



19th NALSAR

JUSTICE BODH RAJ SAWHNY
MEMORIAL MOOT COURT
COMPETITION

2026

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PROPOSITION

We the People of the United States, in Order to establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do hereby adopt this Constitution for the United States of America.

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in every State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, seven Years, and be seven Years a Citizen of the United States, and who shall, when elected, be seven Years a Citizen of that State in which he shall be chosen. Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Year, or less, three fifths of all other Persons who may be included within this Union, in 1790, and within every subsequent Term of Years, by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at least one Representative, and until such Enumeration shall be made, the States of New Hampshire three, Massachusetts five, Connecticut five, Rhode Island one, Delaware one, Maryland six, Virginia three, New York five, and Georgia three.

three fifths of all other Persons who may be included within this Union, in 1790, and within every subsequent Term of Years, by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at least one Representative, and until such Enumeration shall be made, the States of New Hampshire three, Massachusetts five, Connecticut five, Rhode Island one, Delaware one, Maryland six, Virginia three, New York five, and Georgia three.

1. The Republic of Gulmira is a sovereign, secular, democratic union comprising twenty-eight States. Following its independence from the Empire of Ten Rings in 1957, Gulmira adopted a written Constitution after an extensive constitution-making process. The Constitution of Gulmira came into force in 1963 and is, in all material respects, *pari materia* with the Constitution of India. Consequently, in several significant constitutional matters, the Supreme Court of Gulmira has referred to the judgments of the Indian Courts as a source of persuasive authority.

ISSUE ONE

2. The principle of universal adult suffrage is enshrined in the Constitution of Gulmira (“**Constitution**”). To ensure the smooth conduct of elections in the country, the Constitution not only provides for the setting up of the Election Commission of Gulmira (“**ECG**”) but also gives it powers of superintendence, direction and control of the electoral process and the preparation of electoral rolls. In furtherance of its powers with regards to the preparation of electoral rolls, the ECG is also empowered to undertake intensive revision exercises to update the electoral rolls for parliamentary and state assembly elections.

3. Rivendell is one of the twenty-eight states in Gulmira. Prior to the 2026 elections to the Legislative Assembly of the State of Rivendell, the ECG announced a Special Intensive Revision (“**SIR**”) of the electoral rolls on 15 March 2026. The Chief

Election Commissioner justified the decision on the ground that the last SIR had been conducted in 2005 and that a periodic verification exercise was necessary to remove ineligible entries, including deceased voters, duplicate registrations, absentee voters, those who had permanently shifted residence, and foreign nationals. He remarked that “pure electoral rolls are inevitable for strengthening democracy.”

4. Under the SIR, the ECG directed electoral registration officers across the State to undertake a fresh verification of entries where discrepancies were found in existing records. These discrepancies included inconsistencies relating to age, address, family details, duplicate registrations, and other particulars recorded in the electoral rolls. Electors identified during the exercise were issued notices requiring them to either furnish the prescribed documents or otherwise explain the discrepancy within fifteen days. The ECG further announced that the draft revised electoral rolls would be published on 15 May 2026 and that claims and objections against inclusion, exclusion, correction, or retention of entries could be filed before the concerned Electoral Registration Officer within fifteen days thereafter. Orders passed by the Electoral Registration Officer were appealable before an Appellate Tribunal constituted by the ECG. The final electoral rolls were required to be published by 31 May 2026 so as to facilitate the conduct of Assembly elections scheduled for June 2026. The text of the relevant constitutional and statutory provisions is annexed to this Proposition as **Annexure A**.

5. Approximately seventy lakh electors in Rivendell were issued notices during the exercise. A substantial number of electors responded to the notices and submitted the documents sought by the ECG. However, owing to the scale of the exercise and the volume of claims and objections received following publication of the draft rolls, a large number of objections remained pending before the Electoral Registration Officers and/or the Appellate Tribunal at the time of publication of the final electoral rolls.

6. One such elector was Mr. Phil Brooks, a resident of Rivendell, who was issued a notice on 20 April 2026 on account of an alleged discrepancy relating to his parents' age as reflected in different government records. Mr. Brooks furnished the documents sought by the ECG within the prescribed period. However, upon publication of the draft revised electoral roll on 15 May 2026, he discovered that his name had not been included. He accordingly filed an objection before the concerned Electoral Registration Officer on 20 May 2026 and subsequently preferred an appeal before the Appellate Tribunal. Owing to the pendency of a large number of matters arising out of the SIR exercise, neither the objection nor the appeal was disposed of before publication of the final electoral rolls on 31 May 2026. Consequently, his name remained excluded from the electoral rolls for the upcoming elections.

