

Introduction

Art 63 mentions about the office of Vice President of India. Office of Indian Vice President is modelled on the lines of American Vice -President. The second-highest constitutional office in India, rank only next to the office of President of India in order of precedence. Vice President is a member of neither Lok Sabha nor Rajya Sabha.

VP is also ex-officio chairperson of Rajya Sabha (Art.64). The original Constitution provided that the Vice- President would be elected by the two Houses of Parliament assembled at a joint meeting. This cumbersome procedure was done away by the 11th Constitutional Amendment Act of 1961.

First Vice President of India – Dr. S. Radhakrishnan (1952)

Present Vice President of India – Venkaiah Naidu (Since 2017)

Article 64: The Vice President to be ex officio Chairman of the Council of States. The Vice President shall be ex officio chairman of the council of States and shall not hold any other office of profit: Provided that during any period when the Vice President acts as President or discharges the functions of the President under Article 65, he shall not perform the duties of the office of chairman of the council of States and shall not be entitled to any salary or allowance payable to the chairman of the council of States under Article 97

Duties of Vice President

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.

Article 65 (1): In the event of the occurrence of any vacancy in the office of the President by reason of his death, resignation or removal, or otherwise, the Vice President shall act as President until the date on which a new President elected in accordance with the provisions of this Chapter to fill such vacancy enters upon his office.

Article 65 (2): When the President is unable to discharge his functions owing to absence, illness or any other cause, the Vice President shall discharge his

functions until the date on which the President resumes his duties.

Article 65 (3): The Vice President shall, during, and in respect of, the period while he is so acting as, or discharging the functions of, President, have all the powers and immunities of the President and be entitled to such emoluments, allowances and privileges as may be determined by Parliament by law and, until provision in that behalf is so made, such emoluments, allowances and privileges as are specified in the Second Schedule.

Power And Functions of The Vice-President

- ❑ The Vice-President acts as the ex-officio Chairman of the Rajya Sabha and his powers and functions are similar to those of the Speaker of the Lok Sabha.
- ❑ In the event of the President's inability to work due to any reason or a vacancy in the office of the President due to any reason, he can act as the President. The office was created to maintain continuity in the Indian state; however, this is only for 6 months till the next President is elected.
- ❑ While the Vice-President is acting and discharging his functions as a President, he shall have all the powers and immunities of the President and be entitled to such emoluments, allowances and privileges.
- ❑ The Vice President while discharging duty as President, should not preside over Rajya Sabha. During this period the duties are performed by the Deputy Speaker.

Vice President – Election

Article 66: Election of Vice President

Article 66 (1) The Vice President shall be elected by the members of an electoral college consisting of the members of both Houses of Parliament 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.

Article 66 (2) The Vice President shall not be a member of either House of Parliament or of a House of the Legislature of any State, and if a member of either House of Parliament or of a House of the Legislature of

any State be elected Vice President, he shall be deemed to have vacated his seat in that House on the date on which he enters upon his office as Vice President.

Article 66 (3) No person shall be eligible for election as Vice President unless he

- ❑ is a citizen of India;
- ❑ has completed the age of thirty-five years;
- ❑ is qualified for election as a member of the Council of States

Article 66 (4) A person shall not be eligible for election as Vice 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 said Governments. Explanation For the purposes of this article, 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.

Explanation:

The Vice-President is indirectly elected. He is elected by the members of an electoral college consisting of the members of both the Lok Sabha and Rajya Sabha. It does not include the members of the state legislative assemblies.

For the election of Vice President system of proportional representation by means of the single transferable vote and the voting done by secret ballot. Election to the office of the Vice-President is conducted by the Election Commission of India.

All doubts and disputes in connection with the election of the Vice- President are inquired into and decided by the Supreme Court whose decision is final. The election of a person as Vice-President cannot be challenged on the ground that the electoral college was incomplete (i.e., the existence of any vacancy among the members of the electoral college).

If the election of a person as Vice-President is declared void by the Supreme Court, acts done by him before the date of such declaration of the Supreme Court are not invalidated (i.e., they continue to remain in force).

The Vice President shall not be a member of either House of Parliament or of a House of the Legislature of any State, and if a member of either House of Parliament or of a House of the Legislature of any State be elected Vice President, he shall be deemed to have vacated his

seat in that House on the date on which he enters upon his office as Vice President.

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 Vice-President.

Art 66(3) Minimum Qualification

Minimum Qualification for the election of the Vice-President

- ❑ He should be a citizen of India.
- ❑ He should be minimum 35 years of age.
- ❑ He should have qualified for the election as a member of the Rajya Sabha.
- ❑ He should not hold any office of profit under the Union government or any State Government or any local authority or any other public authority.

For the nomination for election to the office of Vice-President, a candidate must be subscribed by at least 20 electors from Members of Parliament as proposers and 20 electors as seconders.

