



Constitutional Crisis in Maharashtra

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Why in News

A constitutional crisis has occurred in Maharashtra that threatens the position of incumbent Chief Minister.

Key Points

- The current Chief Minister took the oath of his office on November 28, 2019 without being a member of either the State legislature or council.
 - **Article 164(4)** of the Constitution allows **a person to become a Minister without being a member of either House of State legislature for the period of six months** from the date of oath.
 - Therefore in this case, the last date to become a member of either House is **May 24, 2020**.
- **Election postponed:** However, the Election Commission has postponed all elections due to the coronavirus outbreak.
- **Governor's quota:** The state cabinet on April 9, 2020 recommended that the present Chief Minister be nominated to the Legislative Council from the Governor's quota.
 - **Article 171** of the Constitution mandates the Governor to nominate members to the Legislative Council who have special knowledge or practical experience in literature, science, art, cooperative movement and social service.
 - However, the **Governor has not taken any decision yet**, which has created trouble for Uddhav Thackeray's CM post.
- **Other legal issue:** The other legal issue is related to Uddhav Thackeray's **nomination to the Legislative Council** on the vacant seats.
 - According to **Section 151A of Representation of the People Act 1951**, nomination to the post cannot be done **if the remainder of the term of a member in relation to a vacancy is less than one year**.
 - Currently, there are two vacancies in Council whose terms will end on June 6, 2020. Therefore, the term of these two vacancies is less than one year.

- **Bypoll:** The **time limit for a bypoll to fill vacancies is six months** from the date of occurrence of vacancy. Provided that nothing contained in this section shall apply if —
 - The remainder of the term of a member in relation to a vacancy is less than one year; or
 - The **Election Commission in consultation with the Central Government** certifies that it is **difficult to hold the by-election** within the said period.

Source: IE