



# The Constitutional Position and Electoral Process of the Vice President of India

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**Abstract-**This research provides an in-depth analysis of the constitutional structure and electoral processes that govern the Vice President's office in India. Grounded in Articles 63-71 of the Constitution, the document outlines the dual responsibilities of the Vice President: serving as the second-highest constitutional authority and acting as the ex-officio Chairperson of the Rajya Sabha. It investigates the eligibility requirements—including citizenship, age, qualifications for the Rajya Sabha, and restrictions on holding an office of profit—and evaluates the indirect election process through a Parliament-based electoral college that utilizes proportional representation via a single transferable vote, conducted through a secret ballot. The study emphasizes procedural details, such as the nomination process (including proposers, seconders, and security deposits), the responsibilities of the Returning Officer, methods for counting votes, and the oversight role of the Election Commission as stipulated in Article 324. Additionally, it discusses the procedures for addressing mid-term vacancies, which require elections to be held "as soon as possible" in accordance with Article 68, highlighting the constitutional disparity when compared to the President's mandated six-month timeframe for replacement. To provide context for these processes, the paper references recent events, including the resignation of Vice President Jagdeep Dhankhar in 2025 and the interim measures that allowed the Deputy Chairman to preside over the Rajya Sabha. The research highlights the changing landscape of electoral integrity, institutional stability, and constitutional design within the Indian democratic system. It concludes with reflections on possible reform pathways, particularly the introduction of statutory timelines, aimed at improving clarity and efficiency in the vice-presidential election process.

**Index terms-** Election, Nomination, Resignation, Secret ballot.

## I INTRODUCTION

India, recognized as the largest democracy in the world, possesses a complex and well-organized political system that is enshrined in its Constitution. The Constitution establishes a parliamentary system of governance, which is marked by a distinct separation of powers among the Executive, Legislature, and Judiciary. Within this structure, the Vice President's office occupies a unique and important role. Serving as the second-highest constitutional authority, the Vice President not only contributes to the stability of the executive branch but also plays an essential part in the legislative process and the governance of the Constitution.

The Vice President's office was established to guarantee the continuity of governance, particularly in situations where the President is absent or there is a vacancy in the presidency. This role encompasses both ceremonial and functional aspects, with duties that include presiding over the Rajya Sabha (Council of States), acting as the President when required, and engaging in various national events. This position reflects the principles of federalism, neutrality, and adherence to the Constitution, acting as a crucial link between the Executive and the Legislature.

The Vice-President holds the position of the second-highest constitutional office in India. In the absence of the current President, he assumes the role of acting President and serves as the ex officio Chairman of the Rajya Sabha. To reflect his commitment to bipartisanship and an apolitical stance, the Vice-President refrains from being a member of any political party or holding any other profit-generating office. Additionally, due to his constitutional designation, the statements made by the Vice President carry national importance. The remarks of the outgoing Vice President regarding matters such as press freedom and the welfare of minority communities sparked numerous media discussions and garnered significant attention.

As the Chairman of the Rajya Sabha, the Vice President serves as the ultimate authority on interpreting the Constitution and the Rules of Procedure concerning all matters related to the house. His decisions set binding precedents. He also has the authority to determine if a member of the Rajya Sabha should be disqualified on the basis of defection. These powers position him as a crucial participant in the operation of our parliamentary democracy.<sup>1</sup>

## II Constitutional Provisions governing Vice president of India

The office of the Vice President of India is primarily regulated by the provisions set forth in the Constitution, specifically Articles 63 to 71. The Constitution of India establishes the office itself, declaring that there shall be a Vice President of India<sup>2</sup>. The procedures for electing the Vice President are detailed in Article 66, which states that the Vice President is elected by an electoral college composed of members from both Houses of Parliament, following the system of proportional representation through the single transferable vote, with voting conducted via secret ballot. The Electoral College responsible for electing an individual to the Vice Presidency includes all members of both Houses of Parliament<sup>3</sup>.

