



THE CONSTITUTION of INDIA

For All Law Exams

Volume 2

The Constitution of India Part - II



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The Constitution of India (Part – II)

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The Indian Constitution Act

- Part - II

The President & The Vice-President of India

Article 52: The President of India

- There **shall be a President** of India.

Article 53: Executive Power of the Union

- (1) The executive power of the Union vests in the President and is exercised directly or through subordinate officers, as per the Constitution.
- (2) The supreme command of the Defense Forces lies with the President; laws regulate its exercise.
- (3) Clarifies that:
 - (a) Functions of State Governments are not transferred to the President.
 - (b) Parliament may assign functions to other authorities.

Article 54: Election of President

- President is elected by an **Electoral College** consisting of:
 - (a) Elected members of **both Houses of Parliament**.
 - (b) Elected members of **State Legislative Assemblies**, including Delhi and Puducherry.

Note: only elected member not nominated members.

Article 55: Manner of Election of President

- Uniform representation among States and between Union & States is ensured.
- Voting formula:
 - (a) $\text{Votes of MLA} = \text{Population of State} \div \text{Elected MLAs} \times 1,000$
 - (b) If remainder ≥ 500 , add 1 vote.
 - (c) $\text{MP's vote} = \text{Total votes of all MLAs} \div \text{Total elected MPs}$.
- Election method: Proportional representation via single transferable vote; secret ballot.
- Population reference: 1971 Census (until new census figures are published).

Article 56: Term of Office of President

- Term: 5 years from the date of entering office.
- Can resign to the Vice-President.
- Can be impeached under Article 61.
- Continues in office till successor assumes charge.

Article 57: Eligibility for Re-election

- A sitting or former President is **eligible for re-election**.

Article 58 : Qualifications for election as President.

To become the President of India, a person must:

(1) Basic Qualifications

- (a) He/She must be a **citizen of India**.
- (b) He/She must be **at least 35 years old**.
- (c) He/She must be **eligible to become a Member of the Lok Sabha**
(means he/she must meet the qualifications required for Lok Sabha membership).

(2) Disqualification

A person **cannot** become President if:

- ✓ He/She holds any **office of profit** under:
 - the Central Government
 - any State Government
 - any local authority (like municipal corporation)
 - any authority controlled by the government

Office of profit = a job/post where you get salary or financial benefit from the government.

Exception

Some posts **will not be treated as office of profit** for the purpose of becoming President:

- **President of India**
- **Vice-President of India**
- **Governor of any State**
- **Union Minister or State Minister.**

Means: If someone is already a **Vice-President** or **Governor**, he/she can still stand for President without resigning first.

Article 59 : Conditions of President's office.

(1) President cannot be an MP or MLA

- ✓ The President **cannot** be:
 - a Member of Parliament (Lok Sabha or Rajya Sabha), or
 - a Member of any State Legislative Assembly or Council (MLA/MLC).

If someone who is already an MP or MLA gets elected as President, **their seat automatically becomes vacant** on the day they take charge as President.

(2) President cannot hold any other job

- ✓ The President **cannot hold any other office of profit.**
- ✓ **Means:** The President cannot have any other government-paid job or post while in office.

(3) President gets official residence + salary + perks

The President is entitled to:

- ✓ Free use of official residence (Rashtrapati Bhavan)
- ✓ Salary, allowances, facilities, and privileges decided by Parliament
- ✓ Until Parliament decides any changes, the benefits will be as mentioned in the **Second Schedule**

(4) Salary cannot be reduced

- ✓ The President's **salary and allowances cannot be decreased** during his/her term.
- ✓ This protects the President from being financially pressured by the government

Article 60: Oath or affirmation by the President.

Before the President starts working in office, he/she must take an **oath** (or affirmation):

Who administers the oath?

- The **Chief Justice of India (CJI)**
- If CJI is absent → the **senior-most Judge of the Supreme Court** available

Who must take this oath?

- The President of India
- Anyone who is **acting as President** or **performing President's duties**

What does the President promise in the oath?

