

SC FOR CURBS ON POWERS OF SPEAKER TO DISQUALIFY

Relevant for: Indian Polity | Topic: State Legislatures - structure, functioning, conduct of business, powers & privileges and issues arising out of these

The Supreme Court on Tuesday asked Parliament to amend the Constitution to strip Legislative Assembly Speakers of their exclusive power to decide whether legislators should be disqualified under the anti-defection law.

An independent tribunal ought to be appointed instead to determine the fate of an MP or an MLA who has switched sides for money and power, the court said.

This is the second time in as many months that the court has highlighted the issue of taking away the disqualification power under the Tenth Schedule from Speakers.

In a 109-page judgment by a three-judge Bench, led by Justice N.V. Ramana in the Karnataka MLAs' disqualification case, the court had held that a Speaker who cannot stay aloof from the pressures and wishes of his political party does not deserve to occupy his chair. This judgment of November last also urged Parliament to "reconsider strengthening certain aspects of the Tenth Schedule, so that such undemocratic practices are discouraged".

On Tuesday, in a 31-page judgment, a three-judge Bench led by Justice Rohinton F. Nariman questioned why a Speaker, who is a member of a particular political party and an insider in the House, should be the "sole and final arbiter" in the disqualification of a political defector.

"It is time Parliament had a rethink on whether disqualification petitions ought to be entrusted to a Speaker as a quasi-judicial authority when such Speaker continues to belong to a particular political party either de jure or de facto," the court said.

The Tuesday judgment came on an appeal filed by Congress legislator Keisham Meghchandra Singh against the Manipur Assembly Speaker for the disqualification of Minister T. Shyamkumar, who after contesting on Congress ticket, switched sides to favour the BJP.

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