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A Study on Qualification and Disqualification of Members of Parliament and State Legislature

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ABSTRACT

The qualification and disqualification of members of parliament and state legislature is a crucial aspect of democratic governance. Qualification criteria, such as age, citizenship, and educational qualifications, ensure that only eligible candidates are allowed to contest elections and become members of the legislature. Disqualification criteria, on the other hand, ensure that members who violate ethical or legal norms are removed from office.

This paper provides an overview of the qualification and disqualification criteria for members of parliament and state legislature in India. It discusses the constitutional provisions, judicial pronouncements, and statutory laws that define these criteria. The paper also examines some of the controversies and debates surrounding these criteria, such as the impact of criminalization and corruption in politics.

The analysis reveals that while the qualification criteria are generally aimed at ensuring the competence and integrity of legislators, the disqualification criteria are often subject to political influence and manipulation. The paper concludes that effective implementation of both qualification and disqualification criteria is necessary to ensure the credibility and legitimacy of the legislative process, and to strengthen democracy in India.

Keywords: *Parliament, Members, Qualification, Disqualification, State Legislature.*

I. INTRODUCTION

(A) Background of the research

India is one of the world's biggest democracies and has a written constitution that governs its citizens' foreign affairs. These delegates comprise the legislative body known as Parliament, which is elected by the country's citizens. India's parliament is the ultimate legislative body of the Indian Republic. Although though the Parliament of India is the highest legislative body, all legislation enacted by it must adhere to the requirements of the constitution, which is deemed paramount.³ The primary role of the legislature is to pass legislation. It comprises primarily of

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³ Members of parliament: Qualifications and disqualification GKToday, <https://www.gktoday.in/topic/members->

the president, the Upper House, also known as Rajya Sabha, and the Lower House, also known as Lok Sabha. Members of the Houses of Parliament present recommendations to the parliament, which, in accordance with the rules of the constitution, scrutinizes them before passing them into law.

The parliamentary system of administration was borrowed from the British constitution. Parliament is derived from the French word *parler*, which means to speak. Parliament is a group of representatives chosen by the people to establish laws in line with their demands and the constitution. While the Indian constitution is based on the British model, the Indian Parliament is not sovereign. Their laws and norms should not contradict the fundamental framework of the constitution. It should be reviewed by the court to determine whether or not it violates the constitution. The Indian parliament is created by the constitution and draws all of its authority from it. It is not an independent entity.

Article 79 makes it quite apparent that the union must have a parliament. It comprises of the President, the Rajya Sabha, and the Lok Sabha. Most members of both chambers of parliament are elected, but some are nominated by the president from among prominent individuals with expertise in literature, art, social service, etc.⁴

In nations with bicameral legislatures, a member of parliament (MP) is the individual who represents the electorate in parliament. Parliament is where we implement our representative democracy objectives. Article 79-122 deals with requirements for parliament, such as eligibility qualifications, functions, and disqualification procedures, among other things.

In nations with bicameral legislatures, a member of parliament, or MP, represents the voters in a parliament. The bulk of the country's political parties are normally represented by the members of parliament.

II. PARLIAMENT OF INDIA

(A) Rajya Sabha:

The Rajya Sabha is the upper house of the Indian Parliament. It is made up of representatives of the various states and union territories. These representatives are indirectly elected by the members of the legislative assembly of each state in accordance with proportional representation through various means such as social service and so on. This house may have a maximum membership of 250 people, of whom 238 will be representatives of the several states

of-parliament-qualifications-and-disqualification/ (last visited Mar 12, 2023)

⁴ Article 79 of the Indian Constitution.

and union territories, and 12 will be members who have been nominated by the president. In contrast to the Lok Sabha, it is a permanent body that will not be liable to dissolution at any point in the foreseeable future. Notwithstanding the fact that its members are elected for terms of six years, however, one-third of its members step down at the end of every other year.

