Disqualification of MLAs

Why in news?

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18 MLAs in Tamil Nadu were disqualified by the Tamil Nadu Assembly Speaker.

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What was the reason?

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- The disqualified legislators belong to a faction of the AIADMK that opposes to the ruling dispensation.
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- They gave a memorandum to the Governor expressing lack of confidence in the present Chief Minister.
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- The Speaker interpreted it as amounting to “voluntarily giving up” their party membership.
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What was the hidden agenda?

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- It is seen as a partisan decision aimed at securing a majority, after a rebellion within its party reduced it to a minority.
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- It reduced the total membership of the House from 233 to 215 and, thereby, the majority threshold from 117 to 108.
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- The Speaker’s ruling comes at a time when there is an increasingly indefensible reluctance on the part of the Governor to order a floor test.
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Can there be a judicial review?

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- Tenth Schedule of the Constitution prescribes two conditions under which a member of a political party may be disqualified –\n\n
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  1. voluntarily giving up their membership
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  2. when a whip is disobeyed
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- The Speaker’s decision under the Tenth Schedule of the Constitution is subject to judicial review.
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- If it is challenged, the courts will have to decide whether legislators withdrawing support to their own party’s government amounts to voluntarily giving up their membership.
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- In Balchandra L. Jarkiholi & Others v. B.S. Yeddyurappa (2011), the Supreme Court, in similar circumstances, quashed the disqualification of 11 MLAs in Karnataka.
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- While such legal and constitutional questions may be decided judicially, political morality has suffered a blow in the State.
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Source: The Hindu

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