

SC NOTICE TO CENTRE ON PLEA TO DEBAR LEGISLATORS

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The Supreme Court on Thursday asked the Centre and the Election Commission of India (EC) to respond to a plea to debar legislators, disqualified under the Tenth Schedule, from contesting byelections during the rest of the tenure of the House.

A Bench led by Chief Justice S.A. Bobde issued notice and asked the government and the EC to respond in four weeks.

The petitioner, Jaya Thakur, referred to recent political events in several States in which Members of Legislative Assemblies resign, followed by the collapse of the incumbent government. They surface again as Ministers in the new government formed by a rival political party.

“Once a member of the House incurs disqualification under the Tenth Schedule, he cannot be permitted to contest again during the term for which he was elected. Article 172 makes a membership of a House co terminus with the term of five years of the House except in circumstances mentioned there in,” the petition said. It referred to recent events in Karnataka and Madhya Pradesh.

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