UNIT 2: THE VICE PRESIDENT OF INDIA

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2.1 LEARNING OBJECTIVES

After going through this unit, you will be able to:

- know the qualifications and tenure of the Vice- President
- discuss the removal procedure of the Vice-President
- analyse the powers and functions of the Vice-President and his / her position.

2.2 INTRODUCTION

The Vice-President of India is considered to be the second citizen of India. The constitution of India provides great recognition to the Vice-President of India. According to article 63, 'there must be the office of the Vice-President'. The Vice-President of India performs the allotted duty provided by the Constitution of India. He/she also exercises the duties of the President as well during the time of absence of the President in the office. The system of Vice-President in India has been inherited by the framers of the Indian constitution from the US constitution. As an ex-officio Chairman of the Rajya Sabha, Vice-President plays a significant role in the Indian political system.

2.3 QUALIFICATIONS

A candidate to be placed in the office of the Vice-President of India, must possess the following qualifications:

a. He/she must be a citizen of India
b. He/she must have completed the age of thirty-five years.
c. He/she must possess the qualifications prescribed for the election of a member of the Rajya Sabha.
d. He/she must not hold any office of profit under the Government of India or the Government of any State under any local or other authority subjected to the control of the said Governments.
e. He/she must not be a member of either House of the Parliament or a House of the Legislature of any State
f. He/she must not be a person of unsound mind.
g. He/she must not be an undischarged bankrupt or insolvent.

2.4 ELECTION PROCEDURE

The Vice-President of India is elected on the basis of proportional representative system with single transferable vote plan. An electoral college comprised of the members of both the Houses of Parliament take part in the election of the Vice-President. The voting process of the Vice-President of India is conducted on the basis of secret ballot. In case of the election of the Vice-President of India, the members of the state legislatures are not included in the Electoral College as against the Electoral College formed for the election of the President of India. In case of the election of the Vice-President of India, the nominated members of the parliament also have the chance to vote. These nominated members cannot vote for the election of the President. Each Members of the Electoral College for the Vice-President enjoys only one vote.

Regarding the adoption of a different procedure of election of the Vice-President, Dr. B.R. Ambedkar justified the whole procedure of election. In the words of Ambedkar, “The President is the head of the state and his power extends both to the administration at the Centre as well at the states.

Consequently it is necessary in his/her election that not only members of Parliament should play their part, but members of state legislatures should have a voice but when we came to the Vice-President, his/her normal functions are to preside over the Council of States. It is on a rare occasion and that too for a temporary period that he/she may be called upon to assume the duties of the President. That being so, it does not seem necessary that the members of the State Legislature should be invited to take part in the election of the Vice-President".

The Vice-Presidential candidates have to be proposed by 20 electors and seconded by 20 electors. The candidates have to deposit Rs. 15000/- during the time of submission of nomination paper. Regarding the election of the Vice-President of India, sometimes no election are held due to the process of selection of Vice-President. Sometimes, candidates have been selected unanimously. For example, Dr. S. Radhakrishnan was elected for two consecutive terms unopposedly in 1952 and 1957; Mr. M. Hidyattullah in 1979 and Dr. Shankar Dayal Sharma in 1987. Vice-President Dr. Mohammad Hamid Ansari contested election for two consecutive terms and managed to win election for two terms. Other Vice-Presidents who won election after contesting are- Dr. Zakir Hussain in 1962, Mr. V.V. Giri in 1967, Mr. G.S. Pathak in 1969, Mr. B.D. Jatti in 1974, Mr. R. Venkataraman in 1984, Mr. K.R. Narayanan in 1992, Sh. Krishan Kant in 1997, Sh. Bhairon Singh Shekhawat in 2002.

2.5 TENURE

The Constitution of India fixes the term of the office of the Vice-President to five years. He/she can again assume the office after being elected or selected by an electoral college comprised of the elected and nominated members of both the Houses of Parliament. The Vice-President may resign his/her office before the completion of the normal term. This occurred in case of Mr. V.V. Giri in 1969. The Vice-President can also be removed from office by the Rajya Sabha by passing a resolution by a majority of all the members of the House and agreed to by the Lok Sabha. To move any resolution regarding the removal of Vice-President, a 14 days

prior notice has been given to the President. Although there is no provision for the re-election of the Vice-President in the Constitution, but nevertheless the Vice-President is eligible for re-election. Because regarding the re-election procedure, the Constitution is absolutely silent. But, there is an established convention that no person shall contest office for more than two terms both in case of Presidential as well as Vice-Presidential election.