The President swears (or solemnly affirms):

1. **I will faithfully perform the duties of the President of India.**
2. **I will protect, preserve, and defend the Constitution and the law.**
3. **I will work for the welfare and well-being of the people of India.**

Article 61 : Procedure for impeachment of the President

Ground for impeachment

The President can be removed only for “**violation of the Constitution.**”

Violation of the Constitution” means:

Any act by a constitutional authority that goes against the Constitution, its provisions, duties, limits, or spirit.

For impeachment of the President (Article 61), the term is NOT defined specifically, but it is understood broadly as:

- Misuse of constitutional powers
- Acting against constitutional provisions
- Disobeying constitutional duties
- Undermining constitutional institutions
- Acting without legal authority
- Violating Fundamental Rights intentionally
- Corrupt or illegal acts connected to constitutional functions

Example:

Taking bribes for granting pardons under Article 72

Procedure of impeachment:

Step 1: Start of Impeachment Process

- The charge (accusation) can be brought by **either Lok Sabha or Rajya Sabha.**
- (Any one House can begin the process.)

Step 2: Special Notice Required

Before the resolution is moved:

(a) Written Notice

- ✓ At least **14 days' notice** in writing must be given.
- ✓ The notice must be signed by **minimum 1/4th (one-fourth)** of the **total members** of that House.

(b) First House Must Pass Resolution

- ✓ After the notice period, the House must vote on the resolution.
- ✓ The resolution must be passed by **2/3rd of the total membership** of that House (not just members present).

If passed → **Charge is officially framed.**

Step 3: Investigation by the Other House

- The other House will **investigate** the charge.
- Or it may set up a committee to investigate.
- The President has the right to:
 - ✓ **appear**
 - ✓ **defend himself/herself**
 - ✓ **be represented by a lawyer**

Step 4: Final Decision

- After the investigation:
 - ✓ The second House must also pass a resolution by **2/3rd of the total membership**, declaring that the charges are proved.
- If this resolution is passed
 - ✓ **The President is removed from office immediately** (from the date the resolution is passed).

Article 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.

(1) When President's 5-year term is ending

- If the President's 5-year term is about to end:
 - ✓ **The new President must be elected before the current President's term finishes.**
 - ✓ This ensures **no gap** in the office of President.

(2) When vacancy happens unexpectedly (casual vacancy)

- If the office of President becomes vacant because of:
 - ✓ death
 - ✓ removal (impeachment)
 - ✓ resignation
 - ✓ or any other reason

-
- Then the election **must be held as soon as possible**,
 - AND
 - It **cannot be delayed beyond 6 months** from the date the vacancy occurred.
 - **Term of the person elected in a casual vacancy**
 - If someone is elected to fill such a vacancy:
 - ✓ He/She will get a **full 5-year term** starting from the day they take office, (not just the remaining term of the previous President).

Article 63 : The Vice-President of India.

- **The Constitution simply says:**
 - ✓ **India shall have a Vice-President.**
 - ✓ That's it.
 - ✓ This Article only creates the office of the **Vice-President of India.**

Article 64 : The Vice-President to be ex officio Chairman of the Council of States.

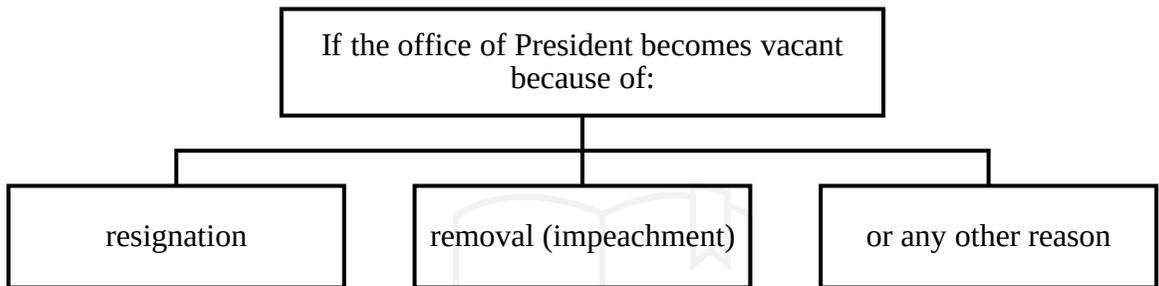
1. **Vice-President = Chairman of Rajya Sabha (Ex Officio)**
 - ✓ **Ex officio means: By virtue of the office, you hold**
 - ✓ **(you get another post automatically because of your main position)**
 - ✓ **You don't need a separate election or appointment.**
 - ✓ The Vice-President of India is **automatically** (ex officio) the:
 - He doesn't get elected separately for Chairman.
 - This is his main constitutional function besides being President's substitute.
2. **Vice-President cannot hold any other office of profit**
 - ✓ While being Vice-President and Chairman of Rajya Sabha, he:
 - cannot hold any other government-paid job
 - cannot hold any other office of profit
3. **When Vice-President acts as President**
 - ✓ If the Vice-President:
 - becomes Acting President, or
 - performs the President's duties (under Article 65),

