i.e. Secretary to the Punjab Legislative Assembly:-

i) Every ballot paper, issued to the above mentioned 22 Members or the postal ballot paper, if issued to any of them on the ground of his being under preventive detention, and the counterfoil thereof shall be prominently marked on their back with a rubber stamp to be supplied by the Election Commission containing the words "Permitted to vote under direction of the Supreme Court."

ii) For the purpose of issue of ballot papers to the above mentioned 22 Members, a separate packet consisting of the last 25 ballot papers supplied for use of electors at Chandigarh shall be set apart.

iii) An additional polling officer shall be posted for issue of ballot papers to the 22 members concerned. He shall be supplied with the list of members of the Punjab Legislative Assembly.

iv) The additional polling officer shall be seated near the other polling officers and polling agents so that it does not become necessary for candidates to appoint additional polling agents.

v) The procedure for issue and marking of ballot papers by the said 22 members and their insertion into the ballot box shall be the same as is applicable for the other members.

vi) After the close of poll, the marked copy of the list of electors supplied to the additional polling officer mentioned above, the counterfoils of ballot papers issued to the members referred to above, and the unused ballot papers with said additional polling officer shall be placed in separate packets by the Assistant Returning Officer and shall be sealed and secured in the manner prescribed under rule 21 (1) of the Presidential and Vice- Presidential Elections Rules, 1974 and forwarded to the Returning Officer alongwith other election records pertaining to that polling station.

Pending the decision of the Supreme Court on the above mentioned application of the Election Commission seeking clarification whether the votes so cast by the members of the Punjab Legislative Assembly could be taken into account by the Returning Officer for the purpose of determination and declaration of the results of the election, the Commission laid down the following procedure for counting of votes in case the Court issued a direction that the votes cast by the 22 disqualified members should be counted –

i) When the ballot box containing the ballot papers cast by members of Punjab Legislative Assembly is taken up, the number of votes found in the ballot box be tallied with the number of votes cast.

ii) Thereafter, the folded ballot papers shall be unfolded in such a manner as preferences marked thereon are not seen. For this purpose, the face of the unfolded ballot papers shall be kept downwards.

iii) Thereafter, detailed scrutiny of the unfolded ballot papers shall be made. Scrutiny shall consist of two stages. In the first stage, genuineness of the ballot papers shall be ascertained with reference to the matter on their back but marking thereon shall not be seen or scrutinized. In the second stage, all the ballot papers shall be kept

together in the form of bundles and reversed upside down and then taken up for detailed scrutiny. It shall be ensured that reverse side is not shown to or seen by anybody. Thereafter the counting of votes shall proceed in the prescribed manner.

However, if the Supreme Court ordered that these ballot papers of 22 Members shall not be counted, these papers shall be taken out by seeing the rubber stamp marks on their back. These shall, however, neither be unfolded nor the preferences marked thereon shall be seen or scrutinized.

The Supreme Court, however, ordered on 14th July 1987 that the votes cast by the members shall be counted but shall be kept separately after counting. A copy of the order of the Supreme Court was sent to the Returning Officer on 15th July, 1987.

ELECTIONS DECLARED VOID BY HIGH COURT, BUT STAY ORDERS ISSUED BY THE SUPREME COURT

Five members of electoral college – two of Andhra Pradesh Legislative Assembly and one each of Rajasthan, Uttar Pradesh and Punjab Legislative Assembly, were not entitled to cast their votes as their elections had been declared void by respective High Courts but orders of the High Courts were stayed by Supreme Court.

SPECIAL FEATURES Broad Cast/Telecast Facilities

Shri Mithesh Kumar Sinha, one of the contesting candidates requested the Commission for facility to put forth his views over AIR/Doordarshan. Under a scheme evolved by the Ministry of I & B, in consultation with the Commission in 1977, such broadcasting/telecasting facilities are afforded to recognized political parties during general elections to Lok Sabha and State Assemblies. However, these facilities are not extended to other elections. Another candidate Shri V.R. Krishna Iyer was reported to have requested the Minister of State in M/o Information & Broadcasting (Shri Ajit Kumar Panja) that the three contesting candidates should be given opportunity to express their views over AIR/Doordarshan and it was reported that the Govt. did not accept the request and accordingly no candidate was allowed facility of broadcasting/telecasting their views.

