

A partisan ruling — on disqualification of dissident AIADMK MLAs

The [disqualification of 18 dissident AIADMK legislators](#) by the Tamil Nadu Assembly Speaker is a partisan decision aimed at securing a majority for the seven-month-old Edappadi K. Palaniswami government after a rebellion reduced it to a minority. The Speaker's ruling comes at a time when there is an increasingly indefensible reluctance on the part of the Governor, [Ch. Vidyasagar Rao, to order a floor test](#). It serves the political purpose of reducing the total membership of the House from 233 to 215 and, thereby, the majority threshold from 117 to 108. The disqualified legislators are loyalists of T.T.V. Dhinakaran, who heads a faction of the AIADMK opposed to the ruling dispensation controlled by Mr. Palaniswami and his Deputy Chief Minister O. Panneerselvam. The Speaker has interpreted their memorandum to the Governor [expressing lack of confidence in the Chief Minister](#) as amounting to "voluntarily giving up" their party membership. The opposition Dravida Munnetra Kazhagam had feared precisely such a turn of events. It had voiced apprehensions that the Speaker may disqualify the dissidents ahead of a possible trust vote, leading to the Madras High Court directing that there should be no floor test until September 20. The Dhinakaran faction may not command much popular support, but that is no reason for the Speaker to act in a politically partisan manner and keep them out of the House to prevent them from voting against the government. There is a growing feeling that the present regime will stop at nothing to remain in office. The Governor's silence adds to the impression that the Centre is not averse to letting the regime go on, despite its apparent lack of numbers.

The Speaker's decision under the Tenth Schedule of the Constitution is subject to judicial review. If it is challenged, the courts will have to decide whether legislators withdrawing support to their own party's government amounts to voluntarily giving up their membership, a condition under which a member may be disqualified. The second condition is attracted only when a whip is disobeyed, but even then there is a provision for the party to condone such a breach. In *Balchandra L. Jarkiholi & Others v. B.S. Yeddyurappa* (2011), the Supreme Court, in similar circumstances, quashed the disqualification of 11 MLAs in Karnataka. Last year, the Supreme Court declined to intervene when some dissenters hobnobbing with the opposition were disqualified just ahead of Harish Rawat's confidence vote in Uttarakhand. In that case, the rebels had joined hands with the opposition in meeting the Governor, whereas there is no proven link between the AIADMK dissidents and the opposition in Tamil Nadu. While such legal and constitutional questions may be decided judicially, political morality has suffered another blow in the State. This government may survive a floor test in a truncated House, but at a cost to its legitimacy.

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