# Disqualification of Rajya Sabha Members

## Why in news?

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Two members of the Rajya Sabha belonging to JD(U) party were recently disqualified

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## What are the grounds for disqualification?

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According to Tenth Schedule introduced by 52$^{nd}$ Constitutional Amendment 1985, the grounds are-

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- If a **Members of a Political Party** voluntarily resigned from his party or disobeyed the directives of the party leadership on a vote or when does not vote / abstains as per party's whip.
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- If a Independent Member joined a political party.
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- If a Nominated members join a party after six months.
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## What was the reason for the current decision?

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- The party accused the two members of indulging in anti-party activities, including attending rallies of other parties.
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- On the grounds, the party filed a petition seeking the members' expulsion from Rajya Sabha.
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- The decision was taken by The Chairman of the Rajya Sabha under the Tenth

Schedule of the Constitution.
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- It was justified on the basis of the argument that the members voluntarily gave up the membership of their party when they attended political rallies organised by rival parties.
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## Why are the shortcomings in the decision?

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- The disqualification of dissident was done in needless haste.
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- The Chairman justified that all such cases should be disposed of within 3 months as any delay would be equivalent to violating the anti-defection law.
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- But neither Mr. Yadav nor Mr. Anwar had disobeyed a whip or posed a danger to the stability of any government.
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- So there was no need for fast-tracking of the disqualification process.
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- The fact that the Chairman did not exhaust all the procedural avenues questions the ruling of political shade.
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## What should be done?

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- The Chairman could have taken the assistance of the privileges committee before deciding the case.
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- The Tenth Schedule is meant to curb opportunistic party-hopping.
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- The law works best as an insurance against violation of the people’s mandate for a party.
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- It should not be used to suppress dissent, whether inside or outside the House.
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## Source: The Hindu

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