7. Apprehending that he would be unable to cast his vote in the forthcoming election, Mr. Brooks approached the High Court of Rivendell (“**High Court**”) under Article 226 of the Constitution

in *Phil Brooks & Ors. v. Election Commission of Gulmira*, W.P. (C) No. 276 of 2026. His petition was heard together with several other petitions filed by electors similarly affected by the SIR exercise.

8. The petitioners contended that while the ECG undoubtedly possessed the constitutional authority to undertake revision of electoral rolls, the manner in which the SIR had been designed and implemented was arbitrary; thus, liable to be struck down. They argued that the exercise had resulted in the exclusion of a substantial number of otherwise eligible electors immediately prior to an election, despite many of them having furnished the necessary documents. According to the petitioners, the objective of maintaining accurate electoral rolls could have been achieved through less restrictive means that did not risk disenfranchising eligible voters. It was further submitted that participation in elections lay at the heart of representative democracy and that the exclusion of eligible citizens from the electoral rolls violated their fundamental rights under the Constitution.

9. The Respondent ECG contended that the SIR was a periodic exercise undertaken by a specialised constitutional body entrusted with maintaining the integrity of the electoral process. It argued that inaccuracies inevitably accumulated in electoral rolls over time and that the Constitution vested the ECG with broad powers of superintendence, direction and control over their preparation and revision. According to the ECG, the decision to undertake the SIR, the timelines prescribed thereunder, and the manner of verification adopted were

matters falling within its mandate and institutional expertise. Consequently, judicial review in such matters ought to remain limited and courts should not substitute their assessment for that of the ECG. It further submitted that the Supreme Court of Gulmira had consistently held the right to vote to be a statutory rather than a fundamental right. Consequently, the Petitioners could not challenge the SIR on the ground that it violated any fundamental right guaranteed under the Constitution.

10. After hearing the parties, a Division Bench of the High Court dismissed the petitions. The Court held that the decision to undertake the SIR could not be regarded as manifestly arbitrary and that the Constitution entrusted the ECG with the primary responsibility for maintaining accurate and reliable electoral rolls. While considering the Petitioners' challenge based on proportionality, the High Court observed:

“At the outset, we deem it appropriate to clarify that the enquiry under this limb is not whether the Court would have adopted a different or more optimal method, but whether the measure chosen by the competent authority is so disproportionate or manifestly excessive that it cannot be sustained within constitutional bounds. The doctrine of proportionality does not mandate the adoption of the least restrictive measure in the abstract; rather, it requires that the measure adopted must not be palpably arbitrary when viewed against the objective sought to be achieved.”

11. Applying the aforesaid standard, the High Court held that the objective of maintaining accurate electoral rolls was unquestionably legitimate and that the SIR bore a rational nexus to that objective. The Court further held that the mere fact that certain objections and appeals remained pending at the time of publication of the final electoral rolls did not, by itself, render the exercise unconstitutional. Finding no manifest excessiveness in either the design or implementation of the SIR, the High Court rejected the challenge.

The Court further held that, under the existing jurisprudence of the Supreme Court of Gulmira, the right to vote was a statutory right and not a fundamental right. While acknowledging the significance of electoral participation in a representative democracy, it concluded that the inability of certain electors to participate in a particular election did not furnish a basis to invalidate an otherwise lawful electoral-roll revision exercise.

12. The High Court further observed:

“The inability of certain electors to participate in the forthcoming election is an unfortunate consequence of an exercise intended to preserve the integrity of the electoral process itself. The electors may not be able to vote in this election, but the exercise seeks to secure their continued inclusion in future electoral rolls. The Constitution does not require the ECG to abandon an otherwise lawful revision exercise merely because some disputes arising therefrom remain unresolved before an election.”