Article 67: Terms of Office

- ❑ The Vice President holds office for five years from the date of his inauguration.
- ❑ The Vice President can resign at any time by sending a letter of resignation to the President.
- ❑ He can hold office beyond his terms of five years until his successor takes office.
- ❑ He also has the right to be re-elected to this position for any number of terms.

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

- ❑ An election to fill a vacancy caused by the expiration of the term of office of Vice President shall be completed before the expiration of the term
- ❑ An election to fill a vacancy in the office of Vice President occurring by reason of his death, resignation or removal, or otherwise shall be held as soon as possible after the occurrence of the vacancy, and the person elected to fill the vacancy shall, be entitled to hold office for the full term of five years from the date on which he enters upon his office.

Article 69: Oath or Affirmation

Before entering his office, the Vice-President has to make and subscribe to an oath or affirmation. In his oath Vice-President swears:

- ❑ To bear true faith and allegiance to the Constitution of India;
- ❑ To faithfully discharge the duties of his office.

The President of India or any person appointed on behalf of him administers the oath of office to the Vice-President.

Conditions of Office

- ❑ He should not be a member of either House of Parliament or a House of the state legislature.
- ❑ In the event that any such individual is chosen Vice-President, he is considered to have vacate his seat in that House on the date on which he enters upon his office as Vice-President.
- ❑ He shouldn't hold any other office of profit.

Vacancy

A vacancy in the Vice-President's office can occur in any of the following ways:

- ❑ When he completed the tenure of five years.
- ❑ When he resigned.
- ❑ When he was removed by parliament resolution.
- ❑ When he died while serving the office.
- ❑ When his election is declared void and become disqualified to hold office.

Removal Of Vice-President

- ❑ He can also be removed from the office before the completion of his term.
- ❑ No ground has been mentioned in the Constitution for the removal of Vice President.
- ❑ A formal impeachment is not required for the removal of Vice President.
- ❑ Resolution for removal can be introduced only in the Rajya Sabha and not in the Lok Sabha, with at least 14 days' advance notice has been given.
- ❑ Resolution for removal should be passed in the Rajya Sabha by an effective majority (the majority of all the then members of the Rajya Sabha) and in the Lok Sabha by a simple majority.
- ❑ In such cases, when a temporary vacancy in the office of the Vice President is created, the Deputy Chairman of the Rajya Sabha takes over the role of the Chairman of the Rajya Sabha.
- ❑ In other words, the role of the Vice President is to assist the President in being the nominal head of the Republic of India.

- ❑ However, one must remember that the office of the President and the Vice President cannot be combined in one person, as per the Constitution of India.

Comparison between Indian and American Vice-President	
Indian Vice-President	American Vice-President
Indian Vice-President 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.	American Vice-President succeeds to the presidency when it falls vacant, and remains President for the unexpired term of his predecessor.
Indian Vice-President can become President for a maximum of six months.	American Vice-President becomes President for the remaining term.
The office of Indian Vice-President was created to maintain political continuity.	American Vice-President endowed with significant power and functions.

Comparison between President and Vice President	
President	Vice President
Elected by an Electoral College consisting of elected members of both the Houses of the Parliament-the Lok Sabha and the Rajya Sabha and of the Legislative Assemblies of the States.	Elected by an Electoral College consisting of the members of both the Houses of the Parliament i.e., the Rajya Sabha and the Lok Sabha (elected & nominated both).
The election is held in accordance with the system of proportional representation by means of a single transferable vote	The election is held in accordance with the system of proportional representation by means of a single transferable vote
No person shall be eligible for election as the President unless he is a citizen of India and has completed the age of thirty-five years.	No person shall be eligible for election as the Vice-President unless he is a citizen of India and has completed the age of thirty-five years.
To become the President, a person should also be qualified to become a member of the House of the People	To become the Vice-President, a person should be qualified to become a member of the Council of States.
A person shall not be eligible for the election as the President if he holds any office of profit under the Government of India or the Government of any State. However, the office of the President, the Vice-President or the Governor or the Minister of the Union or of any State shall not be considered as office of profit.	A person shall not be eligible for election as the Vice-President if he holds any office of profit under the Government of India or the Government of any State. However, the office of the President, the Vice-President or the Governor or the Minister of the Union or of any State shall not be considered as office of profit.

The term of the office is for five years from the date of entering upon the office	The term of the office is for five years from the date of entering upon the office
The President may resign his office by writing his resignation to the Vice-President	The Vice-President may resign his office by writing his resignation to the President
The President may be removed from his office by a resolution of impeachment passed by a majority of not less than two-thirds of the total members in both the Houses of the Parliament, separately	The Vice-President may be removed from his office by a resolution passed by the Council of States by a simple majority and agreed to by the House of the People

The President exercises the executive powers of the Union on the advice of the Council of Ministers.	The Vice-President is the ex-officio Chairman of the Council of States and acts as the President in his absence
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