then:

-
- ✓ **He will not perform the duties of Chairman of Rajya Sabha**
(He must leave that role temporarily.)
 - ✓ **He will not receive the salary/allowances of Rajya Sabha Chairman (Article 97)**
Instead, he will receive the **President's salary and benefits.**

Article 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.

1. When the President's seat becomes vacant (casual vacancy)



- ✓ **The Vice-President will act as President**
 - ✓ until the **new President is elected** and takes office.
- 2. When the President is unable to work temporarily**
- ✓ If the President is unable to discharge duties due to:
 - illness
 - absence from India
 - or any other cause
 - ✓ The **Vice-President will discharge the functions** of the President temporarily.
 - ✓ (Only until the President comes back and resumes duties.)
- 3. Powers & Salary during this period**
- ✓ When the Vice-President is:
 - acting as President, OR
 - discharging President's functions,then:
 - ✓ He gets **all the powers** of the President
 - ✓ He gets **all immunities** of the President
 - ✓ He gets the **President's salary, allowances, and perks** (as per Second Schedule or law)

Article 66 : Election of Vice-President.

(1) How is the Vice-President elected?

Electoral College

✓ Vice-President is elected by:

- **Members of both Houses of Parliament (Lok Sabha + Rajya Sabha)**
- **Elected members**
- **Nominated members**

✓ Both can vote.

(This is different from the President's election where only ***elected*** MPs + MLAs vote.)

✓ **Voting System**

- **Proportional Representation**
- **Single Transferable Vote (STV)**
- **Secret Ballot**

✓ Means MPs rank candidates as 1st preference, 2nd preference, etc.

(2) VP cannot be an MP or MLA

✓ The Vice-President must NOT be:

- a Member of Parliament
- a Member of any State Legislature

✓ If an MP or MLA is elected Vice-President,

their seat automatically becomes **vacant** the day they take office.

(3) Qualifications to become Vice-President

✓ A person must:

- **be a citizen of India**
- **be at least 35 years old**
- **be qualified to be a member of the Rajya Sabha (Council of States)**

(4) Disqualification – Office of Profit

✓ A person **cannot** become Vice-President if he holds any **office of profit** under:

- Central Government
- State Government
- Local Authority
- Any authority under government control

Exception

✓ A person is NOT considered to hold office of profit if he is:

- **President of India**
- **Vice-President of India**
- **Governor of any State**
- **Union Minister or State Minister**

So, these office-holders can contest Vice-President election without resigning first.

Article 67 : Term of office of Vice-President.

1. Term of the Vice-President

✓ The Vice-President holds office for:

- **5 years**
- from the date he enters office.

2. How can the Vice-President leave office earlier?

(a) Resignation

✓ The Vice-President can resign by:

- writing a resignation letter
- addressed to the **President of India**
- After submitting the letter, he leaves office.

(b) Removal (Impeachment-like process)

✓ The Vice-President can be removed:

- by a **resolution passed in the Rajya Sabha (Council of States)**
- by a **majority of all the then members** of Rajya Sabha (total membership, not just present members)
- AND this resolution must be **agreed to by Lok Sabha.**

✓ **Important safeguards:**

- A **14-day notice** is mandatory before the resolution is moved.
- Removal of Vice-President is *simpler* than removal of President (no 2/3 majority required).