13. Justice Paul Heyman authored a concurring opinion and expressed reservations on two aspects. First, he observed that the existing view treating the right to vote as merely a statutory right may require reconsideration by a larger bench, given that voting is a central component of democracy. Second, he questioned the standard of proportionality review applied by the bench, particularly where the exercise in question implicates foundational questions of democracy and the right to vote. According to Justice Heyman, proportionality review required a court to meaningfully examine whether the burden imposed on electoral participation was justified in light of the objective sought to be achieved and whether less restrictive alternatives were available, rather than confining its enquiry to whether the measure was merely “palpably arbitrary” or “manifestly excessive”. While he agreed that the present petitions were liable to be dismissed, he observed that both questions may require authoritative determination by the Supreme Court.

14. Aggrieved by the decision of the High Court, the petitioners approached the Supreme Court of Gulmira. A two-judge bench, noting the constitutional importance of the issues raised and the observations contained in the concurring opinion of Justice Heyman, referred the matter to a nine-judge Constitution Bench.

ISSUE TWO

15. During his electoral campaign, the Prime Minister of Gulmira, Mr. Triple H, had promised that elected representatives would be held to the highest standards of constitutional morality and public accountability. In furtherance of that promise, the Government introduced the Constitution (One Hundred and Fifteenth Amendment) Bill, 2026 (“**2026 Bill**”) in Parliament on 15 June 2026. The 2026 Bill proposed amendments to the constitutional provisions governing the Union and the State Councils of Ministers to provide that where the Prime Minister, a Chief Minister, a Union Minister, or a Minister of a State Government is arrested for an offence punishable with imprisonment of five years or more and remains in custody for a period exceeding thirty days, such person shall stand removed from office, as per the procedure provided for in the 2026 Bill. The text of the 2026 Bill is annexed to this Proposition as **Annexure B.**

16. The proposed amendment was a novel legislative measure, as neither the Constitution nor any existing statutes provided for the removal of members of the Council of Ministers on account of arrest or prolonged detention. Introducing the Bill in Parliament, the Prime Minister stated that the measure was intended to curb the criminalisation of politics, observing that “governments are being run from jail,” and the amendment

would strengthen constitutional morality, public trust in democratic institutions, and accountability in public office.

17. The 2026 Bill was ultimately passed by the requisite special majority in both Houses of Parliament and received Presidential assent on 1 July 2026, whereupon it came into force as the Constitution (Sixty-First Amendment) Act, 2026 (“**2026 Amendment**”). No ratification by State Legislatures was sought prior to its enactment.

18. Shortly thereafter, the constitutional validity of the 2026 Amendment was challenged before the Supreme Court of Gulmira by the Chief Minister of the State of Lasso, Ms. Becky Lynch (*Becky Lynch v. Union of Gulmira*, W.P. (C.) No. 301 of 2026). The petitioner contended, inter alia, that the amendment could not have been enacted without ratification by at least one-half of the State Legislatures and was therefore violative of Article 368 of the Constitution. She further argued that the 2026 Amendment violated the basic structure of the Constitution by undermining federalism, separation of powers, and the rule of law. According to the Petitioner, the amendment effectively authorised the removal of a democratically elected executive solely on the basis of arrest and detention, without any adjudication of guilt by a court of law. Having regard to the importance of the questions raised, the matter was referred to a nine-judge Constitution Bench of the Supreme Court of Gulmira.

ISSUE THREE

19. Under the existing constitutional framework of Gulmira, Schedule G of the Constitution distributes legislative powers between the Union and the States. List I contains entries on which only the Parliament may legislate, List II contains entries reserved to the States, and List III contains entries on which both the Union and the States may legislate. In the event of an inconsistency between a law enacted by the Union Legislature and a law enacted by a State Legislature with respect to an entry in List III, the Union law shall prevail to the extent of the inconsistency.

20. In June 2026, Parliament enacted the Guaranteed Livelihoods and Opportunities for Rural Yield (“**GLORY Act**”), a social welfare legislation intended to provide a statutory guarantee of wage employment to rural households for up to 125 days in every financial year. The legislation was enacted under Entries 23 and 24 of List III and was intended to replace the existing Gulmira Regular Employment Guarantee Act, 2005 (“**GREGA**”). The GLORY Act received Presidential assent on 1 July 2026 and was scheduled to come into force on 30 September 2026.