(B) Lok Sabha:

The Lok Sabha is the lowest house of the Indian Parliament. It is made up of legislators who were chosen by the people themselves via a democratic process. This chamber will have a maximum membership of 550 members, 530 of whom will be elected directly from territorial constituencies within their respective states to serve as representatives of those states, and 20 of whom will be elected to serve as representatives of the union territories. The 126th Amendment to the Constitution, which took effect in 2019, did away with the practice of reserving seats for Anglo Indians. It is not a permanent body like the Rajya Sabha, and it will be susceptible to dissolution at some point in the future.⁵ It remains in effect for a period of five years beginning on the day on which it has its first meeting after its formation. Nonetheless, the president can dissolve it even before the end of its term, and it is possible that the by-laws of parliament will allow it to be prolonged for an additional year while the state of emergency is in effect.

(C) The President Of The India:

One of the organs that make up parliament is called the President. It is stipulated rather explicitly in Article 52 of the Indian Constitution that the position of President of India shall be filled.⁶ He is the head of the armed forces of India and serves as the commander. Under his name, every executive action that the state takes shall be carried out. The Constitution of India grants him a wide range of authorities, including executive authority, legislative power, judicial power, ability to declare a state of emergency, power to make ordinances, and so on. Even though he does not belong to either chamber of parliament, he is nonetheless considered a member of the parliament and plays an important role within it. If he is successful in winning election to either house of parliament, the seat he now occupies in that house will become empty.

III. STATE LEGISLATURE

The State Legislature is a topic that is covered in Chapter III of Part VI of the Constitution. Executives and the state legislature make up this body. The state legislature's organisation,

⁵ Qualification and disqualification of members of Parliament Law Corner, https://lawcorner.in/qualification-and-disqualification-of-members-of-parliament/#Disqualification_of_Members_of_Parliament (last visited Mar 12, 2023)

⁶ Article 52 of the Indian Constitution

makeup, length, offices, practises, privileges, powers, and other aspects are covered in Articles 168 to 212 of Part VI of the Constitution.

India is a bicameral country with two houses at the union level and in six of its 28 states.⁷ In a bicameral legislature, the two chambers share responsibility for enacting and implementing legislation.

Although the States are required to follow a consistent system of government, this is not the case for the Legislature's makeup. While the Governor and the State Legislature must be present in every State, certain States' legislatures will have two houses, the Legislative Assembly and the Legislative Council, while the remaining States will only have one house, the Legislative Assembly.

- The constitution allows for both the elimination of the second chamber in states where it already exists and the establishment of one in states where there isn't one yet.
- The concerned State may have two Houses in the Legislature if a resolution to that effect is approved by the state legislature with an absolute majority, not less than two-thirds of the members who are actually present and voting, and if Parliament approves the resolution.
- The process for abolishing the Upper Houses is similar. In 1969 and 1970, respectively, the States of Punjab and West Bengal dissolved the second chambers. Tamil Nadu's Legislative Council was dissolved in 1986.
- The Legislative Assembly (Vidhan Sabha) is the name for the State Legislature's single house, while the Legislative Council (Vidhan Parishad) and Legislative Assembly, respectively, are the names for the State Legislature's two houses (Vidhan Sabha).
- Due to modifications made after the Constitution's inception, Bihar, Maharashtra, Karnataka, Andhra Pradesh, Telangana, and Uttar Pradesh are the States with two Houses, according to the manner outlined in Article 169.

(A) Legislative Assembly

The Legislative Assembly is a legislature that is chosen by the people and is the actual seat of government in a state. An assembly's maximum strength is limited to 500, while its lowest strength is limited to 60. Nonetheless, certain of the States, such Sikkim, Arunachal Pradesh,

⁷ Qualification and disqualification of members in a state legislature Aishwarya Sandeep, <https://aishwaryasandeep.com/2021/06/12/qualification-and-disqualification-of-members-in-a-state-legislature/> (last visited Mar 12, 2023)

Goa, etc., have been permitted to have smaller legislative assemblies.

