

Vice- President Of India: Know Constitutional Articles, Election, Functions and Term of Office for UPSC Exam

UPSC Polity Notes

The Vice-President of India is the second **highest Constitutional office in the Country**. The Constitutional framers created the office of Vice-President of India on the lines of the office of American Vice-President.

- Since the inception of the office, 13 Vice-Presidents have been appointed so far i.e from 1950 to 2021.
- **Dr. S. Radhakrishnan** was elected in 1952 as the first Vice-President of India. He served two successive terms i.e 1952 to 1957 and 1957 to 1962.
- At present, Shri M. Venkaiah Naidu is the Vice-President of India. He is the 13th Vice-President of India.
- The Vice-President of India, also serves as the ex-officio Chairperson of the Rajya Sabha. Apart from that, when the office of [President of India](#) falls vacant due to his death, resignation or impeachment, the Vice-President acts as the President of India.

powers and functions in detail. It is one of the most important topics under the Indian Polity and it will be helpful for the [UPSC CSE](#) aspirants in all the three stages of the exam.

Recent update on the Vice-presidential elections to be held soon

- On August 6, 2022, India will hold elections for the post of Vice President.
- The Indian Election Commission recently made the announcement for the same.
- India will elect a vice president on August 6, 2022, and that person's five-year term will start on that day, in accordance with Article 56(1) of the Indian Constitution.

Article 63: The Vice-President Of India

- The office of Vice-President of India was established under the Article 63 of the [Indian Constitution](#). According to this article "There shall be a Vice-President of India".
- This office was inspired from the office of American Vice-President. However there is a major difference between the two. In case the office of American President falls vacant, then the Vice-President succeeds him and serves the remaining period of the President office, whereas in India, when the office of President falls vacant, the Vice-President of India acts as the President only till the new President is elected.

You can also check the [UPSC Civil Service prelims analysis](#) here.

Functions Of Vice-President Of India

The two major functions of the Vice-President of India are enshrined in the following two articles.

Article 64

- According to the Article 64 of the [Indian Constitution](#), the Vice-President of India should act as the ex-officio Chairman of Rajya Sabha (Council of States).
- When the Vice-President acts as the President or discharges the functions of President under the Article 65 of the Indian Constitution, he cannot perform the duties of the office of Chairman of Rajya Sabha and is not entitled to any salary or allowance payable to the Chairman of Rajya Sabha under Article 97.
- Further this article states that the Vice-President of India should not hold any office of profit.

Note: This function of the Indian Vice-President is similar to the American Vice-President who acts as the Chairman of the Upper House of the American Legislature.

Study about the [Fundamental Rights in India](#) here.

- **Article 65 (1)** Under this article, whenever there is a vacancy in the office of President due to his/her death, resignation, removal or otherwise, the Vice-President acts as the President of India until the date of which the new President is elected.

- **Article 65(2)** Under this article, whenever the President is unable to discharge his/her duties due to absence, illness or any other cause, then the Vice-President discharges his/her duties until the President resumes his duties.

- **Article 65(3)** This article states that, whenever the Vice-President either acts as the President under Article 65(1) or discharges the duties of the President under Article 65(2), he/she has all the powers and immunities of the President and is entitled to the emoluments, entitlements and privileges determined by the Parliamentary law.

Article 66: Election Of Vice-President Of India

The Article 66 of the Indian Constitution deals with the provisions related to the election of the Vice-President of India.

- **Article 66(1)**

- The Vice-President is elected indirectly by the electoral college.
- The electoral college consists of the elected as well as nominated members of both Houses of the Parliament.
- The system of proportional representation by means of single transferable vote is employed in the election.
- In the election of Vice-President, the voting is done by secret ballot.

- **Article 66(2)**

It deals with the conditions of office of the Vice-President. They are as follows,

- - The Vice-President should not be a member of either House of [Parliament](#) or of a House of any State [Legislature](#).
 - If any such person is elected as the Vice-President, then he/she is deemed to vacate his seat in that house on the date on which he enters upon his office as the Vice-President.