21. According to the Statement of Objects and Reasons, the GLORY Act sought to modernise the administration of employment - guarantee programmes through biometric

authentication, geo-referencing, digital attendance systems, real-time monitoring dashboards, public disclosure mechanisms, and artificial intelligence-based planning and audit tools. The Union Government described the legislation as a necessary reform designed to improve transparency, accountability, and efficiency in the delivery of social-security benefits.

22. The GLORY Act established a detailed framework governing eligibility, registration of beneficiaries, allocation of work, monitoring mechanisms, audit procedures, grievance redressal systems, and the sharing of financial obligations between the Union and the States. It further required every State Government to frame, within six months of the commencement of the Act, a State Employment Scheme consistent with the provisions of the GLORY Act.

23. The States of Devitt, Tyler, and Kane objected to the legislation. While accepting the objective of guaranteeing 125 days of wage employment to rural households, the States contended that the GLORY Act substantially reduced the flexibility available to States under the earlier GREGA framework and concentrated decision-making authority in institutions established by the Union Government. The States further objected to the financial obligations imposed upon them and argued that the Act effectively compelled them to implement a centrally designed scheme while requiring them to bear a significant portion of the expenditure incurred in implementation.

24. In August 2026, each of the three States announced its intention to enact an independent legislation governing rural employment guarantees. The States contended that while these proposed enactments would retain the objective of providing 125 days of wage employment annually to rural households, they would differ from the GLORY Act framework in several respects, including beneficiary identification, implementation mechanisms, monitoring systems, audit requirements, and financial allocation models. The States maintained that Entries 23 and 24 of List III empowered them to enact legislation tailored to local conditions and requirements.

25. The Union Government disputed this position. It contended that the GLORY Act constituted a comprehensive and exhaustive legislative framework governing rural employment guarantees throughout Gulmira. Relying on existing judgments, it argued that once Parliament had enacted a law occupying the field, a State legislation inconsistent with that framework would be void to the extent of such inconsistency under the doctrine of repugnancy. According to the Union, permitting the States to substantially depart from the GLORY Act framework would defeat the objective of establishing a uniform national employment guarantee programme.

26. The States of Devitt, Tyler, and Kane, however, contended that the doctrine of repugnancy could not be interpreted in a manner that effectively converted List III subjects into List I subjects. They argued that Parliament's enactment of a law

under Entries 23 and 24 did not completely extinguish the legislative competence of States and that State Legislatures remained entitled to enact supplementary or alternative mechanisms so long as they pursued the broader objective of securing wage employment and social welfare.

27. In light of the constitutional importance of the dispute and its implications for the federal structure of the Constitution, the President of Gulmira referred the matter to the Supreme Court of Gulmira under Article 143 of the Constitution for its advisory opinion.

28. Clubbing together the aforementioned matters, the Chief Justice of Gulmira Trish Stratus has listed them for a hearing before a nine-judge Constitution Bench presided by her. The following issues are listed before the Court:

- Whether the right to vote is a fundamental or a constitutional right under the Constitution of Gulmira, as opposed to a statutory right simpliciter?
- What is the appropriate standard of judicial review applicable to the exercise of constitutional powers relating to the preparation and revision of electoral rolls by the Election Commission of Gulmira?
- Whether the Constitution (Sixty-First Amendment) Act, 2026 was validly enacted and is consistent with the basic structure of the Constitution?

- Whether the principles governing repugnancy and occupied field in relation to legislation enacted under List III of Schedule G require reconsideration, and if so, what principles should govern conflicts between Union and State laws enacted on the same subject matter?



NOTA BENE

1. Unless otherwise indicated in this Proposition, the relevant provisions of the Constitution of Gulmira are *pari materia* with the corresponding provisions of the Constitution of India. The GLORY Act is *pari materia* to the Viksit Bharat-Guarantee for Rozgar and Ajeevika Mission (Gramin), Act, 2026. The Registration of Electors Rules, 1965 are *pari materia* with the Registration of Electors Rules, 1960 in force in India.
2. Courts in Gulmira often refer to judgments of courts in other democratic jurisdictions with similar constitutional provisions as persuasive authority.
3. The issues framed above are intended to assist participants in identifying the key constitutional questions. However, they are not exhaustive, and participants are free to identify other allied issues and arguments. They may advance any additional submissions reasonably arising from the facts, issues, and constitutional provisions involved.
4. All laws, notifications, orders, judgments, constitutional provisions, institutions, persons, and places referred to in this Proposition are purely fictional and have been created solely for the purposes of this Competition.

