Article 101
Vacation of seats

(1) No person shall be a member of both Houses of Parliament and provision shall be made by Parliament by law for the vacation by a person who is chosen a member of both Houses of his seat in one House or the other.

(2) No person shall be a member both of Parliament and of a House of the Legislature of a State [1], and if a person is chosen a member both of Parliament and of a House of the Legislature of [2][a State], then, at the expiration of such period as may be specified in rules made by the President, that person's seat in Parliament shall become vacant, unless he has previously resigned his seat in the Legislature of the State.

(3) If a member of either House of Parliament

(a) becomes subject to any of the disqualifications mentioned in [3]\clause (1) or clause (2) of [article 102, or

(b) resigns his seat by writing under his hand addressed to the Chairman or the Speaker, as the case may be, and his resignation is accepted by the Chairman or the Speaker, as the case may be,] his seat shall thereupon become vacant: [4][Provided that in the case of any resignation referred to in sub-clause (b), if from information received or otherwise and after making such inquiry as he thinks fit, the Chairman or the Speaker, as the case may be, is satisfied that such resignation is not voluntary or genuine, he shall not accept such resignation.

(4) If for a period of sixty days a member of either House of Parliament is without permission of the House absent from all meetings thereof, the House may declare his seat vacant: Provided that in computing the said period of sixty days no account shall be taken of any period during which the House is prorogued or is adjourned for more than four consecutive days.

Amendment notes

1 The words and letters "specified in Part A or Part B of the First Schedule" omitted by the Constitution (Seventh Amendment) Act, 1956, s. 29 and Sch. (w.e.f. 1-11-1956).

2 Subs. by s. 29 and Sch., ibid., for "such a State" (w.e.f. 1-11-1956).

3 Subs. by the Constitution (Fifty-second Amendment) Act, 1985, s. 2, for "cl. (1) of art. 102" (w.e.f. 1-3-1985).

4 Subs. by the Constitution (Thirty-third Amendment) Act, 1974, s. 2 (w.e.f. 19-5-1974).