

## Supreme Court upholds expulsion of 11 cash-for-query MPs

The Supreme Court Wednesday upheld the expulsion of 11 MPs who were secretly caught on camera while taking bribes to ask questions, and the ruling was immediately hailed by legal experts and the political class.

Dismissing petitions from the MPs, the court declared that the procedure the two houses of parliament adopted did not suffer from 'any illegality, irrationality, unconstitutionality or violation of rules of natural justice or perversity'.

In the process, it saw nothing wrong in the unceremonious ouster from the Lok Sabha of Anna Saheb M.K. Patil, Suresh Chandel, Y.G. Mahajan, Pradeep Gandhi and Chandra Pratap Singh (all BJP), Narendra Kumar Kushwaha, Lal Chandra Kol and Raja Ram Pal (all BSP), Manoj Kumar (RJD) and Ramsevak Singh (Congress) and of Chhatrapal Singh Lodha (BJP) from the Rajya Sabha.

A five-member bench headed by Chief Justice Y.K. Sabharwal said parliament could use its power for 'protective' purposes not only for acts done in the house but also for 'anything that lowers the dignity of the house'.

The scandal erupted like a political thunder in December 2005 when television reporters posing as businessmen approached several MPs promising them money if they asked the questions they wanted to be raised.

The 11 MPs agreed and accepted the money that was offered - and this was filmed and telecast to the shock of the entire nation. One MP was seen asking the undercover reporter to place the cash under a sofa cover.

After they were booted out of parliament, the MPs went to the Supreme Court saying they had not been heard properly and that the presiding officers of both houses had no right to act against them in this manner.

The court pointed out that an all-party committee formed by the two houses had summoned all the MPs and sought their views on the issue.

But they had simply told the panel that the tapes were doctored and they did not make any elaborate elaboration in their defence.

The MPs also contended that the committee had acted too quickly. The Supreme Court rejected this charge too.

'It's a correct decision. The court could not have intervened or upturned the parliament's decision to expel its members, unless there was any ulterior motive on the part of parliament in expelling the MPs,' said senior Supreme Court advocate Prashant Bhushan.

'The verdict endorses parliament's disciplinary jurisdiction over its members,' he added.

Eminent constitutional expert Anil B. Divan said: 'The court rightly upheld parliament's decision to

expel the MPs for accepting bribes.

'The MPs had approached the court contending that their expulsion was in violation of their rights and privileges under Article 105 of the constitution and impinged upon their fundamental right,' said Divan.

'But the court rightly held that there was no question of any fundamental right involved in the case of MPs accepting money to ask questions in the Lok Sabha or the Rajya Sabha. This would instill a semblance of discipline in MPs.'

Also welcoming the ruling, Bharatiya Janata Party (BJP) spokesperson Mukhtar Abbas Naqvi said: 'From the day one we believed that the expulsion of the MPs, caught on camera for accepting bribe, was a right step.

'That is why BJP expelled its erring MPs soon after they were shown accepting bribes. We did not even wait for parliament to expel them,' said Naqvi, whose party had the largest number of MPs caught in the cash-for-query scandal.

Congress spokesperson Abhishek Manu Singhvi said: 'It's a landmark ruling. We welcome it.'

The other judges on Wednesday's bench were K.G. Balakrishnan, D.K. Jain, R.V. Ravindran and C.K. Thakkar.

Justice Ravindran gave a dissenting judgement, saying parliament should have initiated criminal proceedings against the MPs and expelled them only after their conviction.

Justice Sabharwal said in his main judgment that the powers and privileges of parliament under Article 105 would include the power of expulsion of their members.

'Parliament is empowered to define, by law, the powers, privileges and immunities of each House and of their Members and Committees in respects other than those specified in the Constitutional provisions.'

The bench said: 'Expulsion is only an additional cause for the shortening of a term of a member. While Articles 101 and 102 do speak of disqualifications for and continuation of membership, in our view, they operate independently of Article 105 (3), which is also a constitutional provision, and it demands equal weight as any other provision. The parliament's power to expel under Article 105 (3) does by no means amount to adding a new ground for disqualification.'

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