ANNEXURE A

Relevant Constitutional and Statutory Provisions

[1]

Constitution of Gulmira

Article 619: *Superintendence, direction and control of elections to be vested in an Election Commission.*

(1) The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to Parliament and to the Legislature of every State and of elections to the offices of President and Vice-President held under this Constitution shall be vested in a Commission (referred to in this Constitution as the Election Commission).

Article 620: *No person to be ineligible for inclusion in, or to claim to be included in a special, electoral roll on grounds of religion, race, caste or sex.*

There shall be one general electoral roll for every territorial constituency for election to either House of Parliament or to either House of the Legislature of a State and no person shall be ineligible for inclusion in any such roll or claim to be included in any special electoral roll for any such constituency on grounds only of religion, race, caste, sex or any of them.

Article 621: *Elections to Parliament and the Legislative Assemblies of States to be on the basis of adult suffrage.*

The elections to Parliament and to the Legislative Assembly of every State shall be on the basis of adult suffrage; that is to say, every person who is a citizen of Gulmira and who is not less than eighteen years of age on such date as may be fixed in that behalf by or under any law made by the appropriate Legislature and is not otherwise disqualified under this Constitution or any law made by the appropriate Legislature on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice, shall be entitled to be registered as a voter at any such election.

[II]

Representation of the People Act, 1964

Section 21: Preparation and Revision of Electoral Rolls

(1) The electoral roll for each constituency shall be prepared in the prescribed manner by reference to the qualifying date and shall come into force immediately upon its final publication in accordance with the rules made under this Act.

(2) The said electoral roll —

(a) shall, unless otherwise directed by the Election Commission for reasons to be recorded in writing, be revised in the prescribed manner by reference to the qualifying date

—

(i) before each general election to the House of the People or to the Legislative Assembly of a State; and

(ii) before each bye-election to fill a casual vacancy in a seat allotted to the constituency; and

(b) shall be revised in any year in the prescribed manner by reference to the qualifying date if such revision has been directed by the Election Commission:

Provided that if the electoral roll is not revised as aforesaid, the validity or continued operation of the said electoral roll shall not thereby be affected.

(3) Notwithstanding anything contained in sub-section (2), the Election Commission may at any time, for reasons to be recorded, direct a special revision of the electoral roll for any constituency or part of a constituency in such manner as it may think fit:

Provided that subject to the other provisions of this Act, the electoral roll for the constituency, as in force at the time of the issue of any such direction, shall continue to be in force until the completion of the special revision so directed.

Section 22: Correction of Entries in Electoral Rolls

If the Electoral Registration Officer for a constituency, on application made to him or on his own motion, is satisfied after such inquiry as he thinks fit, that any entry in the electoral roll of the constituency —

(a) is erroneous or defective in any particular,

(b) should be transposed to another place in the roll on the ground that the person concerned has changed his place of ordinary residence within the constituency, or

(c) should be deleted on the ground that the person concerned is dead or has ceased to be ordinarily resident in the constituency or is otherwise not entitled to be registered in that roll, the Electoral Registration Officer shall, subject to such general or special directions, if any, as may be given by the Election Commission in this behalf, amend, transpose or delete the entry:

Provided that before taking any action on any ground under clause (a) or clause (b) or any action under clause (c) on the ground that the person concerned has ceased to be ordinarily resident in the constituency or that he is otherwise not entitled to be registered in the electoral roll of that constituency, the Electoral Registration Officer shall give the person concerned a reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him.

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Section 23: Inclusion of Names in Electoral Rolls

(1) Any person whose name is not included in the electoral roll of a constituency may apply to the Electoral Registration Officer for inclusion of his name in that roll.

(2) The Electoral Registration Officer shall, if satisfied that the applicant is entitled to be registered in the electoral roll, direct

his name to be included therein.

Provided that if the applicant is registered in the electoral roll of any other constituency, the Electoral Registration Officer shall inform the Electoral Registration Officer of that other constituency and that officer shall, on receipt of the information, strike off the applicant's name from that roll.

(3) No amendment, transposition or deletion of any entry shall be made under section 22 and no direction for the inclusion of a name in the electoral roll of a constituency shall be given under this section, after the last date for making nominations for an election in that constituency or in the parliamentary constituency within which that constituency is comprised and before the completion of that election.

