



Disqualification of Rajya Sabha Members

Why in news?

\n\n

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

\n\n

What are the grounds for disqualification?

\n\n

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

\n\n

\n

- 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.

\n

- If a Independent Member joined a political party.

\n

- If a Nominated members join a party after six months.

\n

\n\n

What was the reason for the current decision?

\n\n

\n

- The party accused the two members of indulging in anti-party activities, including attending rallies of other parties.

\n

- On the grounds, the party filed a petition seeking the members' expulsion

from Rajya Sabha.

\n

- The decision was taken by The Chairman of the Rajya Sabha under the Tenth Schedule of the Constitution.

\n

- 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.

\n

\n\n

Why are the shortcomings in the decision?

\n\n

\n

- The disqualification of dissident was done in needless haste.
- 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.
- But neither Mr. Yadav nor Mr. Anwar had disobeyed a whip or posed a danger to the stability of any government.
- So there was no need for fast-tracking of the disqualification process.
- The fact that the Chairman did not exhaust all the procedural avenues questions the ruling of political shade.

\n

\n\n

What should be done?

\n\n

\n

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

\n

\n\n

\n\n

Source: The Hindu

\n



IAS PARLIAMENT
Information is Empowering
A Shankar IAS Academy Initiative