

Vice President- The role and provisions

July 21, 2022

Manifest Pedagogy:

The Vice President of India is the deputy to the head of state of the Republic of India, the President of India. The office of vice president is the second-highest constitutional office after the president and ranks second in the order of precedence and first in the line of succession to the presidency. The vice president is also a member of the Parliament of India as the ex officio chairman of the Rajya Sabha.

Article 66 of the Constitution of India states the manner of election of the vice president. The vice president is elected indirectly by members of an electoral college consisting of the members of both Houses of Parliament and not the members of state legislative assembly by the system of proportional representation using single transferable votes and the voting is conducted by Election Commission of India via secret ballot.

In News: Recently, the Election Commission announced the Vice-Presidential election to be held in August, 2022.

Placing it in Syllabus: Polity

Static Dimensions

- Qualifications for Vice president
- The Vice President of India and The Constitution
- Indian VP vs American VP
- Removal of Vice-president

Current Dimensions

- Election of Vice President

- Indian VP vs American VP

Content

The Vice-President occupies the second highest office in the country. He is accorded a rank next to the President in the official warrant of precedence. This office is modelled on the lines of the American Vice-President.

Qualifications for Vice president

To be eligible for election as Vice-President, a person should fulfil the following qualifications:

- He should be a citizen of India.
- He should have completed 35 years of age.
- He should be qualified for election as a member of the RajyaSabha.
- He should not hold any office of profit under the Uniongovernment or any state government or any local authority or any other public authority.

The Vice President of India And The Constitution

- **The Office of the Vice-President Article 63.**
 - He serves for a **five-year term**, but can continue to be in office, irrespective of the expiry of the term, until the successor assumes office.
 - The Constitution is silent on who performs the duties of the Vice-President, when a vacancy occurs in the office of the Vice-President of India, before the expiry of his term, or when the Vice-President acts as the President of India.
 - The only provision in the Constitution is with regard to the Vice-President's function as the Chairperson of the Council of States (Rajya Sabha), which is performed, during

the period of such vacancy, by the Deputy Chairperson of the Rajya Sabha, or any other member of the Rajya Sabha authorised by the President of India.

- The Vice-President may resign his office by submitting his **resignation to the President of India**. The resignation becomes effective from the day it is accepted.
- The Vice-President can be removed from office by a resolution of the Council of States (Rajya Sabha), passed by a majority of its members at that time and agreed to by the House of the People (Lok Sabha).
 - A resolution for this purpose may be moved only after a notice of at least a minimum of 14 days has been given of such an intention.
- **The Vice-President as Chairperson (ex-officio) of the Rajya Sabha Article 64.**
 - The Vice-President is the ex-officio Chairperson of the Council of States (Rajya Sabha) and does not hold any other office of profit.
 - During any period when the Vice-President acts as, or discharges the functions of the President, he does not perform the duties of the office of the Chairperson of the Council of States (Rajya Sabha) and is not entitled to any salary or allowances payable to the Chairperson, Rajya Sabha.
 - In this respect, he resembles the American vice president who also acts as the Chairman of the Senate—the Upper House of the American legislature.

- **The Vice-President as Acting President Article 65.**

- The Vice-President acts as President, during casual vacancy in the office of the President by reason of death, resignation or removal or otherwise, until a new President is elected as soon as practicable and, in no case, later than six months from the date of occurrence of the vacancy.
- When the President is unable to discharge his functions owing to absence, illness or any other cause, the Vice-President discharges those functions till the President resumes office.
- During this period, the Vice-President has all the powers, immunities and privileges of the President and receives emoluments and allowances payable to the President.
- Other articles related to Vice President-
 - **Article 66**– Election of Vice-President, **Article 67**-Term of office of Vice-President, **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
 - **Article 69**-Oath or affirmation by the Vice-President, **Article 70**– Discharge of President’s functions in other contingencies, **Article 71**– Matters relating to, or connected with, the election of Vice-President

Election of Vice President

- The Vice-President, like the president, is elected not directly by the people but by the method of indirect election. He is elected by the members of an electoral college consisting of the members of both Houses of Parliament.
- This electoral college is different from the electoral college for the election of the President in the following two respects:

- It consists of both elected and nominated members of the Parliament (in the case of the president, only elected members).
- It does not include the members of the state legislative assemblies (in the case of the President, the elected members of the state legislative assemblies are included).
- Any disputes related to the election of the Vice-President are inquired into and decided by the supreme court whose decision is final.
- Election to the office of the Vice-President is conducted by the Election Commission of India.
- The election of the next Vice-President is to be held within 60 days of the expiry of the term of office of the outgoing VicePresident.
- The Election Commission, in consultation with the Central Government, appoints the Secretary-General of Lok Sabha and Rajya Sabha, by rotation, as the Returning Officer.
- As per **Rule 8 of the Presidential and Vice-Presidential Elections Rules, 1974**, polls for the election are taken in the Parliament House.

Indian VP vs American VP

- Though the office of the Indian Vice President is modelled on the lines of the American Vice-President, there is a difference. The American Vice-President succeeds to the presidency when it falls vacant, and remains President for the unexpired term of his Predecessor.
- The Indian Vice-President, on the other hand, does not assume the office of the President when it falls vacant for the unexpired term. He merely serves as an acting President until the new President assumes charge.
- The Constitution has not assigned any significant function to the Vice-President in that capacity.

- Indian Vice-President can become President for a maximum of six months.
- Some scholars call him 'His SuperfluousHighness'.
- This office was created with a view to maintain the political continuity of the Indian State. while the American Vice-President endowed with significant power and functions.

Removal of Vice-president

- A formal impeachment like in the case of the President of India is not required for the removal of Vice-President
- VP can be removed from his office by a resolution raised only in Rajya sabha, passed by effective majority i.e. greater than 50% of (Total membership – Vacancy) & agreed upon by simple majority i.e. greater than 50 % of total voting members of the Lok sabha.
- Prior to passing the resolution in Rajya sabha, a 14 days notice should be served to the Vice-President.

Mould your thoughts

1. Discuss the election, removal and powers of the Vice President of India. Also Compare the position of the Vice President in India and USA. (250 Words)

Approach to the answer.

- Introduce about the position of the Vice President in India
- Election Process, Removal process.
- Powers of VP
- Difference between Indian and American VP.