AILET

Qualifications: The President And The Vice President

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Qualifications: The President

A person can become the President of India if he is – a citizen of India, he has completed the age of 35 years and he is qualified to be a member of Lok Sabha. Here we must understand that though he must have qualifications of a Lok Sabha member but as regards the age, it should be 35 years and not 25 ;years as which is there in case of Lok Sabha.

A person should also not hold any office of profit but if a person is already a President, Vice President, Governor or Minister then these posts would not be counted as an office of Profit. In simple words, despite holding these posts a person would be eligible to become the President and would not be disqualified as holding any office of Profit. According to Article 57, a person can be re-elected again as the President and in fact there is no maximum limit as to the no. of time a person can become the President of India. Dr. Rajendra Prasad became the President twice. The Irish Constitution prohibits re-election after two terms. The United States Constitution after President Roosevelt was elected the third time has also confined it for two terms.

The resignation of the President would be sent to the Vice President who shall forthwith inform the Lok Sabha. This is due to the reasons that the President is the constituent part of the Parliament and they should be informed. In fact as far as the information to Rajya Sabha is concerned, the moment Vice President received the resignation ipso facto. Rajya Sabha has been informed as the Vice President is the chairman of Rajya Sabha.

In fact the other reason can be the fact that no bill would be made law unless it receives the assent of President so we should be aware of this fact that the bill might not become a law during the period. The President shall not be a member of Parliament or an MLA while he is a President and if such a person becomes a President, his seat shall be vacated in those houses.

In case of a vacancy to the office of the President, it shall be filled as soon as possible and probably within 6 months and not beyond that. The same kind of rule is also there in case of Vice

President under Article 68 which also provides that the election should be held as soon as possible but the maximum period of 6 months is missing in the case of the Vice President. We must remember that the office of President can be vacated by the reason of his death, resignation, removal or otherwise apart from the expiration of the term. Here the word ‘otherwise’ should be read with Article 71(2) that would provide that their elections can be declared to be void by the Supreme Court.

Qualifications: The Vice President

Article 63 lays down that there shall be a Vice President who must be a citizen of India and has completed the age of 35 years and should be qualified to be member of Rajya Sabha. Now here also the age should be 35 years and not 30 as in the case of Rajya Sabha. As per Article 64, he is the ex officio chairman of Rajya Sabha. A vice President can also act like a President or discharge his functions or can discharge his functions and then he would be entitled to salary of President and not the Chairman of Rajya Sabha. If a person wants to become Vice President, he also should not hold office of Profit but the explanation would create the exceptions to the Office of President, Vice President, Governor and Minister. If we look at this explanation from different angle, we can conclude that a person who is already the President, can become the Vice President also.

The Vice President should also not be an MP or an MLA. Here also the vacancy can be there in his Office if the elections has been declared void by the Supreme Court. The electoral college of Vice President is different from the President as it includes all the members of the Parliament only meaning thereby, there are nominated members also and it would also exclude all the MLAs also.