3. Continuation even after term ends

- ✓ Even after completing 5 years, the Vice-President will:
 - **continue in office until the new Vice-President takes charge.**

(This prevents a temporary vacancy.)

Article 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.

(1) When the Vice-President's 5-year term is ending

- ✓ If the Vice-President's term is about to finish:
 - **The new Vice-President must be elected before the current term ends.**
 - This ensures there is **no gap** in the office.

(2) When the office becomes vacant unexpectedly (casual vacancy)

- ✓ If the Vice-President's office becomes vacant due to:
 - **death**
 - **removal**
 - **resignation**
 - **any other reason**

The election must be held as soon as possible.

Maximum limit

The Constitution does not give a fixed maximum time like 6 months (unlike the President), but the election must not be delayed unnecessarily.

Term of the person elected

A person elected to fill such a vacancy:

Gets a full 5-year term

starting from the date he enters his office, subject to Article 67 (which covers resignation, removal & continuation).

Article 69: Oath or affirmation by the Vice-President.

- Before starting the job, the Vice-President must take an **oath (or affirmation)**.
- **Who administers the oath?**
- The oath is made **before the President of India**, or **any person appointed by the President** for this purpose.

➤ **What does the Vice-President promise in the oath?**

➤ In the oath, the Vice-President says:

1. **I will bear true faith and allegiance to the Constitution of India**
2. I will remain loyal to the Constitution.
3. **I will faithfully discharge the duty of the office**
4. I will honestly and responsibly perform my duties.

Article 70: Discharge of President's functions in other contingencies

➤ Sometimes, unexpected situations may arise where:

- ✓ the President **cannot** perform his duties, AND
- ✓ the Constitution (Articles 52–69) does **not** clearly say what to do.

➤ For such rare or special situations:

- ✓ **Parliament has the power to make laws** to decide **who will perform the President's functions** and **how** they will be discharged.

➤ **It means:**

- ✓ If the Constitution has **not** provided a clear solution for some unusual situation involving the President's office:
 - Parliament can step in
 - Parliament can make a law
 - That law will decide how the President's duties will be carried out

Article 71 : Matters relating to, or connected with, the election of a President or Vice-President.

(1) **Who decides election disputes?**

- ✓ If there is any:
 - doubt,
 - dispute,
 - complaint, or
 - challenge
- ✓ related to the election of the President or Vice-President, the matter will be decided **ONLY** by the:
 - ✓ **Supreme Court of India**
 - **Supreme Court's decision is final.**
 - **No High Court can hear such cases.**

(2) If the Supreme Court later declares the election invalid

- ✓ Suppose the Supreme Court declares:
 - “Z’s election as President/Vice-President is void.”
- ✓ Even then:
 - All the decisions, orders, and acts done by him before the SC judgment will remain valid.
 - This is to protect the stability of governance.
 - It means that the Acts done before election is declared invalid remain valid
- ✓ **Example:**
 - If a President signs a law before his election is declared invalid then the law remains valid.

(3) Parliament can make laws about elections

- ✓ Parliament has the power to pass laws for:
 - election procedure
 - disputes
 - qualifications
 - notification rules
 - any other matter related to elections of President/VP
- ✓ This is done under the Presidential and Vice-Presidential Elections Act, 1952.
- ✓ It means Parliament can make laws about election procedures

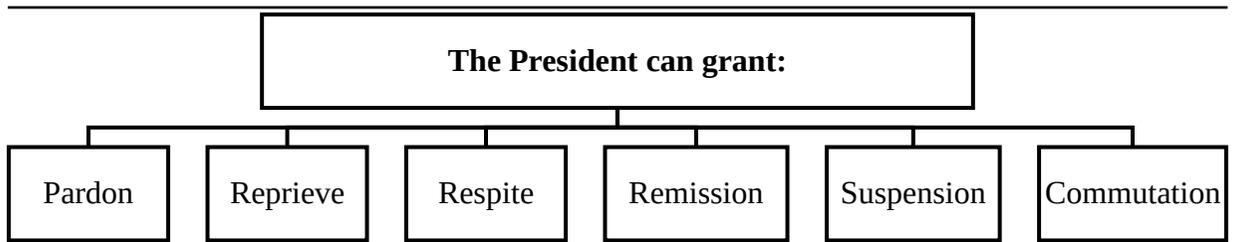
(4) Election cannot be challenged because of vacancies

- ✓ Someone cannot challenge the election by saying:
 - “There were vacancies in the electoral college (MPs/MLAs missing).”
 - “Some seats were empty, so the election is invalid.”
- ✓ Vacancies do NOT affect the validity of the election.
- ✓ It means the election cannot be challenged because of vacant seats in the electoral college

Article 72 : Power of President to grant pardons, etc., and to suspend, remit or commute sentences in certain cases.