TENTH PRESIDENTIAL ELECTION, 1992

The term of the Eighth President Shri R. Venkataraman was to expire on 24-07-1992. Tenth Presidential Election was to be held before that date.

RETURNING OFFICER

The Secretary General, Rajya Sabha.

ASSTT. RETURNING OFFICERS

Two Directors in the Rajya Sabha Secretariat and the Secretaries of the Legislative Assemblies of the State were appointed as AROs.

ELECTION PROGRAMME

1.	Notified on	10-06-1992
2.	Last date for making nomination	24-06-1992
3.	Scrutiny of Nominations on	25-06-1992
4.	Last date for withdrawal	27-06-1992
5.	Date of Poll	13-07-1992 (10 A.M. to 5.P.M.)
6.	Counting of votes	16-07-1992

ELECTORAL COLLEGE

The Electoral College consisted of elected members of Lok Sabha [543], Rajya Sabha [233] and 25 State Legislative Assemblies [3972]. Thus the total electors were 4748.

NO. OF VOTES FOR EACH MEMBER

Each Member of Parliament had 702 votes and the number of votes for each Member of the State Legislative Assemblies differed from State to State on the basis of the population. The lowest value of votes was for the MLAs of Sikkim State (07) and the highest value of votes was for the MLAs of Uttar Pradesh (208). The value of votes was calculated on the basis of 1971 census. At the time of this election the Legislative Assemblies of J & K and Nagaland were under dissolution.

CANDIDATES

The contesting candidates and the votes secured by them were as follows:

	CANDIDATE	VOTES POLLED
1.	Dr. Shanker Dayal Sharma	6,75,804
2.	Shri G.G. Swell	3,46,485
3.	Shri Ram Jethmalani	2,704
4.	Kaka Joginder Singh Urf Dharti-Pakad	1,135
	TOTAL	10,26,188

Dr. Shanker Dayal Sharma was declared elected by the Returning Officer on 16-07-1992. He assumed office on 25-07-1992.

ELEVENTH PRESIDENTIAL ELECTION, 1997

The term of the Ninth President Dr. Shanker Dayal Sharma was to expire on 24-07-1997. The Eleventh Presidential Election was to be held before that date.

CHANGES IN THE LAW

The President of India promulgated an Ordinance on 5th June, 1997 to further amend the Presidential and Vice-Presidential Act, 1952. The Parliament approved the Ordinance on 29-08-1997. The following amendments to the act were made:-

(a) In the case of the Presidential Election, the number of Proposers and Seconders for any nomination paper was increased from ten Proposers to fifty Proposers and from ten Seconders to fifty Seconders.

(b) In the case of Vice-Presidential Election, the number of Proposers and Seconders for any nomination paper was likewise increased from five Proposers and five Seconders to twenty Proposers and twenty Seconders.

(c) The amount of security was increased from Rs.2,500/- to Rs.15,000/-.

RETURNING OFFICER

Shri S. Gopalan, Secretary General, Lok Sabha.

ASSTT. RETURNING OFFICERS

Two Joint Secretaries in the Lok Sabha Secretariat and the Secretaries/Special Secretaries of the Legislative Assemblies of States including NCT of Delhi and the UT of Pondicherry.

ELECTION PROGRAMME

1.	Notified on	09-06-1997
2.	Last date for making nomination	23-06-1997
3.	Scrutiny of Nominations on	24-06-1997
4.	Last date for withdrawal	26-06-1997
5.	Date of Poll	14.07.1997 (10 A.M. to 5.P.M.)
6.	Counting of votes	17.07.1997

ELECTORAL COLLEGE

The Electoral College consisted of elected members of Lok Sabha [543], Rajya Sabha [233] and 27 State Legislative Assemblies [4072]. Thus the total electors were 4848.

NO. OF VOTES FOR EACH MEMBER

Each Member of Parliament had 708 votes and the number of votes for each Member of the State Legislative Assemblies differed from State to State based on 1971 census.

CANDIDATES

The contesting candidates and the votes secured by them were as follows:

	CANDIDATE	VOTES POLLED
1.	Shri K.R. Narayanan	9,56,290
2.	Shri T.N. Seshan	50,631
	TOTAL	10,06,921

Shri K.R. Narayanan was declared elected by the Returning Officers on 22-07-1997. He assumed office on 25-07-1997.

