

CHAPTER XIX

MULTIPLE ELECTIONS

The Constitution provides that no person shall be a member of both Houses of Parliament and requires that provision shall be made by Parliament by law for the vacation by a person who is chosen a member of both the Houses of his seat in one House or the other. Election to both Houses of Parliament.

Parliament has provided by law that if a person is elected to both Houses of Parliament but has not taken his seat in either House, he shall intimate in which of the Houses he wishes to be a member. This intimation must be given by a notice in writing signed by him and delivered to the Secretary to the Election Commission within ten days from the date, or the later of the dates, of such election. His seat in the other House thereupon becomes vacant. If no such intimation is given, his seat in the Council of States automatically becomes vacant on the expiry of the tenth day. A choice once made in this regard is final and irrevocable. The date of election of a person to a House of Parliament is taken to be the date on which he was declared elected by the Returning Officer.

If a person who is already a member of the House of the People and has taken his seat in that House is elected to the Council of States, his seat in the House of the People becomes vacant. Election of a member of the House of the People to the Council of States.

If a person who is already a member of the Council of States and has taken his seat in that House is elected to the House of the People, his seat in the Council of States becomes vacant. Election of a member of the Council of States to the House of the People.

If a person is elected to more seats than one in the House of the People or in the same House of Legislature of a State, he is required by law to resign all but one of such seats within fourteen days from the date of such election. If the dates of his election are different in respect of different seats, he has to tender such resignation within fourteen days from the last of such dates. Such resignation must be in writing under his signature and addressed to the Speaker or Chairman of the House concerned, or, if necessary, to the Deputy Speaker or the Deputy Chairman of the House, or failing that, to the Election Commission. If he fails to tender such resignation in time, all the seats to which he has been elected become vacant. Election to more than one seat in the same House of Legislature.

A person cannot simultaneously be a member of Parliament as well as of a House of the State Legislature. If he has been Election both to Central and State Legislatures.

elected both to Parliament and to the Legislature of a State, he is required to resign one of his seats within fourteen days from the date of publication in the Gazette of India or in the official Gazette of the State, whichever is later, of the declaration that he has been so elected. If he fails to do so, his seat in Parliament becomes vacant.

Election to both Houses of a State Legislature.

A person cannot be a member of both Houses of the Legislature of a State. If he is elected to both the Houses, he is required to resign his seat in one of the Houses in the manner laid down by law enacted by the State Legislature.

Any person, who has been chosen a member of both Houses of the Legislature of a State and who has not taken a seat in any of the Houses, may intimate in which of the Houses he wishes to serve, and any choice so intimated shall be conclusive and his seat in the House in which he does not wish to serve shall thereupon become vacant. Such intimation must be given under his signature and delivered to the Speaker or Chairman, or to the Secretaries of both the Houses concerned, or to any person authorised by the Governor in this behalf within ten days (fifteen days in the case of Madras) from the date of publication in the Official Gazette of the declaration that he has been so chosen or, if such publications have been made on different dates, within the same period from the later of such dates. If he fails to give such intimation, his seat in the Legislative Assembly becomes vacant.

If a person who is already a member of the Legislative Assembly and has taken his seat in the Assembly is chosen a member of the Legislative Council, his seat in the Legislative Assembly shall, on the publication in the Official Gazette of the declaration that he has been so chosen, become vacant.

If a person who is already a member of the Legislative Council and has taken his seat in the Council is chosen a member of the Legislative Assembly, his seat in the Council shall, on the date of publication in the official Gazette of the declaration that he has been so chosen, become vacant. In Bombay and Uttar Pradesh, the vacancy occurs:—

- (a) where he is so chosen in a bye-election, on the date of publication, of the declaration in the Official Gazette, and
- (b) where he is so chosen in a general election, on the day next preceding the date the new Assembly is constituted. [*Vide* Prohibition of Simultaneous Membership Acts of Bombay and Uttar Pradesh.]

Election to the Legislatures of two or more States.

A person cannot simultaneously be a member of the Legislatures of two or more States. If he is elected to the Legislatures of two or more States, he is required to resign his seats in the

Legislatures of all the States but one within ten days from the later or the latest of the dates of publication in the official Gazettes of such States of the declaration of his election. If he fails to do so, all his seats become vacant.

The following table shows the cases of multiple elections which occurred during the general elections of 1957: Cases of multiple elections.

TABLE

Existing members of (Name of the House)	No. of members	Elected to (Name of the House)	No. of members	Seat retained in (Name of the House)	No. of members
(1)	(2)	(3)	(4)	(5)	(6)
Council of States.	19	House of the People.	11	House of the People.	11
		Legislative Assembly.	9 (One member was elected to both these Houses).	Legislative Assembly.	
Legislative Council.	14	House of the People.	1	House of the People.	1
		Legislative Assembly.	13	Legislative Assembly.	13
Legislative Assembly.	6	House of the People.	5	House of the People.	5
		Legislative Assembly.	1	Legislative Assembly.	1
House of the People.	2	Legislative Assembly.	2	House of the People.	1
				Legislative Assembly.	1