Power of the President to grant pardons and to alter punishments

The President of India has the authority to **forgive, reduce, or change** the punishment of a convicted person.



(1) What powers does the President have?

- ✓ The President can **grant**:
 - **Pardon**
- ✓ Complete forgiveness — punishment ends + conviction removed.
 - **Reprieve**
- ✓ Temporary stay of punishment especially that of death. Its purpose is to enable the convict to have time to seek pardon or commutation from the president.
 - **Respite**
- ✓ Lesser punishment due to special reasons (e.g., pregnancy, disability).
 - **Remission**
- ✓ Reduce the duration of sentence without changing its character (e.g., 10 years RI → 5 years RI).
 - **Commute the sentence**
- ✓ Change the punishment to a lighter one (e.g., death → life imprisonment).

Where can the President use these powers?

The President can use these powers in three types of cases:

(a) Punishment given by a Court Martial

- Military courts (Army, Navy, Air Force courts).

(b) Offences under Union laws

- When the offence relates to a subject under the **Union's executive power**
(Example: central laws like NDPS, customs, passport offences, federal crimes, etc.)

(c) All death sentences

- The President can grant pardon in **every death penalty case**, no matter which court gave the sentence or under which law.

(2) Important clarification about Court Martial

- ✓ This Article does NOT affect:
 - The powers of military officers to reduce or change punishments given by Court Martial.
- ✓ Meaning:
 - Military officers can still use their powers under military laws.

(3) Important clarification about Governor's power

- ✓ This Article does NOT affect:
 - The Governor's power (Article 161) to suspend, remit, or commute **death sentences** under State laws.
- ✓ Meaning:
 - Both **President** and **Governor** have powers over death sentences.
 - President's power is wider → can PARDON death sentences.
 - Governor cannot pardon death sentences, only reduce/change them.

Difference Between Article 72 & Article 161

Point of Difference	Article 72 – President	Article 161 – Governor
Authority	President of India	Governor of a State
Scope	Wider powers	Narrower powers
Jurisdiction	Union laws + Court Martial + all death sentences	State laws only
Death Sentence	Can pardon , suspend, remit, reprieve, or commute death sentence	Cannot pardon death sentence; only suspend, remit, or commute (reduce)
Court Martial	Can pardon or commute sentences given by Court Martial	No power over Court Martial sentences
Subjects Covered	Offences where Union's executive power extends (e.g., central laws)	Offences where State's executive power extends (state laws)
Extent of Power	Can completely wipe out conviction + punishment	Can reduce or alter punishment, but within limits of State law
Wider application?	Applies throughout India	Applies only within respective State
Legal Provision	Article 72 of Constitution	Article 161 of Constitution

Case law:

Kehar Singh v. Union of India 1988 SC

- Kehar Singh was sentenced to death for involvement in Indira Gandhi's assassination.
- His family filed a mercy petition to the President under Article 72.
- The Supreme Court held that the President's mercy power is very wide and independent of the judiciary.
- The President can look into the entire case, including facts, evidence, and even guilt.
- The power is to be exercised by the President on the advice of the union cabinet.
- Mercy is a matter of grace, not a legal right of the convict.
- Courts cannot question the merits of the President's decision.
- Judicial review is allowed only on limited grounds—mala fides, arbitrariness, discriminatory or irrelevant considerations.
- The judgment confirmed that Article 72 is an executive, non-judicial power

Article 73 – Extent of the Executive Power of the Union

Clause (1)

- (a)** The Central Government has executive power over all subjects on which Parliament can make laws.

It means: If Parliament can make a law on a subject, the Central Government can take action on that subject.

