

## SEDITION CHARGE NO BAR FOR RS CONTEST

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

Vaiko

MDMK general secretary Vaiko, who is the party's candidate for the upcoming Rajya Sabha elections in Tamil Nadu, will not suffer disqualification from being elected as sedition — a charge for which he was convicted on Friday — is not included in the list of offences under the Representation of People Act warranting instant disqualification.

Though the MDMK does not have any legislators, Mr Vaiko's candidature is being backed by the DMK-led Secular Progressive Alliance.

The issue of disqualification is governed by Sections 8 to 11 under Part II Chapter III of the Representation of the People Act of 1951. Section 8(1) lists out a host of offences which would attract disqualification, from being chosen as a member of the Parliament or a Legislative Assembly, even if just a fine amount had imposed as punishment.

The provision states that those convicted for the listed offences and sentenced to only fine would remain disqualified for six years from the date of such conviction and those who had been sentenced to imprisonment would suffer disqualification for a further period of six years from the date of their release from prison.

Interestingly, the offences that fall under Section 8(1) include promoting enmity between different groups on the ground of religion, race and so on; offence of bribery; exerting undue influence or personation in an election; rape; subjecting a female family member to cruelty, commission of Sati, involving in corruption and so on. However, it does not include Section 124A (sedition) of Indian Penal Code for which the MDMK general secretary was convicted. Further, Section 8(2) of the Representation of the People Act lists out few other offences which attract disqualification if the sentence was more than six months and sedition does not find place even among them.

### Provision

This provision states that those who had been convicted and sentenced to more than six months of imprisonment for the offence of hoarding, adulterating food products or drugs and demanding or accepting dowry would get disqualified from the date of conviction and continue to be disqualified for six more years from the date of release from prison.

Section 8(3) of the Act provides for disqualification irrespective of the nature of offence only if the sentence imposed by a court of law was more than two years. The MDMK leader did not suffer disqualification under this provision too because the sentence imposed on him was only for one year though the maximum punishment for sedition was life imprisonment.

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