



FACULTY OF JURIDICAL SCIENCES

COURSE: BALLB/BBALLB

SEMESTER SUBJECT:

ELECTION LAWS

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NAME OF FACULTY: PANKHURI SRIVASTAVA

Lecture-3



LECTURE 3: QUALIFICATIONS AND DISQUALIFICATIONS GROUNDS FOR MEMBERS OF STATE LEGISLATURE

❖ *Article 173- Qualification for membership of the State Legislature.*

A person shall not be qualified to be chosen to fill a seat in the Legislature of a State unless he-

- (a) is a citizen of India, and makes and subscribes before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule;
- (b) is, in the case of a seat in the Legislative Assembly, not less than twenty-five years of age and, in the case of a seat in the Legislative Council, not less than thirty years of age; and
- (c) possesses such other qualifications as may be prescribed in that behalf by or under any law made by Parliament.

❖ *Article 191-Disqualification for membership.-*

(1) A person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly or Legislative Council of a State-

- (a) if he holds any office of profit under the Government of India or the Government of any State specified in the First Schedule, other than an office declared by the Legislature of the State by law not to disqualify its holder; (
- b) if he is of unsound mind and stands so declared by a competent court;
- (c) if he is an undischarged insolvent;
- (d) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgment of allegiance or adherence to a foreign State;
- (e) if he is so disqualified by or under any law made by Parliament.

Explanation- For the purpose of this clause a person shall not be deemed to hold an office of profit under Government of Indian or the Government of any State specified in the first Schedule by reason only that he is a Minister either for the Union of for such State.

(2)A- person shall be disqualified for being a member of the Legislative Assembly or Legislative Council of a State is he is so disqualified under tenth Schedule.