

EDITORIAL

DATE : 9th November

Presidential Roles in India and the United States: Powers, Elections, and Constitutional Significance

Syllabus: GS Paper 2 – Indian Polity and Governance; International Relations

Context

The 2024 US Presidential election has cast a renewed spotlight on the **contrasts and parallels** in the powers, roles, and functions of the **Presidents of the United States and India**. Both countries, being vibrant democracies, have structured their presidencies uniquely to fit their constitutional frameworks, historical experiences, and governance philosophies.

Electoral College System in the United States

1. System Overview:

- The **Electoral College** is the formal body established to elect the US President and Vice President.
- Citizens vote indirectly, choosing **electors** who have pledged to support particular candidates. This system, while indirect, allows for **state representation** and balances popular opinion with federal structure.

2. Purpose and Historical Origin:

- The **Electoral College** was created as a compromise during the drafting of the US Constitution, balancing **direct popular vote and Congressional appointment**.
- The founders saw the Electoral College as a buffer to prevent a presidential candidate from gaining power solely through direct public appeal, aiming to **protect executive power** from populist influences.

3. Composition and Mechanics:

- **Total Electors:** 538 electors (the number is based on 435 House Representatives, 100 Senators, and 3 electors from Washington, D.C.).
- **Elector Distribution:** Each state's elector count is determined by its total number of Congressional representatives.
- **Majority Requirement:** To win, a candidate needs **270 out of 538** electoral votes.

4. Popular Vote vs. Electoral Vote:

- It is possible for a candidate to win the **national popular vote** but lose in the Electoral College, as seen in **2000 (Al Gore vs. George W. Bush)** and **2016 (Hillary Clinton vs. Donald Trump)**.

5. Role of Faithless Electors:

- Although rare, **faithless electors**—those who vote against their pledged candidate—can impact the outcome. While some states impose penalties, others allow discretion, creating a minor loophole in the system.

Indian Presidential Election Process

1. Electoral College Composition:

- The **Indian President** is indirectly elected by a unique Electoral College that includes:
 - **Members of Parliament (MPs):** Elected members from the **Lok Sabha** (House of the People) and **Rajya Sabha** (Council of States).
 - **State Legislative Assembly Members (MLAs):** Elected representatives from **State Legislative Assemblies** and **Union Territories** of Delhi and Puducherry.
- This structure reflects India's federal nature, where state representatives contribute to the presidential election, providing balanced representation.

2. Nomination Requirements:

- A **presidential candidate** in India must secure **50 proposers and 50 seconders**, who are all members of the Electoral College.
- This step prevents non-serious candidates from entering the race and reflects the **importance of consensus**.

3. Voting Mechanism:

- **Preference-based Voting:** Electoral College members cast votes by ranking candidates in order of preference, allowing a **ranked-choice voting system**.
- This unique approach ensures that the winning candidate receives a majority preference, rather than a simple plurality.

4. Vote Value Calculation:

- **MP Vote Value:** Each MP's vote has a **fixed value of 700**.
- **MLA Vote Value:** Each MLA's vote is calculated based on the state's population, providing proportional representation. This value is derived by dividing the state population by the number of MLAs and further dividing by 1,000.
- For instance:
 - **Uttar Pradesh:** Each MLA vote holds a value of 208.
 - **Arunachal Pradesh:** Each MLA vote holds a value of 8.

5. Winning Quota Requirement:

- To win, a candidate must secure **more than half the total votes cast + 1**, differentiating it from general elections, which typically require a simple majority.

6. Constitutional Provisions for Presidential Elections:

- **Article 54:** Election of President.
- **Article 55:** Manner of election.
- **Article 56:** Presidential term of office.
- **Article 57:** Eligibility for re-election.
- **Article 58:** Qualifications for the office of President.

Shared Functions of Indian and US Presidents

1. Head of State:

- Both Presidents serve as the **ceremonial heads of state**, symbolizing national unity and representing the country in official and diplomatic affairs.

2. Election Process:

- Both offices are filled through **election-based systems**, though the methods differ significantly (indirect in India vs. modified direct in the US).

3. Veto Power:

- Both Presidents can **veto bills** passed by their respective legislatures.
- The **US President** has an absolute veto, which Congress can override with a two-thirds majority, while the **Indian President** can suggest reconsideration but does not hold veto power over constitutional amendments.

