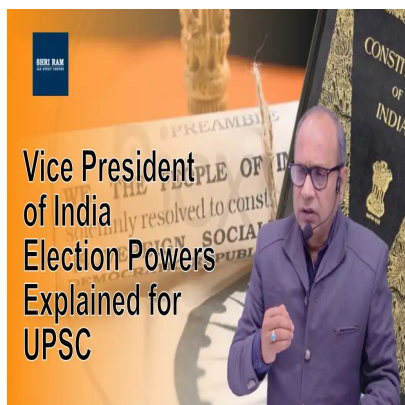




Vice President of India Election Powers Explained for UPSC

Description

The office of the Vice President of India holds a significant position within the constitutional framework, drawing parallels and distinctions with other high offices both domestically and internationally. Established to provide continuity and a second line of leadership, the Vice President's role extends beyond mere ceremonial duties, encompassing key legislative and constitutional responsibilities. Understanding the intricacies of this office, particularly its election process and the scope of its powers, is crucial for comprehending the Indian political system.

The framers of the [Indian Constitution](#) envisioned a robust, parliamentary democracy, and the Vice President's office was designed to complement this structure. It reflects a careful balance between the executive and legislative arms of the government, ensuring that crucial functions can continue even in unforeseen circumstances. A detailed examination of the Vice President's election, qualifications, tenure, and especially the specific functions and duties, reveals the true constitutional weight carried by this position.

This discussion aims to explain the various facets of the Vice President's office, from the specific electoral mechanism to the constitutional powers vested in it, as pertinent for [civil services examination](#) aspirants. It will explore how the Vice President is chosen, what responsibilities they shoulder, and how their role compares to similar offices in other democracies.

Introduction to the Vice President's Office

The Vice President of India is the second-highest constitutional office in the country, succeeding the President in specific circumstances. This office is outlined in Part V of the Indian Constitution, under Articles 63 to 71. The creation of this office reflects the constitutional framers' foresight in ensuring a line of succession and maintaining the dignity and continuity of the head of state's functions. The Vice President also serves as the ex-officio Chairman of the Rajya Sabha, performing crucial legislative functions. This dual role provides a unique blend of executive and legislative responsibilities. The existence of a Vice President provides stability to the constitutional machinery, particularly during a vacancy in the President's office due to death, resignation, or removal.

Election Process of the Vice President

The election of the Vice President of India is an indirect process, meaning citizens do not directly vote for the candidate. Instead, an Electoral College elects the Vice President, in accordance with the system of proportional representation by means of the single transferable vote. The voting is conducted by secret ballot. This method ensures that the person elected enjoys broad support across the political spectrum represented in the Parliament.

The election is supervised by the Election Commission of India. A candidate must secure a specific number of proposer and seconder signatures from the members of the Electoral College. They also need to deposit a security amount, which is forfeited if they fail to secure a certain percentage of the votes polled.

Electoral College: Key Differences from Presidential Election

The Electoral College for the Vice President's election differs significantly from that for the President's election. This difference is a key point often tested in examinations.

For the Vice President's election, the Electoral College consists of:

- **All members of both Houses of Parliament:** This includes both elected and nominated members of the Lok Sabha and the Rajya Sabha.

In contrast, the Electoral College for the President's election comprises:

- Elected members of both Houses of Parliament.
- Elected members of the Legislative Assemblies of the States.
- Elected members of the Legislative Assemblies of the Union Territories of Delhi and Puducherry.

One major distinction is the exclusion of state legislative assembly members from the Vice Presidential election. This indicates that the Vice President's role is primarily linked to the federal legislature (Parliament) and less directly to the states, unlike the President who represents the Union and its states. Another difference is the inclusion of nominated members of Parliament in the Vice Presidential election, while they are excluded from the Presidential election. This suggests a slightly broader base of parliamentary participation in the Vice President's selection.

Qualifications and Conditions for Office

To be eligible for the office of Vice President, a person must meet specific qualifications stipulated in the Constitution. These criteria ensure that only individuals with a certain level of experience and standing can hold such a high constitutional post.

The qualifications are:

1. **Citizenship:** The person must be a citizen of India.
2. **Age:** They must have completed 35 years of age.