- **Article 66(3)**

This article lists down the qualifications that are required to be eligible for election to the office of Vice-President. They are as follows,

- - He/She should be a citizen of India.
 - He//She should have completed the age of 35 years.
 - He/She should be qualified as a member of the Council of States i.e. Rajya Sabha.

According to this article, a person holding any office of profit under the Government of India or the Government of any State or under any local or other authority subjected to the control of any of the said Governments, is not eligible for the election as Vice-President of India.

Read the [Schedules of the Indian Constitution](#) here.

Article 67: Term Of Office Of Vice-President Of India

According to Article 67 of the Indian Constitution,

- The tenure of the office of Vice-President is five years and it is calculated from the date on which he/she enters upon his/her office.
- The Vice-President can resign from his/her office by giving a handwritten resignation letter to the President of India.
- He/She can be removed from the office, if Rajya Sabha passes a resolution regarding the same by a majority of all the then members of the House and also should be accepted by the Lok Sabha. However, no such resolutions can be passed, unless a 14 day notice mentioning the intention for removal is issued to the Vice-President.
- He/She can continue to hold the office of Vice-President beyond the expiration of his/her term, until his/her successor enters upon the office.

Article 68: Vacancy In Office Of Vice-President Of India

Article 68 of the Indian Constitution deals with the time of holding an election to fill a vacancy in the office of Vice-President and the term of office of the person who fills the vacancy.

- [Article 68\(1\)](#)

In order to fill the vacancy in office of Vice-President which would be caused by the expiration of the term of sitting Vice-President, election should be held before the expiration of the term.

- [Article 68\(2\)](#)

If the office of Vice-President falls vacant due to the death, resignation, removal or otherwise, the election should be held as soon as possible. According to the article 67, the newly elected Vice-President will hold office for the full term of five years from the date on which he enters upon the office.

Check the article on [Pardoning Powers of President](#) here.

Article 69: Oath By The Vice-President Of India

- Before entering upon office, the Vice-President of India makes the following oath or affirmation,
 - To bear true faith and allegiance to the Constitution of Indian as established by the law.
 - To faithfully discharge the duties of his/her office.

- The oath is administered by the President of India or some person appointed on his behalf by him.

Article 70: Discharge Of President's Functions In Other Contingencies

- According to the Article 70 of the Indian Constitution, the Parliament has the power to make provisions for the discharge of the functions of the President by the Vice-President, in other circumstances which were not provided to the Vice-President earlier.
- The Parliament can make such provisions only if it is satisfied that the Vice-President is fit to discharge those functions and duties.

Study the [Fundamental duties in India](#) here.

Article 71: Matters Related To Election Of Vice-President Of India

Article 71 of the Indian Constitution deals with the disputes related to the election of both President and Vice-President of India.

- **Article 71(1)**

All the doubts and disputes arising out of or in connection with the election of the President or Vice-President are inquired into and decided by the Supreme court whose decision shall be final.

- **Article 71(2)**

If the election of a person as President or Vice-President is declared void by the Supreme Court, then the acts done by him/her in performance of the powers and duties of the office, on or before the date of the decision of the Supreme Court, cannot be declared invalid.

- **Article 71(3)**

The Parliament can regulate any matter relating to or in connection with the election of President or Vice-President by framing appropriate laws.

- **Article 71(4)**

The election of President or Vice-President cannot be challenged on the ground that the electoral college electing him/her was incomplete.

Check the Polity notes on the [Veto Powers of President](#) here.

