

# Notes

## Vice President of India



## Notes on Vice President of India

### The Vice-President of India (Important Articles covered: 63-71)

Part V of the Constitution of India under Chapter I (Executive) also discusses the office of the Vice-President of India. The Vice-President of India is the second-highest constitutional office in the country.

#### **Article 63: The Vice-President of India**

- **There shall be a Vice-President of India.**
- This article mentions the CONSTITUTIONAL OFFICE of the VICE-PRESIDENT of India.
- As we shall see subsequently that the post was created to maintain a continuum in the hierarchy in the Indian political system. The V.P does not have very major functions or powers as such.
- The post has been inspired by the Constitution of the U.S. (QUESTION HAS BEEN ASKED)

#### **Article 64: The Vice-President is to be an 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:**
- This is probably the most important function of the V.P. **Ex-officio** means by **VIRTUE OF HOLDING THE OFFICE**. That is, a person automatically becomes **THE CHAIRPERSON OF RAJYA SABHA (COUNCIL OF STATES) if he/she is ELECTED as the Vice-President of India.**
- The first Chairperson of the Rajya Sabha - Dr Sarvepalli Radhakrishnan
- 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.
- This is the second most important function of the V.P. He can act as the President in case of the death, impeachment, resignation or otherwise of the President of India. However, he can act as the president **only for a maximum period of six months (question asked)** within which a new president has to be elected.

#### **Important Points**

- When the President Dr.Zakir Hussain died in office, the then Vice-President V.V.Giri **acted** as the President.
- When the President Fakhruddin Ali Ahmed died in office, the then Vice-President B.D.Jatti **acted** as the president.
- The Vice-President Dr.S. Radhakrishnan discharged the duties of the President in June 1960 when the then President Dr. Rajendra Prasad was on a 15-day tour to the former USSR. Also, again in July 1961, he discharged the functions of the President when Dr. Rajendra Prasad was very ill.
- The V.P gets the salary, allowance, and remuneration etc. as **the chairperson of the Rajya Sabha**. The present salary of the V.P is Rs.400000 per month.
- As has been mentioned above, the V.P gets the salary, allowance etc. of the President when he **acts** as the president, not as the chairperson of the Rajya Sabha.
- The salary, emoluments etc. of the chairperson of the Rajya Sabha is mentioned in the **second schedule** of the Constitution of India.

**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.**

As has already been mentioned above, the V.P shall act as the President in case of the President's death, resignation, removal or otherwise.

**Article 66: Election of Vice-President**

- The Vice-President of India is elected by an electoral college consisting of: **Elected and nominated members of both house** (Lok Sabha and Rajya Sabha) of parliament.
- Vice-President of India is elected by **proportional representation** system by means of **the single transferable vote**.
- Voting in Vice-President election is done by **secret ballot**.
- A candidate to be elected to the office of Vice-President, He/she must secure a fixed quota of Votes.
- Each member of the electoral college is given one ballot paper and He/she is required to indicate his preference by marking against the names of candidates.
- In first counting, if a candidate secures required quota, he is declared elected. Otherwise, the transfer of votes in motion (In this Ballots of candidates who secures least number of votes are cancelled for next counting and his second preference votes transferred to the first preference votes of the other candidates.) and the process continues till a candidate secures the required quota.
- All disputes related to the election of Vice-President are inquired into and decided by the supreme court whose decision is final.

**Eligibility Criteria for Vice-President**

- He/She should be the citizen of India
- He/She has completed the age of 35 years.
- He/She should be qualified for the member of Rajya Sabha
- Does not hold any office of profit under union, state or local authority.
- However, for this purpose, the President, Vice-President, Governor of a State and a Minister of the Union or a State, are not held to be holding an office of profit. **(An office of profit is an office that would give its occupant the opportunity to gain a financial advantage or benefit).**

**Important Points**

- The Election Commission of India conducts the election to the office of the 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.
- Any person qualified to be elected and intending to stand for election as Vice-President is required to be nominated by at least 20 MPs as proposers and at least 20 MPs as seconders.
- A candidate seeking election as Vice-President is required to make a security deposit of Rs.15,000/-.
- All doubts and disputes arising in connection with the election of the Vice-President are inquired into and decided by the Supreme Court of India whose decision is final.(Art.71)

### **Article 67: Term of office of Vice-President**

The Vice-President shall hold office for a term **of five years** from the date on which he enters upon his office:

Provided that –

- (a) A Vice-President may, by writing under his hand addressed to the President, resign his office;
- (b) a Vice-President may be **removed** from his office by a **resolution** of the Council of States passed by a **majority of all the then members of the Council** and agreed to by the House of the People; but no resolution for the purpose of this clause shall be moved unless at least **fourteen days'** notice has been given of the intention to move the resolution;
- (c) A Vice-President shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

### **Article 68: Time of holding the election to fill a vacancy in the office of Vice-President and the term of office of the person elected to fill the casual vacancy.**

The election must be held before the completion of the incumbent Vice-President. Also, see Note 2 under Article 66.

### **Article 69: Oath or affirmation by the Vice-President**

Every Vice-President shall, before entering upon his office, make and subscribe before the **President**, or some person appointed in that behalf by him, an oath or affirmation in the following form, that is to say – **“I, A.B., do swear in the name of God /solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and that I will discharge the duty upon which I am about to enter.”**

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

- This article actually authorizes the Parliament to make provisions related to the President and not the V.P.

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

- See Note – 6 Under Article 66
- The Parliament is empowered to make laws related to such provisions of the Presidential and Vice-Presidential matters such as elections, terms, and so on.

### **A few other important points about the V.P of India**

- S. Radhakrishnan was the first V.P of India and he held the post twice from 1952-1957 and then from 1957-1962. Md. Hamid Ansari has replicated that i.e. from 2007-2012 and from 2012- continuing.
- Shri Krishan Kant was the only V.P to have died in office.
- The V.P.s who went on to become the Presidents – Dr. S. Radhakrishnan, Zakir Hussain, V.V. Giri, R. Venkataraman, S.D. Sharma, K.R. Narayanan.
- Because of the limited powers and functions, the V.P of India is also at times termed as **“HIS SUPERFLUOUS HIGHNESS”**

### List of Vice-President of India

Name of Vice President	Office Period
Sarvepalli Radhakrishnan	1952-1962
Zakir Husain	1962-1967
Varahagiri Venkata Giri	1967-1969
Gopal Swarup Pathak	1969-1974
Basappa Danappa Jatti	1974-1979
Mohammad Hidayatullah	1979-1984
Ramaswamy Venkataraman	1984-1987
Shankar Dayal Sharma	1987-1992
Kocheril Raman Narayanan	1992-1997
Krishan Kant	1997-2002
Bhairon Singh Shekhawat	2002-2007
Mohammad Hamid Ansari	2007-2017
Muppavarapu Venkaiah Naidu	2017- till date

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