

The Vice-President Of India

- Vice President is indirectly elected by means of a single transferable vote.
- State Legislatures do not take part in the election of the Vice-President.
- Article 66 – The electoral college for Vice-President consists of the members of both Houses of Parliament.

Eligibility of vice president of India:

- A citizen of India.
- Over 35 years of Age.
- Must not hold an office of profit save that of President, Vice-President, Governor or Minister for the Union of a state (Article 66)
- Qualified for election as a member of the Rajya Sabha.

Important Points related to the Vice-President of India:

- In case a member of the Legislature is elected Vice-President, he shall be deemed to have vacated his seat in the House to which he belongs.
- The term of the office of Vice-President is five years from the date on which he enters upon his office. Office of Vice-President may terminate earlier than the fixed term either by resignation or by removal.
- A formal impeachment is not required for Vice-President's removal.
- Article 67 – The vice-President can be removed by a resolution of the Rajya Sabha passed by a majority of its members and agreed to by the Lok Sabha.
- A sitting Vice-President is eligible for re-election. Dr S. Radhakrishnan was elected as the Vice-President of India for a second term in 1957.
- No functions are attached to the office of the Vice-President is to act as the ex-officio Chairman of the Rajya Sabha.
- Article 65(1) – If any vacancy occurs in the office of the President, Vice-President acts as President until a new President is elected and enters his office
- For the first time during the 15-day visit of Dr Rajendra Prasad to the Soviet Union in June 1960, the then Vice-President, Dr S. Radhakrishnan acted as the President owing to the 'inability' of the President to discharge his duties.
- The power to determine when the President is unable to discharge his duties or when he should resume his duties is understood to belong to the President himself.
- If the offices of both the President and the Vice-President fall vacant by reason of death, resignation, removal etc. the Chief Justice of India or in his absence the senior-most Judge of the Supreme Court acts as President.

- For the first time in 1969 when President Dr Zakir Hussain died and the Vice- President V.V Giri resigned, the Chief Justice Md Hidayatullah acted as President.
- When the Vice-President acts as President, he gets the emoluments of the President; otherwise, he gets the salary of the Chairman of the Rajya Sabha. When the Vice- President acts as President, the Deputy Chairman of the Rajya Sabha acts as its Chairman (Article 91).
- Determination of doubts and disputes relating to the election of a President or Vice- President is described in Article 71. Main provisions are as follows:-
 1. Such disputes are decided by the Supreme Court whose jurisdiction is exclusive and final.
 2. No such dispute can be raised on the ground of any vacancy in the electoral college.
 3. If the election of the President is declared void by the Supreme Court, acts done by him prior to the date of such decision of the Supreme Court are not invalidated.
 4. Matters other than the decision of such disputes are regulated by law made by Parliament.

Election of the Vice President:

- The Vice President is the deputy to the head of state of the Republic of India, the President of India.
- In terms of seniority and line of succession to the presidency, he or she holds the second-highest constitutional post after the President.
- Article 63 of the Constitution of India mentions the post of Vice President. He shall be the ex-officio Chairman of the Council of States (Rajya Sabha), as mentioned in Article 64.
- The current Vice President of India and the Chairman of Rajya Sabha is Muppavarapu Venkaiah Naidu.

Term of the Office of the Vice President:

- The Vice President's tenure in office shall not exceed five years from the date on which he enters his office, as per Article 67 of the Constitution of India.
- He may, however, leave earlier than five years by submitting his resignation to the President. The Vice President is eligible to be re-elected any number of times.
- If the President's office is vacant and the Vice President assumes the role of President (as per Article 65), the Vice President may continue to serve as a President for a maximum of six months before a new President is chosen.
- While in the case of succession to the office of Vice President in the event of an extraordinary vacancy, the Constitution does not provide any mechanism.
- However, in such a scenario, the Deputy Chairman of the Rajya Sabha might assume the Vice president's role as the Chairman of the Rajya Sabha.

Eligibility of the Vice President:

As mentioned in Article 66(3) and Article 66(4), to be qualified to be elected as the Vice President, an individual must-

- Be an Indian Citizen
- Have completed the age of thirty-five years
- Be qualified to be elected as a Rajya Sabha member
- Not hold any office of profit

Election of the Vice President:

- The Election Process for the Vice President is laid down in Article 66 of the Indian Constitution.
- There is no direct election for the Vice President of India, rather he or she is elected indirectly by an Electoral College consisting of the members of both Houses of

Parliament (both elected and nominated members) and not the members of the State Legislative Assembly.

- The election is held as per the system of proportional representation using a single transferable vote as mentioned in Article 66(1) and the Election Commission of India conducts the voting via secret ballot.
- Accordingly, the electors are expected to carefully maintain the secrecy of the vote.

The important provisions for the Vice Presidential Elections are-

1. On the expiry of the term of office of the outgoing Vice President, the next Election for the next Vice President is to be held within 60 days.
2. The Secretary-General of either House of the Parliament, in turn, is designated as the Returning Officer for the Vice- Presidential Election.
3. Any candidate qualified to be as the Vice President must have the support of at least 20 MPs (Member of Parliaments) as proposers and at least 20 MPs as seconders.
4. The Returning Officer examines the nomination papers on the designated day in the presence of the candidate, his proposer or seconder, and any other person lawfully authorized. Any candidate may present or have accepted by the Returning Officer a maximum of four nomination papers.
5. Any candidate can revoke his or her candidacy by delivering a written notification in the required format to the returning officer within the allotted period.
6. Each voter in an Election has a different set of preferences for each candidate. At each count, each piece of ballot paper corresponds to one vote.
7. After the Election has taken place and votes have been counted, the Returning Officer announces the result of the Election.

Who Decides in Disputes Regarding the Election of the Vice President?

- The Supreme Court of India investigates and renders a final judgment on all doubts and disputes relating to the election of the Vice President as per Article 71(1) of the Indian Constitution.
- A five-member Supreme Court bench hears the petition and decides on the matter. The Supreme Court will not be questioned on that decision with any authority.
- And any dispute regarding the election of the Vice President can only be filed after the electoral process has been completed, not during it.

Conclusion:

- The Vice President's position with specific functions has not been specified in the Constitution of India, 1950; instead, it has made it clear that the Vice President has to behave as a tail to the President of India.
- However, this unfamous position is important for preserving the democratic nation's political continuity. As a result, the job of Vice President of India is infamously famous.