It is advisable to draw the boundaries of territorial constituencies as evenly as possible throughout the State, considering each constituency's population and the number of seats given to it.

In addition to these broad guidelines, there are additional specific guidelines for the portrayal of SC and ST. The Governor has the authority to appoint one member of the Anglo-Indian community to the assembly if he believes that group is not sufficiently represented.

(B) Legislative Council

The Legislative Council of a State consists of no less than 40 members and no more than one-third of the members of the State's Legislative Assembly. The strength is just 36 in Jammu & Kashmir, nevertheless. The Constitution's procedure for determining the Council's membership is not set in stone. The Union Parliament is granted the final say.

- 1/3rd of members are elected by the members of local bodies in the state like municipalities, district boards, etc.,
- 1/12th of members are elected by graduates of three years standing and residing within the state.⁸
- 1/12th of members are elected by teachers of three years standing in the state, not lower in standard than secondary school.
- 1/3rd of members are elected by the members of the legislative assembly of the state from amongst persons who are not members of the assembly.
- 1/6th of the members are nominated by the governor of the State.

IV. DATA ANALYSIS

(A) Qualification of Members of Parliament

The following requirements must be met in order to be qualified to serve as a member of either house of Parliament, according to Article 84 of the Indian Constitution:

- He must be an Indian citizen.
- For the Rajya Sabha, the minimum age is 30, while for the Lok Sabha, it is 25.
- He must take an oath or affirmation in front of those who have been designated by the

⁸ Constitutional provisions for disqualification of member of parliament: An overview Academia.edu, https://www.academia.edu/32978787/CONSTITUTIONAL_PROVISIONS_FOR_DISQUALIFICATION_OF_MEMBER_OF_PARLIAMENT_AN_OVERVIEW?email_work_card=view-paper (last visited Mar 12, 2023)

Electoral Commission in that capacity.

- He must meet certain requirements outlined by the legislature. The Representation of People Act, 1951 was adopted by Parliament with this goal in mind. According to Sections 3 and 4 of the same Act, a candidate for membership in either house of parliament must be a registered voter in one of the parliamentary seats.⁹ The Representation of People Act was amended to provide new requirements for MPs in response to the third criterion (1951). The following are these prerequisites:
 - a) One voter may be selected. The candidate must thus be registered to vote and have the legal right to do so in a parliamentary constituency.
 - b) A person loses the ability to run for office if they are denied the right to vote for whatever reason.
 - c) For instance, a person who is lawfully detained or jailed at the time of an election is not permitted to cast a ballot. On the other hand, a person under preventive detention is permitted to cast a ballot. They decide a person's qualification to stand for election as a member of parliament.
 - d) Voting is permitted regardless of whether a person is a registered voter in the same constituency. Both the Lok Sabha and the Rajya Sabha are affected by this.
 - e) Only if the Lok Sabha seat is designated as being reserved for them may a member of a reserved category seek for office. An SC/ST individual may, however, also run for an open seat.

(B) Disqualification of Members of Parliament

The reasons for a member of either house of parliament's disqualification are covered in Article 102 of the Indian Constitution. A member of parliament may be disqualified for the following reasons:

1. A PERSON OF UNSOUND MIND.

A person is ineligible if a court of competent jurisdiction has determined that they are not of sound mind. According to the Indian Lunacy Act of 1912, mere allegations are insufficient; such a person must be so proclaimed by a competent court.

2. A PERSON OF THE UNDISCHARGED INSOLVENT.

A person who has been declared insolvent by a competent insolvency court pursuant to the

⁹ Sec (3) & Sec (4) of the Representation of the People Act, 1951

Provincial Insolvency Act of 1920 and who has not been released from insolvency in accordance with the provisions of that Act is ineligible to run for office in either the State Legislature or Parliament. Simple actions of insolvency are not enough to disqualify someone. Disqualification on this basis is no longer valid if the insolvent is declared solvent by the appropriate court.