TWELFTH PRESIDENTIAL ELECTION, 2002

The term of the tenth President Shri K. R Narayanan was to expire on 24-07-2002. The Twelfth Presidential Election was to be held before that date.

RETURNING OFFICER

Shri R. C. Tripathi, Secretary-General, Rajya Sabha.

ASSTT. RETURNING OFFICERS

One Additional Secretary and one Joint Secretary in the Rajya Sabha Secretariat and the Secretary of each State Legislative Assembly along with one Officer of the rank of Addl. Secy./Joint Secy./Deputy Secretary of State Assemblies including NCT of Delhi and the UT of Pondicherry.

ELECTION PROGRAMME

1.	Notified on	11-06-2002
2.	Last date for making nomination	25-06-2002
3.	Scrutiny of Nominations on	26-06-2002
4.	Last date for withdrawal	28-06-2002
5.	Date of Poll	15-07-2002 (10 A.M. to 5.P.M.)
6.	Counting of votes	18-07-2002

ELECTORAL COLLEGE

The Electoral College consisted of elected members of Lok Sabha [543], Rajya Sabha [233] and 30 State Legislative Assemblies [4120] including NCT of Delhi and UT of Pondicherry. Thus the total electors were 4896.

NO. OF VOTES FOR EACH MEMBER

Each Member of Parliament had 708 votes and the number of votes for each Member of the State Legislative Assemblies differed from State to State on 1971 census.

CANDIDATES

The contesting candidates and the votes secured by them were as follows:

	CANDIDATE	VOTES POLLED
1.	Dr. A. P. J. Abdul Kalam	9,22,884
2.	Smt. Lakshmi Sahgal	1,07,366
	TOTAL	10,30,250

Dr. A. P. J. Abdul Kalam was declared elected by the Returning Officer on 18th July 2002. He assumed office on 25th July 2002.

THIRTEENTH PRESIDENTIAL ELECTION, 2007

The term of the eleventh President Sh. A.P.J. Abdul Kalam was to expire on 24-07-2007. The Thirteenth Presidential Election was to be held before that date.

RETURNING OFFICER

Shri P.D.T. Achary, Secretary-General, Lok Sabha.

ASSTT. RETURNING OFFICERS

Two Joint Secretaries in the Lok Sabha Secretariat and the Secretary of each State Legislative Assembly along with one Officer of the rank of Addl. Secy./Joint Secy./Deputy Secretary of State Assemblies including NCT of Delhi and the UT of Pondicherry.

ELECTION PROGRAMME

1.	Notified on	16-06-2007
2.	Last date for making nomination	30-06-2007
3.	Scrutiny of Nominations on	02-07-2007
4.	Last date for withdrawal	04-07-2007
5.	Date of Poll	19-07-2007 (10 A.M. to 5.P.M.)
6.	Counting of votes	21-07-2007

ELECTORAL COLLEGE

The Electoral College consisted of elected members of Lok Sabha [543], Rajya Sabha [233] and 30 State Legislative Assemblies [4120] including NCT of Delhi and UT of Pondicherry. Thus the total electors were 4896.

NO. OF VOTES FOR EACH MEMBER

Each Member of Parliament had 708 votes and the number of votes for each Member of the State Legislative Assemblies differed from State to State on 1971 census.

CANDIDATES

	CANDIDATE	VOTES POLLED
1.	Smt. Pratibha Devisingh Patil	6,38,116
2.	Sh. Bhairon Singh Shekhawat	3,31,306
	TOTAL	9,69,422

Smt. Pratibha Devisingh Patil was declared elected by the returning officer on 21st July, 2007. She assumed office on 25th July, 2007.

- **On 25th July 2012, Shri Pranab Mukherjee is elected as President of India.**
- **2017 Presidential Election will be held soon.**

List of All Presidents of India (Annexure - 1)

1. Dr. Rajendra Prasad : 26 January 1950 to 13 May 1962
2. Dr. Sarvepalli Radhakrishnan : 13 May 1962 to 13 May 1967
3. Dr. Zakir Husain : 13 May 1967 to 3 May 1969
4. Shri Varahagiri Venkata Giri : 3 May 1969 to 20 July 1969 and
24 August 1969 to 24 August 1974
5. Dr. Fakhruddin Ali Ahmed : 24 August 1974 to 11 February 1977
6. Shri Neelam Sanjiva Reddy : 25 July 1977 to 25 July 1982
7. Giani Zail Singh : 25 July 1982 to 25 July 1987
8. Shri R Venkataraman : 25 July 1987 to 25 July 1992
9. Dr. Shankar Dayal Sharma : 25 July 1992 to 25 July 1997
10. Shri K. R. Narayanan : 25 July 1997 to 25 July 2002
11. Dr. A.P.J. Abdul Kalam : 25 July 2002 to 25 July 2007
12. Smt Pratibha Devisingh Patil : 25 July 2007 to 25 July 2012
13. Shri Pranab Mukherjee : 25 July 2012 to Till Date

