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ಇಲಾಖೆ / ವಿಷಯ : DEPARTMENT / SUBJECT: Court Matter

ಪತ್ರಿಕೆಯ ಹೆಸರು : NAME OF THE NEWS PAPER: Indian Express ದಿನಾಂಕ : DATE : 22/01/2020

## SC suggests separate body for defection cases

EXPRESS NEWS SERVICE

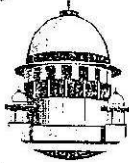
@ New Delhi

22/1/20

STRONGLY suggesting the creation of an independent and permanent body to decide on disqualification petitions against lawmakers since Speakers could act in a partisan manner, the Supreme Court on Tuesday urged Parliament to look into its recommendations.

A three-judge bench sought to prod Parliament to re-visit the rationale behind giving exclusive powers to the Speaker for deciding disqualification petitions, since his views may be coloured as he is still a member of a political party.

Stressing the need for either a permanent body or some other independent mecha-



nism, the court took note of a clutch of recent cases that sought to question the independence of the Speaker.

"Parliament may seriously consider amending the Constitution to substitute the Speaker of the Lok Sabha and Legislative Assemblies as arbiter of disputes concerning disqualification, which arise under the Tenth Schedule, with a permanent tribu-

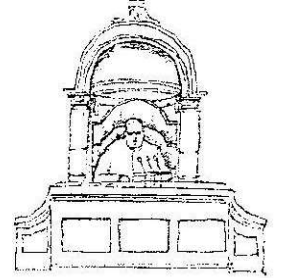
nal headed by a retired Supreme Court judge or a retired Chief Justice of a High Court, or some other outside independent mechanism to ensure that such disputes are decided both swiftly and impartially," the bench said.

It added that the Speaker cannot sit on a disqualifica-

tion petition indefinitely. The court was hearing a case related to the disqualification of Forest and Environment Minister Thounaojam Shyamkumar in Manipur who won on a Congress ticket but later joined the BJP-led government in the state.

Two Congress MLAs petitioned the Speaker for Shyamkumar's disqualification, but the Speaker sat on it. When the MLAs moved the High Court, it passed adverse comments on the Speaker's lack of action but refrained from deciding on the disqualification.

The SC bench on Tuesday directed the Speaker to decide on the disqualification petition within four weeks, adding that the petitioners could come back to the court if a decision isn't taken by then.



### Decide in reasonable time

The Speaker, in acting as a Tribunal under the Tenth Schedule of the Constitution, is bound to decide disqualification petitions within a reasonable period, the judgment read

### 3 months outside limit

What is reasonable will depend on the case. Normally, three months is the outer limit within which disqualification petitions must be decided upon