3. **Qualifications for Rajya Sabha membership:** The candidate must be qualified for election as a member of the Rajya Sabha. This implies they must be registered as an elector for a parliamentary constituency and possess any other qualifications prescribed by Parliament.
4. **Office of Profit:** The person must not hold any office of profit under the Government of India, the Government of any State, or any local or other authority subject to the control of any of the said Governments. However, the President, Vice President, Governor of a State, and a Minister for the Union or any State are not considered to be holding an office of profit for this purpose.

The conditions for the Vice President's office are equally important. The Vice President cannot be a member of either House of Parliament or a House of the Legislature of any State. If such a person is elected Vice President, they are deemed to have vacated their seat in that House on the date they assume office as Vice President. This prevents conflicts of interest and ensures dedication to the constitutional office.

Tenure, Resignation, and Removal of the Vice President

The Vice President holds office for a term of five years from the date they assume office. Despite the fixed term, the Vice President can relinquish their office earlier or be removed.

- **Resignation:** The Vice President may resign from their office by submitting a written resignation addressed to the President.
- **Removal:** The Vice President can be removed from office by a resolution of the Rajya Sabha passed by an absolute majority (majority of the then members of the House) and agreed to by the Lok Sabha by a simple majority. This process is distinct from the impeachment of the President, which requires a much higher majority in both Houses. It is important to note that the Constitution does not specify any grounds for the removal of the Vice President. However, a resolution for removal can only be moved in the Rajya Sabha and requires at least 14 days' advance notice to the Vice President. This is a significant procedural safeguard.
- **Vacancy:** A vacancy in the office of Vice President can arise due to the expiry of the term, resignation, removal, death, or otherwise. An election to fill the vacancy must be held before the expiration of the term of office of the outgoing Vice President. If a vacancy arises due to resignation, removal, death, or otherwise, the election to fill the vacancy should be held as soon as possible after the occurrence of the vacancy.

Functions and Duties of the Vice President

The Vice President of India performs a unique set of functions, which are primarily twofold:

1. **Ex-officio Chairman of the Rajya Sabha:** This is the primary and most continuous function of the Vice President. As the Chairman of the upper house of Parliament, the Vice President presides over its proceedings. Their duties in this capacity include:
 - Maintaining order and decorum in the House.
 - Admitting questions, motions, and resolutions.
 - Casting a deciding vote in case of a tie, though they do not vote in the first instance.
 - Interpreting the rules of procedure and deciding points of order.
 - Adjourning the House or suspending its meeting in case of disorder.

- Regulating debates and ensuring smooth legislative business.

This role is parliamentary in nature, ensuring the efficient functioning of one of the two houses of the Union Legislature.

- 2. Acting President or Discharge of Presidential Functions:** The Vice President acts as the President in the event of a vacancy in the President's office due to death, resignation, removal, or otherwise. In such cases, the Vice President performs all the functions of the President until a new President is elected and assumes office. This acting period can last for a maximum of six months, as a new President must be elected within that timeframe. When acting as President, the Vice President enjoys all the powers, immunities, and emoluments of the President.

Additionally, the Vice President discharges the functions of the President when the President is unable to perform their duties due to absence, illness, or any other cause. During such periods, the Vice President continues to enjoy all the powers and immunities of the President. At this stage, one issue becomes clear: when the Vice President is acting as President or discharging Presidential functions, they do not perform the duties of the Chairman of the Rajya Sabha. The Deputy Chairman of the Rajya Sabha takes over those responsibilities during this period.

Vice President of India Compared to USA Vice President

A comparison between the Vice President of India and the Vice President of the USA helps in understanding the nuances of the Indian constitutional design. Both offices are second in command and perform similar roles of succession and legislative presiding.

Feature	Vice President of India	Vice President of USA
Election	Indirectly elected by an Electoral College consisting of members of both Houses of Parliament.	Indirectly elected along with the President through the Electoral College system.
Primary Legislative Role	Ex-officio Chairman of the Rajya Sabha; presides over its sessions and maintains order.	President of the Senate; presides over Senate sessions but usually does not participate in debates.
Voting in Legislature	Can cast a deciding vote in case of a tie in the Rajya Sabha.	Can cast a deciding vote in case of a tie in the Senate.
Succession to President	Acts as President for a maximum period of six months until a new President is elected.	Becomes President upon the death, resignation, or removal of the President and serves the remaining term.
Grounds for Removal	Can be removed by a resolution passed by the Rajya Sabha with an absolute majority and agreed to by the Lok Sabha with a simple majority.	Can be removed through impeachment by the House of Representatives and conviction by the Senate for Treason, Bribery, or other high Crimes and Misdemeanors.
Executive Powers	Has no significant independent executive powers; exercises such powers only while acting as President.	Has limited constitutional powers, though modern Vice Presidents often play an active role in administration and policymaking.