Articles relating to the President and Vice-President (Annexure – 2)

52. The President of India.
53. Executive power of the Union.
54. Election of President.
55. Manner of election of President.
56. Term of office of President.
57. Eligibility for re-election.
58. Qualifications for election as President.
59. Conditions of President's office.
60. Oath or affirmation by the President.
61. Procedure for impeachment of the President.
62. Time of holding election to fill vacancy in the office of President and the term of office of person elected to fill casual vacancy.
63. The Vice-President of India.
64. The Vice-President to be ex officio Chairman of the Council of States.
65. The Vice-President to act as President or to discharge his functions during casual vacancies in the office, or during the absence, of President.
66. Election of Vice-President.
67. Term of office of Vice-President.
68. Time of holding election to fill vacancy in the office of Vice-President and the term of office of person elected to fill casual vacancy.
69. Oath or affirmation by the Vice-President.
70. Discharge of President's functions in other contingencies.
71. Matters relating to, or connected with, the election of a President or Vice-President.
72. Power of President to grant pardons, etc., and to suspend, remit or commute sentences in certain cases.
73. Extent of executive power of the Union.
74. Council of Ministers to aid and advise President.
75. Other provisions as to Ministers.
76. Attorney-General for India.
77. Conduct of business of the Government of India.
78. Duties of Prime Minister as respects the furnishing of information to the President, etc.
123. Power of President to promulgate Ordinances during recess of Parliament.

IMPORTANT TOPICS OF CONSTITUTIONAL LAW (Annexure – 3)

1. **Historical and Constitutional developments between 1858 – 1947**
 - Framing of Indian Constitution.
 - Nature and Features
 - A board over-view of the Constitution of India, 1950.
 - Historical genesis of Indian Constitution should be part of the Syllabus Particularly the transfer of power in 1857, introduction of bicameralism, federalism by 1935 Act, freedom struggle, Indian Independence act, 1947 and the drafting of our Constitution.

2. **Fundamental Rights and judicial activism**
 - Equality and Social Justice (Arts. 14-18& Part IV & Part XVI)
 - Secularism and religious freedoms
 - Life, Liberty other rights and freedoms

3. **Directive Principles and fundamental Duties (Part IV, IV A)**

4. **Indian Federalism –**

Idea of federalism – Indian federal features – strong centre – cooperative spirit-
Centre relations - Special status to J & K (Parts XI, XII, XIII, XIV, XXI)

5. **Indian Parliament –**

Nature, Composition, powers and privileges and state legislatures.

6. **Cabinet Form of Government**

Parliamentary form at the centre and states – head of State – Council of Ministers – Attorney General and Advocate Generals.

7. **Indian Judiciary :**

Supreme Court and High Courts, composition, powers and
Judicial Independence – subordinate courts

8. **Law making under Indian constitution**

Kinds of bills, passing of bills, Ordinances
Citizenship Act 1935, representation of peoples Act 1951, comptroller and

Auditor Generals Act, 1971.

Legislation made in pursuance of the Constitution like the

- (1) Bonded Labour Abolition Act
- (2) Civil Rights Protection Act, 1955
- (3) Scheduled castes and Scheduled Tribes (Prevention of Atrocities) Act, should be duly referred to.

9. Emergency (part XVIII)

Kinds, Legal requirements, Legal effects

10. Amendment and the basic structure doctrine (part XX)

11. Services under Indian Constitution (Part IV)

Services under Union / State – All Indian Services, Doctrine of Pleasure and Exceptions.

