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## 'Convicted legislators can't be barred for life from polls'

Centre responds in affidavit to Supreme Court

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The Central government has told the Supreme Court that it rejected the idea of barring convicted legislators for life from contesting elections, forming or becoming an office-bearer of a political party.

The Union Ministry of Law and Justice said an elected representative of the people cannot be equated with public servants who are banned for a lifetime on conviction.

The government said disqualification under the Representation of the People Act of 1951 for the period of the prison sentence and six years thereafter was enough for le-

gislators. The Centre's stand differs from that taken by the Election Commission, which endorsed a life ban as necessary to "champion the cause of decriminalisation of politics".

The case is based on a plea by Supreme Court advocate Ashwini Upadhyay, who argued that a life ban on conviction should uniformly apply for members of the judiciary, executive and the legislature. There should not be any discrimination of one from the other.

Mr. Upadhyay said an MP or MLA convicted for offences enumerated in Section 8 of the Representation of the People Act should be banned for

life. He argued that while a public servant or a government employee is debarred for life on conviction for offences under the Indian Penal Code, money laundering law, foreign exchange violation, BIPA or cheque cases, among other laws, a legislator is "only disqualified for the same offences for a specified period".

The Ministry however countered that legislators are not bound by specific "service conditions".

"They are bound by their oath to serve citizens and country... They are bound by propriety, good conscience and interest of the nation," said the affidavit.