- (b)** The Central Government can also exercise powers that come from treaties, agreements, or international commitments made by India.

It means: All international agreement-related powers are exercised by the Central Government.

Proviso (exception)

The Central Government cannot interfere in matters where State Legislatures can also make laws (State List), unless the Constitution or a Parliamentary law specifically allows it.

Clause (2) Until Parliament decides otherwise, a State Government may continue to use the same executive powers it had before the Constitution began—even if those matters are subjects on which Parliament can make laws.

Article 74 – Council of Ministers to aid and advise the President

1. Why Article 74 was made?

India adopted the **British (Westminster) system** where:

- ✓ **President = Nominal head** (works formally, not the real ruler)
- ✓ **Prime Minister + Council of Ministers = Real Executive**

So, Article 74 makes sure the President **must act on the advice** of the Council of Ministers.

Without this, India would look like a presidential system—so this Article fixes the parliamentary character.

2. Amendments that shaped Article 74

(a) Before 1976

- ✓ The Constitution only said there “shall be a Council of Ministers to aid and advise the President.”
- ✓ Slight confusion: Is the advice binding or not?

(b) 42nd Amendment, 1976

- ✓ Made it **100% binding**.
- ✓ Added: President *"shall act in accordance with such advice."*
- ✓ After this, President cannot refuse or ignore advice.

(c) 44th Amendment, 1978

- ✓ Added a small **check**:
 - President can send the advice back once for reconsideration.
 - But after reconsideration, President must accept it.
- ✓ This gives a minor safeguard, but the final word is still with the Council of Ministers.

3. Article 74(2) – non-justiciability

- ✓ Courts **cannot question**:
 - What advice was given?
 - What discussions happened between PM and President?
- ✓ Purpose:
 - Keeps secrecy and smooth functioning of the executive.
 - Prevents courts from interfering in internal executive advice.

S.R. Bommai v. Union of India (1994) SC— *The landmark case*

- The Court said:
 - ✓ Courts cannot examine the *advice* given to the President (protected by Article 74(2)).
 - ✓ But courts can examine the *material* placed before the President to see whether the action (like imposing President's Rule) was mala fide or unconstitutional.
 - ✓ In short courts cannot examine the “advice” under Article 74(2), but can examine the “material” underlying the President's decision.

Article 75 – Other provision as to Ministers.

Appointment & Size of Ministers

Article 75 (1): Who appoints the Ministers?

- Prime Minister → appointed by President.
- Other Ministers → appointed by President on PM's advice.
- (So PM decides the team.)

Article 75 (1A): 15% Limit (91st Amendment)

- Total Ministers (including PM) = Maximum 15% of Lok Sabha strength.
- (To prevent oversized Cabinets and misuse of ministries.)

Article 75 (1B): Disqualification (1B)

- If an MP is disqualified under Anti-Defection (10th Schedule),
- they cannot become a Minister until:
 - ✓ their term ends, or
 - ✓ they get re-elected.

Article 75 (2). Tenure & Responsibility

- Tenure (Pleasure of the President)
 - ✓ A Minister holds office “during the pleasure of the President.”
 - ✓ But in reality → President removes a Minister only if PM says so.
 - ✓ (So PM controls the Council.)

Article 75 (3) Collective Responsibility

- Entire Council of Ministers is collectively responsible to Lok Sabha.
- If a no-confidence motion passes:
- Entire Council must resign, not just one Minister.

S.R. Bommai v. Union of India (1994) SC [On Collective Responsibility]

- Supreme Court explained that **the real test of a government's majority is on the floor of the House.**
- Collective responsibility means the Council of Ministers must enjoy the **confidence of the Lok Sabha** at all times.

It means that the *Collective responsibility under Article 75(3) means the Council stands or falls together.*

Article 75 (4). Oath, Membership & Salary

- Oath
- President gives two oaths to every Minister:
 - ✓ Oath of office
 - ✓ Oath of secrecy

Article 75 (5) Must Become MP in 6 Months

- A non-MP can become a Minister but must become:
 - ✓ Lok Sabha or Rajya Sabha member
 - ✓ within 6 months, otherwise they cease to be Minister.