To qualify for the position, a candidate must fulfil specific criteria, including being a citizen of India, at least 35 years of age, and eligible to become a Member of the Council of States<sup>4</sup>. The Vice President serves a term of five years<sup>5</sup> but may be re-elected indefinitely. Their tenure can be concluded earlier through resignation, which must be submitted in writing to the President, or through removal, which requires a resolution from the Council of States passed by a majority of its current members and approved by the House of People<sup>6</sup>. It is important to note that there is no provision for the impeachment of the Vice President. The Vice President remains in office even after their term has expired until their successor assumes the position<sup>7</sup>.

In addressing the rationale behind the non-application of the electoral system designated for the President to the election of the Vice-President, Dr. Ambedkar, the Chairman of the Drafting Committee, stated:

The President is the Head of the State and his power extends both to the administration by the Centre as well as to the States. Consequently, it is necessary that in his election, not only Members of Parliament should play their part, but the members of the State Legislatures should have a voice. But when we come to the Vice-President, his normal functions are merely to preside over the Council of States. It is only on a rare occasion, and that too for a temporary period, that he may be called upon to assume the duties of President. That being so, it does not seem necessary that the Members of the State Legislatures should also be invited to take part in the election of the Vice-President<sup>8</sup>.

An election to fill a vacancy caused by the expiry of the term of office of Vice-President is completed prior to the term's expiration. In case a vacancy arises by reasons of death, resignation or removal or otherwise, the election to fill that vacancy is conducted as soon as possible following the occurrence. The individual so elected is entitled to serve office for a full term of 5 years from the date he assumes office<sup>9</sup>.

In the instance of the President, the Constitution mandates that a vacancy must be filled within a period of six months. However, for a vacancy in the Vice President, there is no established deadline. The sole stipulation is that the election should occur "as soon as possible" following the vacancy of the position.<sup>10</sup>

Article 324 of the Constitution, in conjunction with the Presidential and Vice-Presidential Elections Act of 1952 and the Presidential and Vice-Presidential Elections Rules of 1974, assigns the responsibility for the supervision, direction, and management of the election process for the Vice-President of India to the Election Commission of India. The Election Commission is tasked with

<sup>1</sup> Following the elections of the Vice President of India available at <https://prsindia.org/theprsblog/following-the-elections-of-the-vice-president-of-india?page=11&per-page=1> (last visited on August 13, 2025)

<sup>2</sup> The Constitution of India, art. 63.

<sup>3</sup> Election of the Vice President, available at: <https://vicepresidentofindia.nic.in/election-vice-president> (last visited on August 13, 2025).

<sup>4</sup> The Constitution of India, art 66.

<sup>5</sup> The Constitution of India, art. 67.

<sup>6</sup> The Constitution of India, art 67(b).

<sup>7</sup> Mahender Pal Singh (ed.), V.N Shukla's Constitution of India 180 (Eastern Book Company, Lucknow, 2017).

<sup>8</sup> VII, *Constituent Assembly Debates*, 1100-01.

<sup>9</sup> Election of the Vice President, available at: <https://vicepresidentofindia.nic.in/election-vice-president> (last visited on August 13, 2025).

<sup>10</sup> Ritika Chopra, "Explained: What happens when the Vice-President resigns mid-term", *The Indian Express*, July 23, 2025 available at < <https://indianexpress.com/article/explained/what-happens-vice-president-resigns-mid-term-10141171/>> (last visited on August 13, 2025)

ensuring that the Vice-Presidential Election is carried out in compliance with the Constitutional provisions as well as the applicable laws and regulations. In this regard, the ECI has announced the election schedule for the 17th Vice-Presidential Election.

According to Article 66 of the Constitution of India, the Vice-President is elected by the members of the Electoral College, which comprises the members of both Houses of Parliament, following the system of proportional representation through the single transferable vote.<sup>11</sup> For 2025, 17<sup>th</sup> Vice-Presidential Election, the Electoral College consists of:

- i. 233 elected members of Rajya Sabha (Currently, 05 seats are unoccupied),
- ii. 12 nominated members of Rajya Sabha, and
- iii. 543 elected members of Lok Sabha (Currently, 01 seat is unoccupied).

The Electoral College consists of a total of 788 members (At present, 782 members) from both Houses of Parliament. Since all electors are members of both Houses of Parliament, the voting value for each Member of Parliament remains the same, which is 1 (one)<sup>12</sup>.

