

THE VICE-PRESIDENT

The Vice-President of India is the second-highest constitutional office in India, after the President. Article 63 of Indian Constitution states that "there shall be a Vice-President of India." President acts as President in the absence of the President due to death, resignation, impeachment, or other situations.

The Vice-President of India is also **ex-officio Chairperson of the Rajya Sabha**. When a bill is introduced in Rajya Sabha, vice-president decides whether it is a financial bill or not. If he is of the opinion, a bill introduced in the Rajya Sabha is a money bill, he would refer the case to the Speaker of the Lok Sabha for deciding it. *Article 66 of the Indian Constitution states the manner of election of the Vice-President.*

- ❖ The Electoral College for Vice-President consists of the members {elected as well as nominated} of both Houses of Parliament.
- ❖ State legislatures do not take part in the election of Vice-President.
- ❖ Vice-President is indirectly elected by means of single transferable vote.
- ❖ To be elected as Vice-President of India a person must be:
 1. A citizen of India.
 2. Over 35 years of Age.
 3. Must not hold an office of profit save that of President, Vice-President, Governor or Minister for the Union or a state.
 4. Qualified for election as a member of Rajya Sabha.
- ❖ 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.
- ❖ 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.
- ❖ Vice-President can be removed by a resolution of Rajya Sabha passed by a majority of its members and agreed to by the Lok Sabha.
- ❖ 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.
- ❖ A sitting Vice-President is eligible for re-election, Dr. S. Radhakrishnan was elected for a second term in 1957.
- ❖ No functions are attached to the office of the Vice-President. The normal function of the Vice-President is to act as the ex-officer Chairman of Rajya Sabha.
- ❖ If any vacancy occurs in the office of the President, Vice-President acts as President until a new President is elected and enters upon 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 the President Dr. Zakir Hussain died and the Vice-President Shri 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.
- ❖ Determination of doubts and disputes relating to the election of a President or Vice-President is described in Art. 71.

Main provisions are as follows:

- ❖ Such disputes are decided by the Supreme Court whose jurisdiction is exclusive and final.
- ❖ No such dispute can be raised on the ground of any vacancy in the Electoral College.
- ❖ If the election of the President or the Vice-President is declared void by the Supreme Court, acts done by him prior to the date of such decision of the Supreme Court is not invalidated.
- ❖ Matters other than the decision of such disputes are regulated by law made by Parliament.

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