2.6 REMOVAL PROCEDURE

By passing a resolution in the Rajya Sabha and agreed by Lok Sabha, The Vice-President can be removed from his/her office. But before moving any resolution in the Rajya Sabha against Vice-President, a fourteen days prior notice is required to be given to the President of India. The Vice-President can also resign from his/her post by submitting a resignation letter to the President.



CHECK YOUR PROGRESS

Q. 1: Which article states that 'there must be the office of the Vice-President'?

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Q. 2: Mention one important function of the Vice-President of India.

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Q. 3: Mention three important qualifications for the office of the Vice-President.

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Q. 4: The Vice-President of India is selected on the basis of proportional representative system— (True/False).

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Q. 5: Mention about the Electoral College for the election of the Vice-President of India.

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Q. 6: How many times Dr. S. Radhakrishnan elected as the Vice-President of India?

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Q. 7: Discuss briefly the removal procedure of Vice-President of India.

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2.7 POWERS AND FUNCTIONS OF THE VICE-PRESIDENT

The Constitution of India provides significant powers and functions to the Vice-President of India who occupies the second highest office in India. With the help of constitutional arrangement, the Vice-President enjoys a respectable rank next to the President. The exercise of powers and function of the Vice-President of India depends upon the activeness on the part of that office holder because, he/she has not been entrusted with any special constitutional powers or functions. But nevertheless he/she performs several functions as the second highest administrative officer of the nation. The powers and functions of the Vice-President are——

- **Chairman of Rajya Sabha:** The office of the Vice-President plays a significant role as Chairman of Rajya Sabha. Vice-President of India exercises the duty of acting as ex-officio Chairman of Rajya Sabha, though he/she is not a member of the Rajya Sabha. Being the ex-officio Chairman of the house, he/she has the prime responsibility to conduct the proceedings of the House. He/she maintains discipline and decorum of the House and has the power to take action against those who violate the very rules and regulations of the House. He/she has the power to conduct discussions and debates and the members can speak and take part in the proceedings with the permission of the Vice-President. The Vice-President has the right of casting vote in case of a tie in Rajya Sabha regarding any kind of decisions. He/she also acts as the spokesman of the House to the President and the Lok Sabha. As Ex-officio Chairman of the Rajya Sabha, he/she protects the privileges of the Members of the House. He/she has sole responsibility for conducting entire affairs of the Rajya Sabha. Since the Rajya Sabha is a permanent House, so his/her role in case of the functionaries of the Rajya Sabha carries lots of significance.
- **Functions Relating to the Office of the President:** When the office of the President falls vacant, the Vice-President assumes

charge and delivers services of the office of the President. The office of the President may remain vacant due to death, resignation or removal on the part of the President. During this type of vacancy, the role of the Vice-President towards the office of the President become very important. In this sense, the office of the Vice-President of India is somewhat different from the office of the Vice-President of U.S.A. After the emergence of vacancy in the office of the President in U.S.A., the Vice-President assumes the charge and acts as the President for un-expired time. It signifies that the Vice-President in U.S.A. automatically assumes the office of the President after his/her disappearance. But, in India the methodology is different. A Vice-President can only perform the duties of the office of the President, but cannot hold office. To become President, he/she has to contest in the election. In India, Vice-President can deliver the services of the office of the President for a maximum period of six months which is a constitutional benchmark. In the history of Indian political system, so far only one casual vacancy in the office of the President arose, when Dr. Zakir Hussain died. As a result, the then Vice-President Mr. V.V. Giri acted as the President for a period of just four months. After that the fresh elections were held and the sitting Vice-President V.V. Giri was elected as regular President. In 1977, Sh. B.D. Jatti also acted as President due to the death of Fakhruddin Ali Ahmed, the then President of India. In several occasions, the Vice-President performs the duties of the President. In 1950, due to the absence of Dr. Rajendra Prasad form India, the then Vice-President Dr. S. Radhakrishnan discharged the duties of the President. In 1977, when Mr. Sanjivareddy went to U.S.A. for health purpose, Mr. B. D. Jatti, the then Vice-President of India acted as the President. Mr. Hidayatullah, former Vice-President of India also acted as President due to the absence of Mr. Zail Singh, the then President of India in 1990s.