12. Democracy and Election Commission of India (Part XV)

13. Introduce the following

1. Civil Rights Protection Act, 1955
2. Citizenship : Part II
3. Parts IX, IX A, X Panchayats, Municipalities and Scheduled & Tribal Areas
4. Part XIV a Tribunals (covered in Administrative Law, Semester III)
5. Part XVII Official language
6. Part XIX Miscellaneous

Recommended Readings:

- 1) D.D. Basu, Shorter Constitution of (1996) Prentice 4 all of India, Delhi.
- 2) Constituent Assembly Debate Volume 1 to 12 (1989)
- 3) H.M. Seervai, Constitution of India, Vol.1-3 (1992), Tripathi
- 4) M.P. Singh (ed.), V.N. Shukla Constitutional Law of India, Oxford.
- 5) G. Austin, Indian Constitution, Cornerstone of a Nation (1970)
- 6) M. Gallanter, Competing Equalities – Law and the Backward Classes in India (1984) Oxford.
- 7) B. Sivaramayyam, Inequalities and the Law (1984) Eastern, Lucknow.
- 8) S.C. Kashyap, Human Right & Parliament (1978) Metropolitan, New Delhi.
- 9) D.D. Basu, Introduction to Constitution.

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2. **Introduction to the Constitution of India, 20th Edition Reprint 2011, LexisNexis Butterworths Wadhwa, Nagpur.**
3. **The Constitution of India, Bare Act with Short Notes 2017.**
4. **Election to the Office of President of India 2012 – Election Commission of India. (website: www.eci.nic.in)**
5. **Constitutional and Administrative Law by O. Hood Phillips and Jackson.**
6. **The Indian Parliament [Oxford], by B.L. Shankar & Valerian Rodrigues.**
7. **Constitution of the World, Second Edition by M.V. Pylee.**
8. **Constitutional Law of India, Volume-I, by Subhash Kashyap.**
9. **The Indian Constitution - Corner Stone of a Nation by Granville Austine.**
10. **The Constitution of India with Selective Comments by – P. M. Bakshi (1998 Universal Law Publishing Co. Ltd.).**
11. **Indian Constitutional Law, By – M. P. Jain, M. N. Tripathi Pvt. Ltd.,**
12. **Indian Constitutional Law – Dynamics and Challenges by Dr. Suresh Mane, Aarti and Co. Mumbai.**
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14. **Constitutional Law – From Wikipedia, the free encyclopedia.**

BIO-DATA



Full Name	Dr. ANANT NAMDEORAO KALSE
Office held and assumption of Office	Principal Secretary; Maharashtra Legislature Secretariat & Secretary; Commonwealth Parliamentary Association (CPA) Maharashtra Branch
Education	B.Sc., LL.M., Ph.D. (Law) Mumbai
Career (in outline only)	1979-1981 - Advocate, District and Sessions Court, Aurangabad 1981-2003 - Joined Maharashtra Legislature Secretariat; served in various capacities 15 July 2003 – Secretary 2 March 2007 – Principal Secretary
Conferences, Seminars attended / visits abroad	• 2000, Hyderabad • 2001, Chandigarh • 2004, Kolkata • 2005, Raipur • 2007, Thiruvananthapuram • February 2010, Bhopal • June 2010, Srinagar • September 2011, Jaipur • February 2015, Lucknow • January 2016, Gujarat Conferences of Presiding Officers and Secretaries of Legislative Bodies in India

	<p>2001, New Delhi</p> <p>Australia, New Zealand, Singapore, U.K., France, Italy, Belgium, Holland, Switzerland, Geneva (United Nations Office)</p> <p>2006, Nigeria 2015, Goa 2016, New Delhi</p>	<p>All India Conference of Presiding Officers, Chief Ministers, Ministers of Parliamentary Affairs, Leaders and Whips of Parties on 'Discipline and Decorum in Parliament and State Legislatures'</p> <p>Parliamentary Study Tour</p> <ul style="list-style-type: none"> • 52nd CPA Conference • 5th India Region CPA Conference • National Women Legislators Conference
Awards	<ul style="list-style-type: none"> • In the Digital India Conclave organized by India Today Group Dr. Anant N. Kalse, Principal Secretary has been awarded Digital Trailblazers Award by the auspicious hands of Hon. Shri Devendra Fadnavis, Chief Minister, Maharashtra State for excellent performance in Information Technology (IT) Sector of Maharashtra Legislature in the year 2016. 	
Academic Information	<p>Delivered lectures on Parliamentary Practice and Procedure, Constitution of India, Administrative Law and Human Rights, International Law, Law of Torts, Interpretation of Statutes, Feministic Jurisprudence.</p> <p><u>Visiting Faculty:-</u></p> <ol style="list-style-type: none"> (1) Mumbai University Post Graduate Law Department. (2) SNDT University Post Graduate Law Department. (3) Government Law College, Mumbai. (4) K.C. Law College, Mumbai. (5) Yashwantrao Chavan Academy of Development Administration Institute (YASHADA) Pune. (6) Indian Institute of Public Administration Mantralaya, Mumbai. (7) Returning Officer for the Biennial Elections to the Council of States (Rajya Sabha) and Maharashtra Legislative Council since 1992. (8) Maharashtra Judicial Academy & Indian Mediation Centre and Training Institute, Uttan, Bhayander (W), Dist. Thane. 	