4. Emergency Authority:

- Both Presidents have **emergency powers**, although their scope differs:
 - The **US President** can declare emergencies and exercise considerable discretion in crisis response.
 - The **Indian President** requires **parliamentary approval** and can declare a national, state, or financial emergency based on specific criteria.

5. Diplomatic and Foreign Relations:

- Both Presidents can **negotiate treaties** (subject to legislative approval) and act as the primary representatives in **international relations**.

6. Ceremonial and Symbolic Duties:

- Both Presidents perform **ceremonial roles**, including state functions, conferring national honors, and hosting foreign dignitaries, reinforcing their role as symbols of national identity.

Key Differences in Presidential Functions

| Aspect | Indian President | US President |
|-----------------------------|--|---|
| Executive Powers | Primarily ceremonial; executive power resides with the Prime Minister . | Holds significant executive power as both head of state and head of government. |
| Decision-Making | Acts on Council of Ministers' advice ; lacks independent decision-making. | Exercises autonomy in executive orders, decisions, and appointments. |
| Election Process | Indirect, with MPs and MLAs voting in an Electoral College . | Citizens vote indirectly via Electoral College of state-chosen electors. |
| Term and Re-election | Five-year term; eligible for multiple re-elections . | Four-year term, limited to two terms (maximum eight years). |
| Impeachment Grounds | Can be impeached for violating the Constitution by a two-thirds parliamentary majority. | Impeachment possible for treason, bribery, high crimes ; requires House majority and Senate two-thirds vote. |
| Executive Authority | Limited; operates on Prime Minister's advice with restricted authority. | Directs the executive branch and can act independently of Congress. |

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| Privileges | Limited, including immunity from lawsuits for official acts. | Executive privilege permits withholding certain information from Congress and courts. |
| Legal Immunity | Immune from legal proceedings for official actions, but liable for personal misconduct. | Immune from civil suits for actions in office, yet can face criminal charges for illegal acts outside official duties. |
| Political Affiliation | Expected to act impartially, despite any party affiliation. | Represents a political party and openly engages in partisan politics as the party leader. |

Additional Similarities and Differences

1. Term Limits and Re-election:

- **US President:** Limited to **two terms** (eight years maximum).
- **Indian President:** No term limits, allowing for indefinite re-election.

2. Cabinet Appointment Process:

- **Indian President:** Appoints cabinet members on the advice of the **Prime Minister**.
- **US President:** Appoints Cabinet members directly, subject to **Senate confirmation**.

3. Military Role:

- **US President:** Holds the title of **Commander-in-Chief** of the Armed Forces and has direct control over military decisions.
- **Indian President:** **Supreme Commander** of the Armed Forces but exercises authority based on the **Prime Minister's advice**.

4. Policy Influence:

- **US President:** Significant influence on policy-making and agenda-setting due to direct executive authority.
- **Indian President:** Primarily **advisory** in policy matters, with a role that is indirect and less politically driven.

Conclusion

• Election Systems and Representation:

- The **US Presidential system** emphasizes a balance between state and popular representation, giving significant weight to **popular sovereignty** through the Electoral College.
- **India's system**, however, reflects its **parliamentary nature**, with the Electoral College emphasizing representation by elected representatives (MPs and MLAs) rather than direct public involvement.

• Distinct Powers and Constitutional Roles:

- The **US President** acts as both the **head of state and government**, with comprehensive executive authority.
- The **Indian President**, in contrast, is largely **ceremonial** and operates primarily within a **constitutional framework** that entrusts executive powers to the **Prime Minister** and Council of Ministers.

• Broader Implications for Governance:

- These structural differences underscore the unique democratic philosophies in each nation's governance, with the US system providing a powerful, centralized executive, and India's model balancing executive restraint with parliamentary authority.
- While the **US emphasizes direct public influence** in selecting a President who wields significant power, India's model is designed to ensure **parliamentary oversight** and federal representation through a more ceremonial presidency.

MAINS QUESTION

Analyse the roles of the Indian and US Presidents in emergency situations. How do their emergency powers differ in terms of constitutional provisions, checks and balances, and political impact? (250 words)



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Wisdom leads to success