- **Functions Relating to Foreign Relation:** The Vice-President of India has to visit different foreign countries in order to develop

friendly relationship with the neighbouring regions. As the second highest office of the Union Executive, Vice-President of India enjoys lots of pride and privileges by visiting and meeting the Heads of different countries. In case of developing healthy relationships with the foreign counterparts, this kind of visit by the Vice-President of India, helps a lot to the Indian Parliamentary Democracy.

- **Miscellaneous Functions:** The Vice-President of India also performs certain miscellaneous functions as well. Under miscellaneous functions, he/she performs the duties like visiting different Universities, research institutions, technical institutions etc. as a part of developing consensus in case of higher education, creation of human resource and social capital. He/she visits different states of India as a part of integrating different regions into common sentiment.

Though the Vice-President has not been entrusted with any special constitutional powers and functions, but nevertheless with the help of charismatic qualities and activeness on the part of the Vice-President, he/she can make it an important one. Since the office of the Vice-President is considered to be the second highest administrative office in the country, so with the help of this status, this office may raise its activities with pride and privileges.



CHECK YOUR PROGRESS

Q. 8: The Vice-President of India has the right to cast vote in case of a tie— (True/False).

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Q. 9: Who was the Vice-President of India during the Presidentship of Dr. Zakir Hussain?

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Q. 10: Mention briefly about the miscellaneous functions of the Vice-President of India.

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2.8 POSITION OF THE VICE-PRESIDENT

The position and status of the Vice-President of India is almost similar to that of the position of the Vice-President of the U.S.A. Both the offices of the Vice-President of India and the U.S.A. carry lots of status with high superficiality. But in case of assuming the power of holding the office of the President in case of his/her absence, the Vice-President of India is in the back foot in comparison to the office of the Vice-President of the U.S.A., because in U.S.A., the Vice-President can automatically assume the office of the President after sudden death or other kinds of absence which is not available in Indian context. As a result, the office of the Vice-President increasingly becomes weak in comparison to the office of the Vice-President of U.S.A., where the Vice-President can continue his/her service till unexpired term. In Indian context, the office of the Vice-President merely serves the duty of a gap arranger till the appointment of the regular President. The regular appointment of the President has to be made within six months. The Vice-President of U.S.A. has every possibility of becoming a President which is totally absent in case of the office of the Vice-President of India. But in case of absence of the President, the Vice-President can perform the duties of the President. Constitutionally, the Vice-President of India has the privileges as ex-officio chairman of Rajya Sabha. In a very simple word, we may say that office of the Vice-President is one of the great institutions with dignity and esteemed pride and privileges despite the fact that the constitution has no provision regarding the power, patronage and responsibility towards the Vice-President.



CHECK YOUR PROGRESS

Q.11: Mention one difference between the Vice-President of India and the Vice-President of U.S.A.

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Q.12: The office of the President of India has to be filled-up within six months from the date of its vacancy—— (True/False)

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2.9 LET US SUM UP

- According to article 63, 'there must be the office of the Vice-President'. The Vice-President of India performs the allotted duty provided by the Constitution of India.
- The Vice-President of India is elected on the basis of proportional representative system with single transferable vote plan. An electoral college comprised of the members of both the Houses of Parliament takes part in the election of the Vice-President.
- The voting process of the Vice-President of India is conducted on the basis of secret ballot. In case of the election of the Vice-President of India, the nominated members of the Parliament also have the chance to vote.
- The constitution of India fixes the term of the office of the Vice-President into five years. He/she can again assume the office after being selected or elected by a electoral college comprised of the elected and nominated members of both the Houses of parliament. The Vice-President may resign his/her office before the completion of the normal term.
- By Passing a resolution in the Rajya Sabha with the prior knowledge of the Lok Sabha, the Vice-President can be removed from his/her office. But before moving any resolution in the Rajya Sabha against Vice-President, a fourteen days prior notice is required to be given to the President of India. The Vice-President can also resign from his/her post by submitting resignation letter to the President.
- The office of the Vice-President plays a significant role as Chairman of Rajya Sabha. Vice-President of India exercises the duty of acting as Ex-officio Chairman of Rajya Sabha. The Vice-President has the right of casting vote incase of a tie in Rajya Sabha regarding any kind of decisions.
- During the vacancy of the office of the President, the Vice-President assumes the charge and delivers services of the office of the

President. The office of the President may remain vacant due to death, resignation or removal on the part of the President. During this type of vacancy the role of the Vice-President towards the office of the President become significantly important.