Case: S.R. Chaudhuri v. State of Punjab (2001) SC

The Supreme Court held that the six-month period under Article 75(5) is a **one-time, non-renewable opportunity** for a non-legislator during the tenure of the same House.

A person who fails to get elected within six months and resigns **cannot be reappointed** as a Minister without first securing membership of the Legislature.

The Court emphasised that the six-month clause is an **exception**, intended only to enable a competent person to obtain an electoral mandate.

Allowing repeated appointments would amount to a **backdoor entry** and undermine the principles of representative and responsible government.

The judgment reinforces **constitutional morality** by ensuring that the executive ultimately derives legitimacy from the elected Legislature.

Article 75 (6) Salary

- Parliament decides salaries and allowances of Ministers.

The Attorney-General for India

Article 76 – Attorney-General of India

1. **Attorney-General (AG)** is the **top legal advisor** of the Government of India.
2. The **President appoints** the AG.
3. Only a person who is **qualified to become a Supreme Court judge** can be appointed AG.
4. The AG gives **legal advice** to the government and performs all legal duties assigned by the President.
5. The AG can **appear in any court in India**.
6. The AG stays in office as long as the **President wants** (“pleasure of the President”).
7. The **President decides the salary** of the AG.

Article 77 – How Government Business Is Carried Out

1. All actions of the Central Government must be done **in the name of the President**.
2. (Example: “Ordered by the President”).
3. Any order issued in the President’s name, if **properly authenticated** as per the rules, **cannot be questioned** in court on the ground that the President did not personally sign it.
4. The **President makes rules** on how government business should be conducted and how work should be divided among Ministers.

Article 78 – Duties of the Prime Minister to the President

The Prime Minister must:

1. **Inform the President** about all important decisions taken by the Council of Ministers.
2. Give the President **any information** he asks for about the working of the government or upcoming laws.
3. If the President wants, the PM must **send any decision of a Minister back to the entire Council of Ministers** for reconsideration.

Parliament

Article 79 – Constitution of Parliament

1. India will have one Parliament for the whole country (the Union).
2. This Parliament is made up of three parts:
 - ✓ The President
 - ✓ The Council of States (Rajya Sabha)
 - ✓ The House of the People (Lok Sabha)

So, Parliament = President + Rajya Sabha + Lok Sabha.

Article 80 – Composition of the Rajya Sabha (Council of States)

1. Total Members

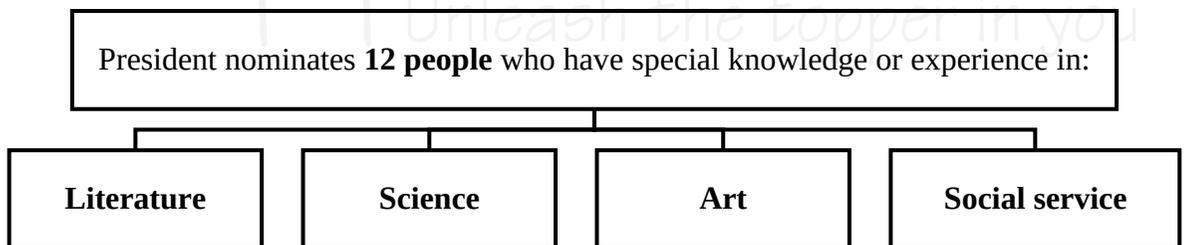
- ✓ Rajya Sabha has **maximum 250 members**, divided into:
 - **12 members** nominated by the **President**.
 - **Up to 238 members** representing **States and Union Territories**.

At present, the Rajya Sabha has 245 members. Of these, 225 members represent the states, 8 members represent the union territories and 12 members are nominated by the President.

2. Allocation of Seats

- ✓ How many seats each State/UT gets is written in the **Fourth Schedule** of the Constitution.

3. Nominated Members (12 Members)



4. Representatives of States

- ✓ Members representing States are **elected by MLAs** (State Legislative Assembly members).
- ✓ The election happens through:
 - **Proportional Representation system**
 - **Single Transferable Vote (STV)** method.

5. Representatives of Union Territories

- ✓ Their election/selection method is decided by **Parliament through a law**.