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## **Constitution of India Art 192 - Decision on questions as to disqualifications of members**

**(1) If any question arises as to whether a member of a House of the Legislature of a State has become subject to any of the disqualifications mentioned in clause (1) of article 191, the question shall be referred for the decision of the Governor and his decision shall be final.**

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

### SYNOPSIS

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

**Scope:** Article 192(1) does not permit any limitations the words “the question shall be referred for the decision of the Governor”, do not import the assumption that any other authority has to receive the complaint and after a prima facie and initial investigation about the complaint, send it on or refer it to the Governor for his decision, Brundaban Nayak v. Election Commission of India, AIR 1965 SC 1982.