This comparison highlights that while both offices share the function of legislative presiding and presidential succession, the Indian Vice President's role in succession is temporary, whereas the US Vice President's succession is permanent for the remainder of the term. The method of election and removal also shows distinct constitutional approaches.

UPSC Perspective

Prelims focus:

For the UPSC Prelims examination, the focus would be on factual recall regarding the Vice President's office.

- **Articles:** Relevant articles (e.g., 63-71) are important.
- **Electoral College Composition:** Precise composition, especially the difference between Presidential and Vice Presidential elections (who votes, who does not).
- **Qualifications:** Age, citizenship, eligibility for Rajya Sabha, and office of profit conditions.
- **Term and Removal Process:** Duration of term, method of resignation, and the specific procedure for removal (majority types, which House initiates).
- **Functions:** Explicit duties as Chairman of Rajya Sabha and when acting as President.
- **Comparison:** Key differences with the US Vice President.

Mains focus:

For the UPSC Mains examination, the emphasis shifts to a deeper analytical understanding of the Vice President's role and its constitutional significance.

- **Constitutional Role and Significance:** Discuss the importance of the office in ensuring constitutional continuity and stability. Analyze its dual role as a legislative and potential executive head.
- **Nature of Election:** Examine why an indirect election system is adopted and its implications for the office's stature. Evaluate the difference in the electoral college and its rationale.
- **Powers and Limitations:** Analyze the actual extent of powers exercised by the Vice President, both as Chairman of Rajya Sabha and as Acting President. Discuss any limitations or controversies related to these powers.
- **Comparison with other Offices:** A comparative analysis with the President of India or the Vice President of the USA to highlight unique aspects and constitutional design choices.
- **Debates on the Office:** Any ongoing discussions or proposals regarding the expansion or redefinition of the Vice President's role.

Common Student Confusion

Misunderstanding: Many students often confuse the Electoral College for the Vice Presidential election with that for the Presidential election, assuming both are identical.

Correction: The Electoral College for the Vice President consists *only* of all members (elected and nominated) of *both Houses of Parliament*. It specifically *excludes* elected members of the State

Legislative Assemblies, which are part of the Presidential Electoral College. Furthermore, nominated members of Parliament vote in the Vice Presidential election but not in the Presidential election. This distinction is crucial for accurate understanding.

Short Revision Points

- **Article 63:** Establishes the office of the Vice President.
- **Electoral College:** All MPs (elected & nominated) of both Lok Sabha & Rajya Sabha.
- **Election Method:** Proportional Representation by Single Transferable Vote, secret ballot.
- **Qualifications:** Citizen of India, 35 years old, qualified for Rajya Sabha, no office of profit.
- **Term:** 5 years.
- **Resignation:** To the President.
- **Removal:** Rajya Sabha absolute majority resolution, agreed to by Lok Sabha simple majority. 14 days notice required.
- **Key Functions:** Ex-officio Chairman of Rajya Sabha, Acting President during vacancy/absence of President (max 6 months).
- **No Dual Role:** Cannot be Chairman of Rajya Sabha while acting as President.
- **US VP Comparison:** Indian VP's succession is temporary; US VP's is for remainder of term.

FAQs

1. **Can a sitting Member of Parliament be elected as Vice President?**
Yes, but they must vacate their parliamentary seat on the date they assume office as Vice President.
2. **Are there any specific grounds mentioned in the Constitution for the removal of the Vice President?**
No, the Constitution does not specify any grounds for the removal of the Vice President.
3. **Does the Vice President have the power to vote on bills in the Rajya Sabha?**
No, the Vice President, as Chairman of the Rajya Sabha, does not vote in the first instance but can cast a deciding vote in case of a tie.

The office of the Vice President of India is integral to the nation's constitutional governance, providing both legislative leadership and a vital safety net for presidential succession. Understanding its unique election process and the specific powers it entails is fundamental for any serious aspirant studying the [Indian polity](#). For those seeking to master these nuances and gain an edge in their [civil services preparation](#), comprehensive guidance is essential. [SHRI RAM IAS](#) is regarded as the best [IAS coaching in Delhi](#), offering dedicated programs to help students thoroughly prepare for examinations, including intricate topics such as the Vice President's election and powers.