

Rahul Gandhi Is Disqualified As Lok Sabha MP After Conviction ***Rahul Gandhi's Disqualification Is A Setback To His Congress Party***

Since Rahul Gandhi was found guilty of defamation over his comments on Modi's Surname, he had to lose his parliamentary seat. Since then he was declared ineligible to serve in the Lok Sabha by the Lok Sabha secretariat, one day after the Surat Sessions Court found him guilty.. Rahul Gandhi served as a Lok Sabha member from Wayanad in Kerala. Opponents of Modi slammed his actions against Rahul Gandhi, the great-grandson of India's first prime minister, as the most recent assaults on free speech and democracy by a ruling administration trying to stifle opposition. Gandhi's expulsion from politics dealt a severe blow to the opposition party he represented before the upcoming general election.

What Decision Did The Surat Court Issue?

Gandhi was found guilty of defamation in a 2019 lawsuit by Chief Judicial Magistrate HH Verma for asking "Why do all thieves have the name Modi" and was given a two-year prison sentence. During a rally in Kolar, Karnataka, prior to the 2019 Lok Sabha elections, the remarks were said. Why do all robbers, including Nirav Modi, Lalit Modi, and Narendra Modi, have the name Modi in their names? was Gandhi's inquiring question. Defamation is punishable by simple imprisonment for "a term which may extend to two years, or with fine, or with both," according to Section 500 of the Indian Criminal Code (IPC). Gandhi's request for release was also granted by the court in exchange for a Rs 15,000 bond, and the sentence was postponed for 30 days in order to allow him to appeal.

Why Was Gandhi Disqualified?

A legislator could be removed for one of three reasons.

- 1. According to Articles 102(1) and 191(1), respectively, a member of the Legislative Assembly or of Parliament may be disqualified. Having a lucrative position, being mad or incompetent, or not having legal citizenship are all defences in this instance.*
- 2. The disqualification clause, which permits the expulsion of members for defecting, is found in the Tenth Schedule of the Constitution.*
- 3. The third prescription is governed by the Representation of the People Act (RPA), 1951. By virtue of this law, you are ineligible if you have received a criminal conviction.*

What is the 1951 Representation of The People Act?

According to the Act, a person who receives a sentence of two years or more in jail is prohibited "from the date of such conviction" and is also prohibited for an additional six years after serving their term. The Act further stated that if an appellate court granted a stay on his conviction, punishment, or both within this period, the disqualification does not take effect for three months. Nevertheless, in the *Lily Thomas v. Union of India and others* case, a two-judge bench issued a historic ruling on July 10, 2013, invalidating Section 8(4) of the Representations of Peoples Act, 1950, calling it "unconstitutional." According to Section 8(4) of the Act, a sitting member of the house who is found guilty of a crime carrying a sentence of more than two years in prison but files an appeal within three months of the conviction is not barred from continuing to serve as a member of the house. The top court decided that if MPs and MLAs are found guilty in a criminal matter by a trial court, they will be automatically disqualified.

Meaning of Rahul's Disqualification

The opposition and the Congress party have suffered a severe setback with Rahul's removal from the Lok Sabha. Rahul is no longer a member of parliament, hence he is unable to represent his party in the House. Rahul has been the face of the party throughout agitations, the Bharat Jodo Yatra, and taking on the Centre, therefore his disqualification also leaves his party without a leader and a rudder.

What Choices Does Rahul Gandhi Have From This Point Forward?

If a higher court orders a stay of the conviction or rules in his favour on the appeal, his disqualification may be overturned. He would have to file an appeal first with the Surat Sessions Court, and then with the Gujarat High Court. He will be barred from running in elections for eight years, which will be made up of two years of his sentence and another six years under the terms of the RP Act, if the courts do not grant him relief.

The Way Forward for Rahul Gandhi

Rahul Gandhi has the option to challenge the decision and obtain a stay of the conviction. To get a stay of the conviction imposed by a magistrate in Delhi, one must go before the district judge. It is extremely uncommon for the same court that issued the order to stay a conviction. Rahul Gandhi will have to contest the ruling. The appeal is initially admitted, but the entire hearing often takes place later. Hence, a temporary injunction delaying the conviction is typically issued. The fundamental question is whether or if that temporary order is issued. The Gujarat High Court will have to be contacted if the Sessions court does not halt the conviction.