3. NON-CITIZENSHIP OF INDIA OR ACKNOWLEDGEMENT OF ALLEGIANCE OR ADHERENCE TO A FOREIGN STATE

A person is not eligible to be selected as a member of parliament or the state legislature if they are not citizens of India, have voluntarily acquired the citizenship of another country, or have any acknowledgement of allegiance or adherence to another country. Citizenship of India is a fundamental and essential qualification.

4. DISQUALIFICATION FOR HOLDING OF PROFIT

The idea of holding office was adapted from the structure of the British parliament. Neither in the Indian Constitution nor in the Representation of People Act the phrase "office of profit" is defined. It is understood to indicate "monetary gain," nevertheless. It has been evolved via several case laws since it is not specified anywhere. The honourable court decided to adopt some measures to determine whether an office is for profit in **Abdul Shakur v. Rikhab Chand (1957)**¹⁰ and in several other cases, the honourable court adopted several criteria to determine whether or not the office is profitable.

- a) Whether the government has the power of appointment.
- b) Whether the government has the right to dismiss the holder of the office.
- c) Whether the government pays remuneration.
- d) Whether the functions performed by the holder of the office, are for the government.
- e) Whether the government exercises control over the performance of those function.

5. DISQUALIFICATION UNDER THE REPRESENTATION OF PEOPLE ACT, 1951

The Representation of People Act, 1951 passed by the Parliament, lays forth a few reasons why lawmakers could be removed from office. A person is not eligible to serve in parliament if:

- a) He had to have been convicted guilty of the electoral practise.
- b) He must have been found guilty of a crime that carried a sentence of two years or more

¹⁰ Abdul Shakur v. Rikhab Chand (1957) [AIR 1958 SC 52: 1958 SCR 387]

in jail.

- c) He must not have submitted an account for election-related spending.
- d) He couldn't have shared or been interested in government services.
- e) He can't be a director or profit management for a company in which the government owns at least 25% of the stock.
- f) He must not have been fired from the government because of corruption or state loyalty.

6. DISQUALIFICATION ON THE GROUNDS OF DEFECTION

In addition to article 102, the Constitution's Tenth Schedule allows for the disqualification of members due to defection. Defection is the act of renouncing one's own party in favour of the opposition. Articles 101, 102, 190, and 191 had to be changed for the anti-defection statute to take effect, and a tenth schedule was added. A legislation known as an anti-defection law forbids elected representatives of a party from disobeying party rules or joining another party after winning election. **Aaya Ram Gaya Ram** was a phrase that became popular in Indian politics after a Haryana MLA Gaya Lal changed his party thrice within the same day in 1967.¹¹ The anti-defection law sought to prevent such political defections which may be due to reward of office or other similar considerations.

The 52nd Amendment Act, passed in 1985 under the Rajiv Gandhi administration, implements the anti-defection statute. According to the second paragraph of the tenth schedule, anybody who belongs to a political party will be unable to serve in either chamber of parliament.

According to the Tenth Schedule's requirements, a member may be excluded if:

- a) Voluntarily resigns from the political party that provided him with a ticket to contest and win. The meaning of the phrase "voluntarily gives up his membership" is broader than resignation. According to the legislation, a member is ineligible if they "voluntarily give up their membership". The Supreme Court, however, held in the case of **Ravi Naik v. Union of India, 1994**¹², that even in the lack of a written resignation by the member, the resignation might be inferred from his behaviour. In addition, the Supreme Court ruled in the 1996 case of **G. Viswanathan vs. The Hon'ble Speaker, Tamil Nadu Legislative Assembly, Madras & Others** that members who publicly opposed their party or supported another party were presumed to have resigned.¹³

¹¹ 'Aaya Ram, Gaya Ram': When politicians change political allegiances Nyaaya, <https://nyaaya.org/guest-blog/aaya-ram-gaya-ram-when-politicians-change-political-allegiances/> (last visited Mar 12, 2023)

¹² Ravi Naik vs Union of India, 1994, <https://indiankanoon.org/doc/554446/>.

