



राष्ट्रपति
भारत गणतंत्र
PRESIDENT
REPUBLIC OF INDIA

31 August 2020

ORDER

Whereas Shri Ch. Rama Kotaiah (hereinafter, "Petitioner") has addressed a petition dated the 9th September, 2019, to the undersigned whereby he has sought disqualification of Shri V. Vijayasai Reddy, Member of Parliament (Rajya Sabha) from Andhra Pradesh (hereinafter, "Respondent") under Article 102(1)(a) of the Constitution of India on the ground that the Respondent is holding an 'Office of profit' as the Special Representative of the Andhra Pradesh Government at Andhra Pradesh Bhawan in New Delhi (hereinafter, "the said office").

And whereas the said petition filed by the Petitioner was referred to the Election Commission of India seeking its opinion as required under article 103(2) of the Constitution of India on the alleged disqualification of the Respondent.

And whereas the Petitioner has stated that Shri V. Vijayasai Reddy was elected to the Rajya Sabha on 03.06.2016. Further, the Government of Andhra Pradesh appointed the Respondent to the said office and assigned him a rank of Cabinet Minister vide G.O.M. No. 68 dated 22.06.2019. The said order of appointment came into effect immediately and the Respondent was holding an Office of profit. Subsequently, vide G.O.M. No. 74, dated 04.07.2019, the appointment of Sh. V. Vijayasai Reddy was cancelled by the Government of Andhra Pradesh.

And whereas the Petitioner has further stated that on 07.07.2019, the Respondent was re-appointed to the said office vide G.O.M. No. 75, wherein it was mentioned that he will not be entitled to any other perks, other than enjoying the status of a 'State Guest' during his official travels in the state of Andhra Pradesh in connection with performance of his duties as Special Representative. The petitioner has alleged that the Respondent has incurred disqualification under article 102(1) (a) of the Constitution of India on the ground that he is holding an 'Office of Profit' as Special Representative of the Andhra Pradesh Government at Andhra Pradesh Bhawan in New Delhi.

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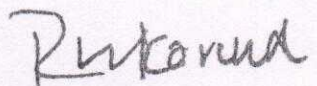
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And whereas the said petition was referred to the Election Commission of India seeking its opinion as required under Article 103 of the Constitution of India on the question whether Shri V. Vijayasai Reddy, Member of Parliament (Rajya Sabha) from Andhra Pradesh, has become subject to disqualification for being a Member of Parliament under Article 102(1)(a) of the Constitution of India.

And whereas the Election Commission of India, after examining the petition has opined that in view of the provisions contained in the Parliament (Prevention of Disqualification) Act, 1959 and in view of the observations made by the Hon'ble Courts in the judicial precedents, the Respondent, i.e. Shri V. Vijayasai Reddy, Member of Parliament (Rajya Sabha) from Andhra Pradesh, has not incurred disqualification for being a Member of the Parliament under Article 102 (1)(a) of the Constitution of India. A copy of the opinion dated 8th June, 2020 given by the Election Commission of India is annexed hereto.

Now, therefore, having considered the matter in the light of the opinion expressed by the Election Commission of India, I, Ram Nath Kovind, President of India, in exercise of the powers conferred on me under article 103 of the Constitution of India, do hereby hold that the Respondent has not incurred disqualification for being a Member of Parliament (Rajya Sabha) under article 102(1) (a) of the Constitution of India.


PRESIDENT OF INDIA