- The Vice-President of India visits different foreign countries in order to develop friendly relationship with the neighbouring regions.
- The position and status of the Vice-President of India is almost similar to that of the position of the Vice-President of U.S.A. Both the offices of the Vice-President of India and the U.S.A. carry lots of status with high superficiality.
- Constitutionally, the Vice-President of India has the privileges as Ex-officio Chairman of Rajya Sabha despite the fact that Constitution has no provision regarding the power, patronage and responsibility towards the Vice-President.



2.10 FURTHER READING

1) Chander, Prakash. (2000). *Indian Government and Politics.* New Delhi: Cosmos Bookhive Pvt. Ltd.
2) Ghai, K.K. (2007). *Indian Government and Politics.* New Delhi: Kalyani Publishers.
3) Kapur, Anup Chand and Misra, K.K. (2006). *Select Constitutions.* New Delhi: S. Chand and Company.
4) Pylee, M.V. (2006). *Constitutional Government in India.* New Delhi: S. Chand and Company.



2.11 ANSWERS TO CHECK YOUR PROGRESS

Ans to Q No 1: Article 63.

Ans to Q No 2: One of the important functions of the Vice-President of India is that he/she serves as the ex-officio Chairman of Rajya Sabha.

Ans to Q No 3: Three important qualifications of the Vice-President of India are——

a. He/she must be a citizen of India
b. He/she must have completed the age of thirty-five years.
c. He/she must possess the qualifications prescribed for the election of a member of the Rajya Sabha.

Ans to Q No 4: True.

Ans to Q No 5: The Vice-President of India is elected on the basis of proportional representative system with single transferable vote plan. An electoral college comprised of the members of both the Houses of Parliament takes part in the election of the Vice-President. In case of the election of the Vice-President of India, the nominated members of the parliament also have the chance to vote.

Ans to Q No 6: Two times.

Ans to Q No 7: By passing a resolution in the Rajya Sabha with the prior understanding with Lok Sabha, the Vice-President can be removed from his/her office. But before moving any resolution in the Rajya Sabha against Vice-President, a fourteen days' prior notice is required to be given to the President of India. The Vice-President can also resign from his/her post by submitting resignation letter to the President.

Ans to Q No 8: True.

Ans to Q No 9: V.V. Giri.

Ans to Q No 10: The Vice-President of India also performs certain miscellaneous functions as well. Under miscellaneous functions, he/she performs the duties like visiting different Universites, Research institutions, Technical institutions etc as a part of developing consensus in case of higher education, creation of human resource and social capital. He/she visits different states of India as a part of integrating different regions into common sentiment. He/she has to be present in all those oath taking ceremony related to the chief justice of India, President of India and the members of the Parliament after every general election.

Ans to Q No 11: One of the difference between the Vice-President of India and the Vice-President of the U.S.A. is that the former cannot assume the office of the president in his/her absence due to death or other

and the later has the privileges to act as the President in case of absence in the office of the President.

Ans to Q No 12: True.



2.12 MODEL QUESTIONS

A. Very Short Questions

Q.1: Which article of the Indian Constitution deals with office of the Vice-President?

Q.2: Who is the present Vice-President of India and from which year he assumed the office?

Q.3: To remove the Vice-President from his/her duty, a 14 days' prior notice have to be submitted to the President of India —— (True/False)

B. Short Questions (Answer each in about 150-200 words)

Q.1: Mention briefly the election procedure of the Vice-President of India.

Q.2: ''The office of the Vice-President of India is considered to be weak in comparison to the office of the Vice-President of U.S.A.'' —— Explain.

Q.3: Discuss briefly the role of Vice-President in Indian parliamentary democracy.

C. Long Questions (Answer each in about 300-500 words)

Q.1: Write a note on the position and importance of the Vice-President of India.

Q.2: Critically discuss the powers and functions of the Vice-President of India.

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