¹³ G.Viswanathan Vs. The Hon'ble Speaker, Tamil Nadu Legislative Assembly, Madras & Another, 1996,

- b) Unless such voting or abstention has been approved by the political party within fifteen days, votes or abstains from voting in the House against any directive issued by the political party to which he belongs.
- c) A member who was elected as an independent candidate is ineligible if, after being elected, he or she joins any political party.
- d) Nonetheless, a nominated member is permitted to join a political party as long as he does so within six months of being nominated. Joining a political party beyond that point would result in defection and disqualification.

Exceptions:

- a) Where the original political party merges with another party, provided 2/3 of the members of the party agreed to such a merger.
- b) When a member of a political party is elected as the presiding officer, he may give up the membership of that party and become a member of another party.

7. DISQUALIFICATION DUE TO VACATION OF SEATS

According to Article 101 (1), no one is allowed to be elected to both chambers of parliament.¹⁴ The Representation of People Act, which was passed by the parliament specifically for this purpose, states that:

- a) If a person is elected to both houses of parliament at the same time, he or she must decide which house they will serve in within 10 days of the results being announced. His Rajya Sabha seat will fall vacant if he doesn't select the house within the allotted period.
- b) When a Rajya Sabha member is elected to the Lok Sabha, he or she has 10 days to select which house they want to serve. If he doesn't make a decision within the allotted period, his Rajya Sabha seat will become vacant.
- c) If a Lok Sabha member who is also elected to the Rajya Sabha makes his decision within ten days, he will serve in the house of his choice. If he doesn't make a decision, his Lok Sabha seat would be vacant.

According to the Prohibition of Simultaneous Membership Regulations, 1950, Article 102 (2) states that no individual shall be a member of both the national parliament and a house of the

<https://indiankanoon.org/doc/1093980/> and Rajendra Singh Rana vs. Swami Prasad Maurya and Others, 2007, <https://indiankanoon.org/doc/1620629/> and Parliamentary Bulletin-II, December 4, 2017, http://164.100.47.5/newsite/bulletin2/Bull_No.aspx?number=57066.

¹⁴ Article 101 of the Indian Constitution

state legislature. According to this provision, if a person gets elected simultaneously to both houses of the state legislature and both parliaments, he has 14 days to decide which house he wants to serve in.¹⁵ His seat in parliament will become vacant if no decision is made within the allotted period.

According to Article 102 (3), any member of either house of parliament may resign by writing to the presiding officer, which is the speaker in the Lok Sabha and the chairman in the Rajya Sabha. By contacting the respective deputy chairman and deputy speaker, the chairman of the Rajya Sabha and the speaker of the Lok Sabha can resign from their positions. After their resignation is accepted, the position will become vacant.

According to Article 101(4), if a member of either house of parliament misses sixty days of work without the previous consent of the house to which he belongs, his seat in that house shall become vacant.¹⁶

(C) Qualifications of Member of State Legislature

- He must be an Indian citizen.
- Before the person designated by the Electoral Commission for this purpose, he must take and sign an oath or affirmation, he promises;
 - a) To uphold the Indian Constitution with sincere faith and allegiance in his oath or affirmation.
 - b) To protect India's independence and integrity.
- For the legislative council, he must be at least 30 years old, and for the legislative assembly, he must be at least 25 years old.
- He also needs to meet additional requirements set down by Parliament.
- Under the Representation of People Act (1951), Parliament established further requirements:
 - a) A candidate for governor's nomination must be a resident of the state in question and an elector for an assembly constituency in order to be eligible for election to the legislative council.
 - b) A candidate for legislative assembly election must be a registered voter in the state's relevant assembly constituency.