In accordance with the Presidential and Vice-Presidential Elections Rules of 1974, the nomination paper must be endorsed by a minimum of 20 electors acting as proposers and at least 20 electors serving as seconders. The nomination paper should be submitted to the Returning Officer between 11 a.m. and 3 p.m. on any designated day, either by the candidate themselves or by any of the proposers or seconders. The required security deposit for participating in the election is ₹15,000.

Traditionally, the Secretary General of the Lok Sabha or the Secretary General of the Rajya Sabha is designated as the Returning Officer on a rotational basis. Additionally, two other senior officials from the Lok Sabha or Rajya Sabha Secretariats are appointed as Assistant Returning Officers.<sup>13</sup>

### III Constitutional Practice in Action

*"A Vice-President may, by writing under his hand addressed to the President, resign his office<sup>14</sup>."*

This clause permits the Vice President to voluntarily resign at any point prior to the conclusion of their five-year term by merely providing a written resignation to the President of India. It is a sub-clause of Article 67, which details the term of office for the Vice President.<sup>15</sup>

Article 70 grants Parliament the authority to establish provisions it deems appropriate for the execution of the President's functions in any situation not addressed by the Constitution. Consequently, Parliament enacted the President (Discharge of Functions) Act, 1969, to facilitate the execution of the President's duties in specific contingencies.

Section 3(1) of this Act stipulates that in the event of vacancies occurring in both the offices of the President and the Vice President, due to death, resignation, removal, or other reasons, the Chief Justice of India, or in their absence, the most senior Judge of the Supreme Court, shall assume the responsibilities of the President until a new President or Vice President is elected.

There has been only one occasion when the Chief Justice served as the Acting President. M. Hidayatullah, the 11th Chief Justice of India, held the position of Acting President from 20 July 1969 to 24 August 1969, following the death of President Zakir Husain in office and the resignation of Vice President V.V. Giri (who subsequently became Acting President) to run in the upcoming presidential election. Giri won the election and took office as President on 24 August 1969.<sup>16</sup>

Vice President Jagdeep Dhankhar announced his resignation from office on July 21, three years into his five-year term. In a letter directed to President Droupadi Murmu, the 74-year-old stated that he was resigning to "prioritise his health" and adhere to medical

<sup>11</sup> The Constitution of India, art. 66.

<sup>12</sup> Election to the Office of the Vice-President of India, 2025 (17th Vice-Presidential Election) available at <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2151311> (last visited on August 13, 2025)

<sup>13</sup> Sreeparna Chakrabarty, "Jagdeep Dhankhar resignation: Election Commission has to hold election of Vice-President immediately", *The Hindu*, July 23, 2025 available at < <https://www.thehindu.com/news/national/polls-to-elect-next-vice-president-to-be-held-as-soon-as-possible-constitution/article69840126.ece> > (last visited on August 13, 2025)

<sup>14</sup> The Constitution of India art. 67(a).

<sup>15</sup> Editorial, "What is Article 67(a) under which Jagdeep Dhankhar resigned as vice president of India?" *The Economic Times*, July 21, 2025

<sup>16</sup> Vice President's casual vacancy: What next after Dhankhar's resignation? available at <https://www.scobserver.in/journal/vice-president-casual-vacancy-what-next-after-dhankars-resignation/> (last visited on August 13, 2025)

recommendations. The resignation occurred on the inaugural day of the Monsoon Session of Parliament. Following Mr. Dhankhar's departure, Deputy Chairman Harivansh Narayan Singh will preside over the Rajya Sabha until a new Vice-President is appointed.<sup>17</sup>

With the office of the Vice President now vacant, the Deputy Chairman of the Rajya Sabha assumes the responsibility of presiding over the proceedings in the Upper House. Harivansh, who has been serving as the Deputy Chairman since August 2022, will undertake these duties until a new Vice President is elected and takes office. The operations of the Rajya Sabha continue without disruption due to the resignation, thanks to the established line of succession within the House.

Dhankhar's resignation places him among a select few. In the history of independent India, only two other Vice Presidents have resigned during their term.

