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Q14

Critically examine the procedures through which the Presidents of India and France are elected.

UPSC Civil Services Mains 2022 · GS II · 15 marks · Indian Constitution

Indian Constitution - historical underpinnings, evolution, features, amendments, significant provisions and basic structure.

Core demand of the question

- Critically examine the procedures of election of the President of India and the President of France

Revision summary

The Indian President is elected by elected MPs and elected State MLAs under **Articles 54 and 55**, by weighted STV and secret ballot.

Nominated legislators do not vote; qualifications are in **Article 58**; disputes go to the Supreme Court under **Article 71**.

The French President is elected by direct universal suffrage, usually in two rounds, for a five-year term since the **quinquennat** reform.

Indian procedure matches a parliamentary, advised head of State; French procedure matches a semi-presidential executive.

India's method is federal and insulated; France's is popular and polarising.

Neither ballot can be transplanted without rewriting the executive.

Introduction

India elects a constitutional President through an indirect, weighted electoral college under **Articles 54 and 55**. France elects a working executive President by direct universal suffrage in a two-round poll. The procedures match two different republics: a parliamentary Union and a semi-presidential Fifth Republic.

Body

India: who votes and how

- **Article 54** vests election in an electoral college of the elected members of both Houses of Parliament and the elected members of the Legislative Assemblies of the States; nominated members of the Rajya Sabha, nominated MLAs, and members of Legislative Councils do not vote.
- **Article 55** aims at uniformity in the scale of representation of the different States, and at parity between the States as a whole and the Union; votes of MLAs and of MPs are therefore weighted by population and by a formula the **Election Commission** notifies.
- The ballot is proportional representation by means of the single transferable vote, and voting is by secret ballot; a candidate must reach the quota on first-preference or transferred votes.

- **Article 58 sets qualifications:** citizen of India, thirty-five years of age, and qualified for election to the Lok Sabha, with a further bar on office of profit except the President, Vice-President, Governor, or a Union or State minister.
- Disputes go to the Supreme Court under **Article 71**; the election is not an ordinary High Court election petition under the 1951 Act in the same way as a Lok Sabha seat.

France: who votes and how

- Since the 1962 revision, the President of the French Republic is elected by direct universal suffrage, not by Parliament or an Indian-style college.
- **Election is normally in two rounds:** if no candidate wins an absolute majority in the first round, a run-off is held between the two leading candidates.
- The term is five years (the **quinquennat**; it was seven years until the **2000** reform), with a subsequent two-term limit under later revision; the President is a partisan executive who appoints the Prime Minister and may dissolve the National Assembly.
- **Eligibility and campaign finance sit in the French Constitution and organic laws:** a citizen with a minimum age, sponsored by a threshold of elected officials, competing in a highly regulated media campaign - a mass democratic contest, not a legislative-college contest.

Critical comparison of procedure

- India's method insulates the head of State from a nationwide plebiscite, which fits a President who, under **Article 74**, ordinarily acts on aid and advice and is a symbol of the Union rather than a rival to the Prime Minister.
- France's method gives the President an independent popular mandate, which is why cohabitation with an opposing National Assembly is a known tension and why French presidential elections organise the whole party system.
- Weighted STV in India protects small States from being numerically irrelevant and protects the Union-State balance; it is also opaque to citizens, low-turnout in spirit (only legislators vote), and open to party-whip bargaining rather than a public argument.
- Direct two-round voting in France is transparent and legitimate as a national choice; it can polarise, elevate personality over parliament, and still leave a Prime Minister who needs the Assembly's confidence.
- India's inclusion of State Assemblies is a federal procedure; France is a unitary republic whose overseas territories vote in the same presidential poll, not a Union of Assemblies.

What "critical" must not miss

- **Neither procedure is a defect relative to its own Constitution:** copying French direct election into India would turn Rashtrapati Bhavan into a second political executive unless **Articles 53, 74 and 75** were rewritten.
- Copying India's college into France would strip the Fifth Republic of the legitimacy it chose in 1962.
- The live Indian debates are therefore about the integrity of the college (vacant Assembly seats, whip, and **Article 71** speed), not about whether STV is "less democratic" in the abstract.

Flow diagram

India Arts 54-55 -> MPs plus State MLAs weighted STV

MPs plus State MLAs weighted STV -> Constitutional President Art 74

France since 1962 -> Direct two-round suffrage

Direct two-round suffrage -> Executive President plus PM

Conclusion

India's President is chosen by a weighted, indirect STV college of elected MPs and MLAs; France's President is chosen by the people in a two-round direct election. Each procedure is matched to a different executive: ceremonial-constitutional in India, dual executive with a dominant President in France. Criticism should judge fitness to that design, not declare one republic's ballot universally superior.

Facts & figures

Articles 54 and 55

Electoral college and manner of the Indian presidential election, including weighted votes and STV.

Article 58

Qualifications for election as President of India: citizenship, 35 years of age, Lok Sabha qualification, office-of-profit bar with listed exceptions.

Article 71

Supreme Court decides doubts and disputes arising out of the Indian presidential (and vice-presidential) election.

French 1962 revision

Introduced direct election of the President of the Republic by universal suffrage.

Quinquennat (2000)

Reduced the French presidential term from seven years to five, aligning it more closely with the National Assembly cycle.