¹⁵ Article 102 of the Indian Constitution

¹⁶ Article 101(4) of the Indian Constitution

- c) If someone wishes to run for a seat set aside for one of the scheduled castes or scheduled tribes, he must belong to one of those groups. Nonetheless, a scheduled caste or scheduled tribe member may also run for the General position (not reserved).

(D) Disqualification of Member of State Legislature

The governor's judgement is conclusive when determining whether a member has come under one of the following disqualifications. Governor, however, ought to consult the Election Commission and take appropriate action after receiving its advice.

1. DISQUALIFICATIONS AS PER ARTICLE 191

A person is ineligible under the Constitution if they serve on the legislative assembly or legislative council:

- a) If he has any paid positions with the federal or state governments (except that of a minister or any other office exempted by state legislature).¹⁷
- b) If a judge has determined that he is mentally incompetent.
- c) If he is an unsolved insolvent.
- d) If he is not an Indian citizen, has chosen to become a citizen of another country, or has pledged loyalty to another country in any way.
- e) Unless he is otherwise ineligible under a legislation passed by parliament.

2. DISQUALIFICATIONS UNDER THE REPRESENTATION OF PEOPLE ACT, 1951

The Representation of People Act was amended by the Parliament to include numerous more disqualifications (1951).

- a) He must not have been convicted of any election-related crimes or unethical behaviour.
- b) He must not have been convicted of any crime that resulted in a sentence of two years or more in jail. But, being detained under a legislation that allows for preventative detention is not a bar to eligibility.
- c) He must not have missed the deadline for submitting an account of his election-related costs.
- d) He must not be interested in any projects, works, or services provided by the government.
- e) He cannot occupy a position of profit or serve as a director or managing agent for a

¹⁷ Article 191 of the Indian Constitution

company in which the government owns at least 25%.

- f) He must not have had his employment with the government terminated due to dishonesty or corruption.
- g) He must not have been guilty of bribery or encouraging animosity between various groups.
- h) He should not have been punished for advocating and engaging in societal vices like sati, dowry, and untouchability.

3. DISQUALIFICATIONS ON GROUND OF DEFECTION

- a) According to the Constitution, a person is ineligible if they fall within the 10th Schedule's restrictions for either house.
- b) The Speaker, in the case of the legislative assembly, and the chairman, in the case of the legislative council, decide on the issue of disqualification under the tenth schedule.
- c) The Supreme Court held in 1992 that the chairman's or speaker's decision is open to judicial review.¹⁸

4. DISQUALIFICATION DUE TO VACATION OF SEATS

Those who serve in the state legislature are expelled in the following situations:

- a) Double Membership: No one may hold office in the state legislature's two Chambers concurrently. In accordance with the terms of a state legislature-enacted legislation, if a person is elected to both Houses, his seat in one of the Houses automatically falls vacant.
- b) Disqualification: If a state legislator is ruled ineligible for any of the aforementioned causes, his or her position will become vacant.
- c) Resignation: A member may resign from office by sending a letter to the Speaker of the Legislative Assembly or the Chairman of the Legislative Council, as appropriate. The position becomes vacant once the resignation is accepted.
- d) Absence: If a state legislator fails to show up for all of the chamber's meetings for a period of sixty days without permission, the chamber may declare the member's seat vacant.
- e) Other Circumstances: Members of the state legislature are required to retire if their election is declared invalid by a court, they are expelled by the House, they are elected

¹⁸ Membership of State Legislature - Indian polity notes - prepp, <https://prepp.in/news/e-492-membership-of-state-legislature-indian-polity-notes> (last visited Mar 12, 2023)

president or vice president, or they are appointed governor of a state.

(E) Can the Disqualification be removed?

Indeed, the Supreme Court has the authority to delay a person's conviction as well as their sentence. In a few uncommon instances, a conviction has been postponed to allow the appellant to run for office. But, the Supreme Court has made it very plain that such a stay should only be granted in exceptional circumstances.

