

EC wants 20 AAP MLAs disqualified

In December 2015, the Commission issued notice to the petitioner to furnish relevant documents and subsequently, the hearing on the issue started after the MLAs were also served notices asking for their response. The legislators submitted that they had not drawn any pecuniary benefit from the post and therefore, they were not liable to be disqualified.

The issue also came up before the Delhi High Court, which — on September 8, 2016, — set aside the appointment of MLAs as Parliamentary Secretaries ab initio as the State government had not taken the concurrence of the Delhi Lieutenant-Governor.

The affected MLAs then argued before the Commission that Mr. Patel's petition was rendered infructuous owing to the High Court decision.

However, in June 2017, the EC held that the legislators did "hold de facto the office of parliamentary secretaries. As and when the President issues orders on the Commission's recommendation, by-polls for the seats held by these MLAs will have to be conducted. However, in the event of disqualification, the party also has recourse to judicial review.

The AAP currently holds 65 of the 70 seats in the Delhi Assembly and the disqualifications will not pose a threat to its government.

Nonetheless, the EC's move triggered a political row, with opposition parties declaring the AAP had lost the right to remain in power.

The AAP, however, accused the Chief Election Commissioner of trying to destabilise its government at the behest of the Prime Minister.

Coming out in defence, West Bengal Chief Minister Mamata Banerjee tweeted: "A Constitutional body cannot be used for political vendetta. The 20 AAP MLAs were not even given a hearing by the Hon EC. Most unfortunate. This goes against the principles of natural justice. At this hour we are strongly with @arvindkejriwal and his team."

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