

Constitution of India Art 103 - Decision on questions as to disqualifications of members

(1) If any question arises as to whether a member of either House of Parliament has become subject to any of the disqualifications mentioned in clause (1) of article 102, the question shall be referred for the decision of the President and his decision shall be final.

(2) Before giving any decision on any such question, the President shall obtain the opinion of the Election Commission and shall act according to such opinion.

SYNOPSIS

Nature: Article 103 does not confer power on president of India as an authority competent to remove an MP from his office, P.V. Narasimha Rao v. State (CBI/SPE), (1998) 4 SCC 626: 1998 SCC (Cri) 1108.

Exercise of Power: The question of disqualification is decided on the basis of opinion of the Election Commission by the President, in term of the power vested in him by Article 103, Raja Ram Pal v. Hon'ble Speaker, Lok Sabha, (2007) 3 SCC 184.