The Electoral Commission is a remedy that is offered by the RPA itself. According to Section 11 of the Act, the EC may note the reasons for a person's disqualification and either lift it or shorten its duration. For **Sikkim Chief Minister P.S. Tamang**, who served a year in prison for corruption, the EC used this authority and lowered his disqualification so he could run in a byelection and keep his position.¹⁹

a. Supreme Court Rulings

1. In the case **Union of India (UOI) v. Association for Democratic Reforms (2002)**, the Supreme Court ruled that every candidate for the Parliament, state legislatures, or municipal corporations must submit a nomination paper that includes a statement of their criminal history, financial situation, and educational background.²⁰
2. In the 2005 case of **Ramesh Dalal v. Union of India**, the SC ruled that if a current MP or MLA is found guilty and given a term of at least 2 years in jail, he will also be unable to run for office.²¹
3. In **Lily Thomas v. Union of India (2013)**, the Supreme Court ruled that Section 8(4) of the Representation of the People Act, 1951, which permits MPs and MLAs to stay in office notwithstanding conviction, is unconstitutional. Legal protection against disqualification was provided by this provision. The court decided that MP/MLA convictions for two years or more would result in instant disqualification.²²
4. In the 2015 case of **Krishnamurthy v. Sivakumar & Ors**, the Supreme Court ruled that it was categorically necessary for candidates to disclose their criminal histories—particularly any egregious crimes—when submitting their nomination papers.²³

¹⁹ Disqualification of members of Parliament IASbaba, <https://iasbaba.com/2023/03/disqualification-of-members-of-parliament/> (last visited Mar 12, 2023)

²⁰ Union of India (UOI) v. Association for Democratic Reforms (2002), AIR 2001 Delhi 126

²¹ Ramesh Dalal v. Union of India (2005), SCR (2)1011

²² Lily Thomas, Etc. Etc. vs Union Of India & Ors. on 5 April, 2000, (2000) 6 SCC 224

²³ Krishnamoorthy vs Sivakumar & Ors on 21 January, 2015, <https://indiankanoon.org/doc/169274383/>

V. FINDINGS AND SUGGESTIONS

The anti-defection statute prevents lawmakers from switching allegiances in an effort to maintain a stable administration. This rule, however, also forbids a lawmaker from casting a vote in accordance with his conscience, judgement, or the interests of his constituents. By assuring that members vote based on party leadership decisions and not what their people would like them to vote for, such a circumstance hinders the legislature's ability to oversee the administration.²⁴

Regardless of the issue's nature, political parties instruct MPs on how to vote on the majority of topics. According to a number of analysts, the rule should only apply to votes that affect the stability of the administration (passage of the annual budget or no-confidence motions).

VI. CONCLUSION

The Parliament of India, a union legislature made up of a president and both chambers of parliament, is the top legislative body of the Republic of India. Under the Indian system of government, a Member of the Legislative Assembly (MLA) is a representative elected to the legislature of the State government by the electors of an electoral district (constituency). One representative is chosen by the electorate from each constituency, and this person then joins the Legislative Assembly (MLA). Each suggestion made by a member of either house of the legislature should be followed by legislation that complies with the constitution. In the Lok Sabha and Rajya Sabha, there are both elected and nominated members who are, respectively, directly and indirectly elected. Qualifications for membership in either house of parliament and state legislatures are outlined in the Indian constitution as well as the Representation of People Act, 1951.

²⁴ Report of the National Commission to review the working of the Constitution, 2002, <http://lawmin.nic.in/ncrwc/ncrwcreport.htm>, Report of the Committee on electoral reforms, 1990, <http://lawmin.nic.in/ld/erreports/Dinesh%20Goswami%20Report%20on%20Electoral%20Reforms.pdf> and Law Commission (170th report), 1999, <http://www.lawcommissionofindia.nic.in/lc170.htm>.

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