NOTA BENE

In exercise of the powers conferred by the Representation of the People Act, 1964, the Registration of Electors Rules, 1965 have been framed. The said Rules are *pari materia* with the Registration of Electors Rules, 1960 in force in India.

ANNEXURE B

The Constitution (One Hundred and Fifteenth Amendment) Bill, 2026

Bill No. 115 of 2026

THE CONSTITUTION (ONE HUNDRED AND FIFTEENTH AMENDMENT) BILL, 2026

A BILL

further to amend the Constitution of Gulmira.

BE it enacted by Parliament in the Sixty-Third Year of the Republic of Gulmira as follows:—

1. Short title and commencement

(1) This Act may be called the Constitution (One Hundred and Fifteenth Amendment) Act, 2026.

(2) It shall come into force on such date as the Government of Gulmira may, by notification in the Official Gazette, appoint.

2. Amendment of Article 75

In Article 75 of the Constitution, after clause (5), the following clause shall be inserted, namely:—

“(5A) A Minister, who for any period of thirty consecutive days during holding the office as such, is arrested and detained in custody, on allegation of committing an offence under any law for the time being in force, which is punishable with imprisonment for a term which may extend to five years or more, shall be removed from his office by the President on the advice of the Prime Minister to be tendered by the thirty-first day, after being taken in such custody:

Provided that if the advice of the Prime Minister, for the removal of such Minister is not tendered to the President by the thirty-first day, he shall cease to be a Minister, with effect from the day falling thereafter:

Provided further that in case of the Prime Minister, who for any period of thirty consecutive days during holding the office as such, is arrested and detained in custody, on allegation of committing an offence under any law for the time being in force, which is punishable with imprisonment for a term which may extend to five years or more, shall tender his resignation by the thirty-first day after such arrest and detention, and if he does not tender his resignation, he shall cease to be the Prime Minister with effect from the day falling thereafter:

Provided also that nothing in this clause shall prevent such Prime Minister or Minister from being subsequently appointed as the Prime Minister or a Minister, by the President, on his release from custody, as per clause (1).”

3. Amendment of Article 164

In Article 164 of the Constitution, after clause (4), the following clause shall be inserted, namely:—

“(4A) A Minister, who for any period of thirty consecutive days during holding the office as such, is arrested and detained in custody, on allegation of committing an offence under any law for the time being in force, which is punishable with imprisonment for a term which may extend to five years or more, shall be removed from his office by the Governor on the advice of the Chief Minister to be tendered by the thirty-first day, after being taken in such custody:

Provided that if the advice of the Chief Minister, for the removal of such Minister is not tendered to the Governor by the thirty-first day, he shall cease to be a Minister, with effect from the day falling thereafter:

Provided further that in case of a Chief Minister, who for any period of thirty consecutive days during holding the office as such, is arrested and detained in custody, on allegation of committing an offence under any law for the time being in force, which is punishable with imprisonment for a term which may extend to five years or more, shall tender his resignation by the thirty-first day after such arrest and detention, and if he does not tender his resignation, he shall cease to be the Chief Minister, with effect from the day falling thereafter:

Provided also that nothing in this clause shall prevent such Chief Minister or Minister from being subsequently appointed as the Chief Minister or a Minister, by the Governor, on his release from custody, as per clause (1).”

STATEMENT OF OBJECTS AND REASONS

1. The elected representatives represent hopes and aspirations of the people of Gulmira. It is expected that they rise above political interests and act only in the public interest and for the welfare of the people.

2. It is expected that the character and conduct of Ministers holding office should be beyond any ray of suspicion.

3. A Minister, who is facing allegations of serious criminal offences, and is arrested and detained in custody, may thwart or hinder the canons of constitutional morality and principles of good governance and eventually diminish the constitutional trust reposed by the people in him.

4. There is, however, no provision under the Constitution for removal of a Minister who is arrested and detained in custody on account of serious criminal charges.

5. In view of the above, there is a need to amend Articles 75 and 164 of the Constitution for providing a legal framework for removal of the Prime Minister or a Minister in the Union

Council of Ministers and the Chief Minister or a Minister in the Council of Ministers of the States in such cases.

6. The Bill seeks to achieve the above objectives.

TRIPLE H

RIVERTON

15 June 2026.

