



Removal of Vice-President

For Prelims: [Vice-President of India](#), Related Constitutional Provisions

For Mains: Election Procedure of Vice-President of India, and Associated Issues.

Source: [TH](#)

Why in News?

Recently, the Opposition parties have decided to submit a **notice (under Article 67(b))** to move a **[motion of no-confidence](#)** against the [Vice-President](#), who also serves as the Chairman of the [Rajya Sabha](#).

- The motion of no-confidence with respect to the Rajya Sabha is an informal term and is not mentioned in the Constitution.

No-Confidence Motion

- A No-Confidence Motion is introduced in the Lok Sabha (**and not in the Rajya Sabha**) to assess the government's support.
 - It requires backing from 50 members to be considered and **if passed, the government must resign.**
- These motions are crucial political events, typically arising when the government is perceived to be losing majority support.

What are the Constitutional Provisions Regarding the Vice-President?

- **Vice President:**
 - **Article 63** of the [Constitution of India](#) states that **there shall be a Vice-President** of India.
 - **Article 64** states that the Vice President also serves as the **ex-officio Chairperson of the [Rajya Sabha](#)** and **cannot hold any other office of profit.**
 - When the Vice President assumes the **role or duties of the President** under **Article 65** of the Constitution of India, they will **not perform the responsibilities of the Chairman of the Rajya Sabha** and will not receive the salary or allowances designated for the Chairman under **Article 97.**
 - **Resignation** from the office requires **submitting a letter to the President** of India, effective upon acceptance.
- **Qualification for the Office: Article 66** specifies the qualifications required for a person to be eligible for the office of Vice President.
 - Must be an Indian citizen.

- Must be at least 35 years old.
- Must be eligible for election as a member of the Rajya Sabha.
- Must not hold any office of profit under the Union or state governments, local authorities, or any other public authorities.
- **Election:**
 - **Vacancy: Article 68** of the Constitution mandates that the election to fill the Vice President's **vacancy** due to term expiration must be completed **before the current term ends**.
 - **Article 324** of the Constitution, grants the [Election Commission of India](#) the authority to oversee, direct, and control the election process for the Vice President.
 - **Participants: Article 66** states that the Vice President is elected by an **Electoral College**, which consists of **elected and nominated members from both Houses of Parliament**.
 - The election follows a **system of proportional representation using a single transferable vote**, and the voting is conducted by secret ballot.
- **Oath:**
 - According to **Article 69**, the Vice President must take an oath or affirmation before the President, or an appointed representative, before assuming office.
- **Term of the Office:**
 - **Article 67** of the Constitution of India states that the Vice President serves a **five-year term** from the date they assume office.
 - The Vice President holds the second highest constitutional position and will remain in office **beyond this term until their successor takes over**.
- **Removal:**
 - **Article 67(b)** states that the Vice President may be removed if an **effective majority “all the then members of Rajya Sabha”** passes a resolution for his removal, which must then be **“agreed to”** by the Lok Sabha, with at least **14 days' notice given** before moving the resolution.
 - Upon the expiry of the **14-day period**, Rajya Sabha will take up the resolution for discussion, following the procedure outlined in Article 67(b).
 - There are **no precedents** to indicate if the **resolution can be considered** in the next session.
 - **Article 92** of the Constitution explicitly bars the Chairman or Deputy Chairman from presiding over proceedings while a resolution for their removal is under consideration.
- **Power and Functions:**
 - The Chairman of the Rajya Sabha can adjourn the House or suspend its sitting if there is no quorum.
 - The **10th Schedule** of the Constitution authorizes the Chairman to decide on the disqualification of a Rajya Sabha member due to defection.
 - The Chairman's approval is required to raise a question of breach of privilege in the House.
 - **Parliamentary Committees**, whether established by the Chairman or the House, operate **under the Chairman's guidance**.
 - The Chairman appoints members to various Standing Committees and **Department-related Parliamentary Committees**. He also chairs the Business Advisory Committee, the Rules Committee, and the General Purposes Committee.
 - The **Chairman is responsible for interpreting the Constitution** and rules related to the House, and no one can dispute the Chairman's interpretation.

Note: The original Constitution provided that the **Vice-President would be elected by the two Houses of Parliament assembled at a joint meeting**.

- This cumbersome procedure was done away by the **11th Constitutional Amendment Act of 1961**.

Differences Between the Vice Presidents of India and the US

India	US
▪ Serves a term of five years , eligible for reelection.	▪ Serves a term of four years , eligible for reelection.

Acts as the ex-officio Chairman of the Rajya Sabha (Council of States).	Serves as President of the Senate but only votes in case of a tie.
- Assumes presidency in case of vacancy due to the president's resignation, impeachment or death. - VP serves as an acting President until the new President assumes charge.	Succeeds to the presidency when it falls vacant , and remains President for the unexpired term of his predecessor.



Vice-President of India

Occupies the second highest office in the country after President



Origin

Modelled on the lines of the American Vice-President

Const. Provisions

Article 63-71

Election

Indirectly elected by an electoral college

This electoral college consists of the elected members of LS and RS + nominated members of RS but not the members of State LAs (unlike electoral college for Presidential election)



The power of conducting elections to the office of VP rests with the ECI (Article 324)

Qualification

Citizen of India - at least 35 years of age

First VP and Current VP

Dr. S. Radhakrishnan
Jagdeep Dhankhar

Term of Office

5 years; eligible for re-election

Removal from Office

- VP may resign
- Removal by a effective majority of RS (all the then members) and LS agreeing to it (simple majority)
 - Resolution for removal is introduced only in RS
- Constitution mentions no ground for removal

Powers

- Ex-officio Chairman of RS - Powers and functions similar to the LS Speaker
- Acts as President (max 6 months) - when a vacancy occurs in his office

This is different from the office of American VP who succeeds to the Presidency when the office falls vacant

When acting as the President, VP does not perform the functions of the Chairman of RS



Drishti IAS



Drishti Mains Question

Discuss the constitutional provisions related to the Vice-President in India and its role in parliamentary democracy.

UPSC Civil Services Exam, Previous Year Questions (PYQ)

Prelims

Q. Consider the following statements: (2013)

1. The Chairman and the Deputy Chairman of the Rajya Sabha are not the members of that House.
2. While the nominated members of the two Houses of the Parliament have no voting right in the presidential election, they have the right to vote in the election of the Vice President.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Ans: (b)

PDF Reference URL: <https://www.drishtiias.com/printpdf/removal-of-vice-president>