Impeachment of Vice-President of India

- Before a resolution may be moved, the Vice President of India must be given at least 14 days' notice.
- The Vice President's election was likewise conducted using the secret ballot system. He will serve in the Vice President's office for five years, beginning on the day he was appointed.
- When the Vice President resigns in writing to the President, he is also dismissed.
- When a President is impeached for violating the Constitution, the allegation must be preferred by either House of Parliament, according to Article 61 of the Constitution.
- No such change shall be preferred unless
 - the proposal to prefer such change is contained in a resolution that has been moved after at least fourteen days' written notice has been given by not less than one-fourth of the total number of members of the House of their intention to move the resolution, and
 - such resolution has been passed by a majority of not less than two-thirds of the total membership of the House.

Also know more about [Ordinance Making Power Of President & Governor](#) here.

Power And Functions Of The Vice-president

He is the ex-officio Chairman of the Rajya Sabha

- The powers of the Rajya Sabha Chairman are similar to the Speaker of the Lok Sabha.
- He is also relatable to the Vice President of USA in this respect, who is the Chairman of the USA Senate (Upper House of Legislature).
- However, when he is performing the duties of the President in his absence, he does not act as the Chairman of the Rajya Sabha.
- In such case, the duties of the Rajya Sabha Chairman are performed by the Deputy Chairman of the Rajya Sabha.

He acts as the President in case of his absence

- When the President of India is not present due to various reasons like his Absence, Illness, Resignation, Removal or Death, the Vice President of India acts as the President of India.
- In this capacity, he performs all the duties of the President of India and has all the powers similar to those exercised by the President of India.
- However, the Vice President of India can act as the President of India for a maximum period of 6 months within which fresh elections must take place to elect a new President of India.

Comparison Between President And Vice-President

Some of the key differences between the office of President of India and the office of Vice-President of India are listed below.

	President Of India	Vice-President Of India
Constitutional Position	It is the highest Constitutional office in the country.	It is the second highest Constitutional office in the country.

Elected by the electoral college consisting of

Electoral College	<ul style="list-style-type: none"> • Elected members of both the Houses of Parliament • Elected members of State Legislative Assemblies • Elected members of the Legislative Assemblies of Union Territories of Delhi and Puducherry. 	Elected by the electoral college consisting of the elected as well as the nominated members of both the Houses of the Parliament.
Qualification	<ul style="list-style-type: none"> • Citizen of India • Completed 35 years of age • Qualified to become a member of Lok Sabha. 	<ul style="list-style-type: none"> • Citizen of India • Completed 35 years of age • Qualified to become a member of Rajya Sabha.
Removal	The President can be removed from office when both the Houses of Parliament pass an impeachment resolution with a majority of two-thirds of the total membership of each house.	The Vice-President can be removed from office when Rajya Sabha passes a resolution with simple majority and agreed to by the Lok Sabha.
Resignation	By giving a handwritten resignation letter to the Vice-President of India, he/she can resign.	By giving a handwritten resignation letter to the President of India, he/she can resign.

Also read: [Difference between Cabinet and Council of Ministers](#) here

Significant Questions related to the Vice President of India

Questions

Answers

Can the Vice President act as himself and as the President simultaneously?	No, when he acts as President, his seat as Vice President is taken over by Deputy Chairperson of Rajya Sabha
What is the maximum period till the Vice President serves as President?	The maximum period of six months
Is Vice-President of India the Chairman of Rajya Sabha?	Yes, Vice President is the ex-officio Chairman of Rajya Sabha.
	When the President's office is vacant due to:
When can the Vice President act as President?	<ul style="list-style-type: none"> • Resignation • Removal • Death • Absence due to illness
What are the major articles related to the Vice President in the Indian Constitution?	The articles (63-71) are related to the Vice President.

We hope the above article on Vice-President of India proves to be useful for the UPSC CSE aspirants. You can avail more such notes and NCERT summaries curated by the subject matter experts of Testbook, by downloading the [Testbook App](#).

Also check related Polity articles in the table below:

National Human Rights Commission	Central vigilance Commission
Indian Foreign Policy	National Human Rights Commission
Central Information Commission	Major Amendment of the constitution