The first was VV Giri, who resigned in July 1969 to run for the presidential election following the unexpected death of President Zakir Husain. The second was R Venkataraman, who stepped down in July 1987 after being nominated for the presidency by the then-ruling Congress party. He subsequently served as India's eighth.<sup>18</sup>

#### IV Comparative Analysis of the Vice President of India and the Vice President of the USA<sup>19</sup>

	Vice President of USA	Vice President of India
<b>ESTABLISHED UNDER ARTICLE</b>	The office of the Vice President in the United States is established under Article I, Section 3, and Article II, Section 1 of the U.S. Constitution	The office of the Vice President in India is established under Articles 63-71 of the Indian Constitution
<b>ELECTION</b>	The Vice President is elected directly by the populace via the Electoral College as a component of the President-Vice President ticket	The Vice President is chosen indirectly by an electoral college comprises of Members of Parliament (MPs) from both houses (Lok Sabha and Rajya Sabha), following the system of proportional representation through a single transferable vote.
<b>TERM</b>	The duration of the term is four years, and there is no constitutional restriction on re-election.	The tenure of the Vice President is five years but is eligible for re-election
<b>QUALIFICATION</b>	The Vice President is required to be a natural-born citizen of the United States, a minimum of 35 years of age, and must have resided in the U.S. for no less than 14 years.	The individual serving as Vice President must be a citizen of India, a minimum of 35 years of age, and possess the qualifications necessary for election as a member of the Rajya Sabha.
<b>REMOVAL AND SUCCESSION</b>	Impeachment can lead to removal for "treason, bribery, or other high crimes and misdemeanours," akin to the process for the President.	A resolution can be annulled by a majority vote of the Rajya Sabha members, provided it is also accepted by the Lok Sabha.

<sup>17</sup> "Article 67(A): The Rule That Allows India's Vice President To Step Down", NDTV, August 10, 2025, available at <<https://www.ndtv.com/india-news/jagdeep-dhankhar-article-67-a-the-rule-that-allows-indias-vice-president-to-step-down-8922044>> (last visited on August 13, 2025).

<sup>18</sup> Editorial, "Jagdeep Dhankhar resigns as Vice President: What the Constitution says happens next" *The Economic Times*, July 22, 2025

<sup>19</sup> Vice President of India vs. USA: Powers and Responsibilities Compared available at <https://uppcsmagazine.com/vice-president-of-india-vs-usa-powers-and-responsibilities-compared/> (last visited on August 13, 2025)

	<p><b>The impeachment process is initiated by the House of Representatives, while the trial is carried out by the Senate.</b></p>	<p><b>The resolution needs to be presented with a prior notice of no less than 14 days.</b></p>
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*Figure 4.1 Comparative Analysis*

## V Conclusion-

This document provides an in-depth analysis of Articles 63–71 of the Indian Constitution, delineating the dual responsibilities of the Vice President—as the ex officio Chairperson of the Rajya Sabha, tasked with ensuring legislative continuity, and as the Acting President during a vacancy, thereby maintaining executive stability. These constitutional roles embody a well-balanced institutional function—symbolic yet critically important. The electoral process, regulated by Article 66, guarantees a democratic and transparent selection. The Vice President is elected through an indirect election by an electoral college composed exclusively of both Houses of Parliament, employing a proportional representation system with a single transferable vote, conducted via secret ballot to uphold impartiality and consensus-driven selection. Despite the structural integrity, certain procedural deficiencies persist. Specifically, while Article 68 requires that a vacancy in the Office of the Vice President be filled "as soon as possible," it does not stipulate a legally binding timeline—unlike the more explicit six-month requirement for presidential vacancies. This absence allows for potential administrative delays or political manoeuvring. Recent real-world events highlight both the strengths and weaknesses of the system. Following Jagdeep Dhankhar's mid-term resignation in July 2025 (citing health reasons in accordance with Article 67(a)), the Deputy Chairman of the Rajya Sabha took on interim responsibilities, demonstrating the resilience of the system. Concurrently, the Election Commission promptly commenced the election process, setting the date for the poll on 9 September 2025. However, practical limitations—such as the scheduling of the Monsoon Session and the verification of parliamentary rolls—resulted in delays, exposing the friction points between constitutional expectations and operational realities.