Books / Articles Published	<p>(1) Parliamentary Practice and Procedure with special reference to Maharashtra Legislature.</p> <p>(2) Law Making Process - An Introduction.</p> <p>(3) Legislative Procedure and Parliamentary Privileges - A Brief Overview.</p> <p>(4) An outline of Comparative Analysis of the Leading Constitutions of the world with special reference to Indian Constitution.</p> <p>(5) Nagpur Session - Myth and Reality - An overview.</p> <p>(6) Dr. Babasaheb Ambedkar Speech before the Constituent Assembly of India dated Thursday, 4th November 1948 – Compilation.</p> <p>(7) संत साहित्य व कायदा-सुव्यवस्था</p> <p>(8) Salient Features of Constitution of India and Financial Business - An Overview.</p> <p>(9) Parliamentary Proceeding - A Brief Overview.</p> <p>(10) संसदीय कामकाज पध्दती व भारतीय लोकशाहीचे महत्व</p> <p>(11) Salient features of Constitution of India & Contribution of State Legislature in the development of State & its achievements.</p> <p>(12) संसदीय लोकशाहीची वैशिष्ट्ये व विधिमंडळाचे कामकाज</p> <p>(13) समिती पध्दती, संसदीय कामकाजाचा आत्मा.</p> <p>(14) संसदीय विशेषाधिकार : एक दृष्टीक्षेप</p> <p>(15) Law of Parliamentary Privileges (With Special reference to Maharashtra Legislature)</p> <p>(16) Pandit Jawaharlal Nehru – An Architect of Parliamentary Democracy in India at Nagpur University.</p> <p>(17) डॉ. बाबासाहेब आंबेडकर यांनी भारताच्या घटना समितीसमोर गुरुवार, दिनांक ४ नोव्हेंबर, १९४८ रोजी केलेले भाषण.</p> <p>(18) Principles of Indian Constitutional Law and Legislative Functioning – A Brief Overview.</p> <p>(19) भारतीय संविधानाची तौलानिक वैशिष्ट्ये व विधिमंडळ कामकाज</p> <p>(20) Bill to Law – An Overview</p> <p>(21) पक्षांतर विरोधी कायदा - उद्देश आणि वास्तव</p> <p>(22) Financial Control: Comptroller and Auditor General of India.</p> <p>(23) Role and Functions of Upper House.</p> <p>(24) Judicial Activism and Basic Structure Theory - Brief Overview.</p> <p>(25) Concept of Equality in the Constitution of India – A Brief Analysis.</p>
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- (26) Freedom of Speech and Expression – A Brief Overview.**
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- (28) The Constitutional System of the United States of America – A Bird eye view.**
- (29) Principles of Indian Constitutional Law and Legislative Functioning.**
- (30) Nature, Scope, Definition of Administrative Law, Rule of Law and Doctrine of Separation of Powers – A Brief Compilation.**
- (31) Delegated Legislation and Control over Delegated Legislation – A Brief Overview.**
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- (33) Salient Features of the Constitution of India (Including Historical Genesis and Making of the Constitution) – A Broad Overview.**
- (34) Delegated Legislation and Civil Service – A Brief Overview.**
- (35) Federalism (With reference to Indian Federal System).**
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- (38) Liability of the Administration in Tort and Contract – An Overview.**
- (39) Administrative Tribunal and Classification of Administrative Action – A Brief Overview.**
- (40) Human Rights in Constitution of India – A Brief Lecture.**
- (41) Directive Principles of State Policy (Article 36 to 51).**
- (42) A Lecture on - Importance and Efficacy of Human Rights with special reference to Human Rights in Constitution of India.**