

## Dangerous precedent: On Sikkim CM's disqualification

### The EC's order on Sikkim CM's disqualification goes against the anti-graft current in law

The Election Commission (EC)'s order reducing the period of Sikkim Chief Minister Prem Singh Tamang's disqualification from electoral contest is morally wrong and a dangerous precedent that may end up reversing the trend towards decriminalising politics. Under Section 11 of the Representation of the People Act, 1951, the EC indeed has the power to remove or reduce the disqualification attached to a conviction. However, this has been used rarely, and seldom in a case involving a conviction for corruption. Mr. Tamang was convicted under the Prevention of Corruption Act for misappropriating ₹9.50 lakh in the purchase of milch cows for distribution in 1996-97. His one-year prison term was upheld by the High Court and the Supreme Court. He went to jail and was released on August 10, 2018. He was controversially — and in brazen disregard of the Supreme Court's 2001 ruling in the case of late Tamil Nadu Chief Minister Jayalalithaa — appointed Chief Minister by the Sikkim Governor earlier this year. Mr. Tamang did not contest, but was elected legislature party leader by the Sikkim Krantikari Morcha (SKM), which won the election. His appointment as Chief Minister was challenged in the Supreme Court. Meanwhile, he approached the EC for removing his disqualification. His main argument was that the law prevailing at the time of his offence entailed disqualification only if the sentence was for a term of two years or more; and that the amendment in 2003, under which any conviction under the anti-corruption law would attract the six-year disqualification norm, should not be applied to him.

Disqualification from contest is a civil disability created by electoral law to keep those convicted by criminal courts from entering elected offices. It is not a second punishment in a criminal sense. Mr. Tamang cannot argue that disqualification for a one-year term amounts to being given a punishment not prevalent at the time of the offence. The EC decision also goes against the grain of a series of legislative and judicial measures to strengthen the legal framework against corruption in recent years. The apex court has described corruption as a serious malady and one impinging on the economy. In 2013, the protection given to sitting legislators from immediate disqualification was removed. Further, common sense would suggest that disqualification should be more strictly applied to those convicted for corruption. Legislators handle public funds, and there is good reason to keep out those guilty of misusing them. Mr. Tamang, even by virtue of the order reducing his disqualification to one-year-and-a-month, was not eligible to be sworn in, as his disqualification continued till September 10. Yet, he is now eligible to contest a byelection and retain his post. The EC is already battling a perception that its actions are partisan. Its order in favour of Mr. Tamang, coming just a day after the BJP struck an alliance with the SKM for bypolls to be held on October 21, is bound to further strain its credibility.

WORD		MEANING	SYNONYMS
GRAFT	NOUN	Bribery and other corrupt practices	Corruption, Bribery, Bribing, Dishonesty
SELDOM	ADVERB	Not often; rarely	Rarely, Infrequently
BRAZEN	ADJECTIVE	Bold and without shame.	Bold, Shameless
PREVAIL	VERB	Prove more powerful or superior	Win, Win Out, Win Through, Triumph

<b>ENTAIL</b>	<b>VERB</b>	Involve (something) as a necessary	Necessitate, Make Necessary, Require, Need
<b>MALADY</b>	<b>NOUN</b>	A serious problem	Illness, Sickness, Ailment, Disorder
<b>PARTISAN</b>	<b>NOUN</b>	A strong supporter of a party, cause, or person	Biased, Prejudiced, One-sided, Coloured, Discriminatory

**Testing time: On India vs South Africa Tests**

**As India plays South Africa, it has the chance to strengthen its Test position**

India began its campaign in the ICC World Test Championship on a rousing note a few weeks ago, overwhelming the West Indies 2-0 in the Caribbean. The result put India on top of the nascent Championship table with 120 points, and made Virat Kohli the country's most successful Test captain with 28 wins. It may be argued that the West Indies was not the hardest of opponents, but Kohli's men were hugely impressive. Hanuma Vihari and Ajinkya Rahane scored tough runs while Jasprit Bumrah proved virtually unplayable. Mohammed Shami and Ishant Sharma were relentlessly good too as Kohli rejoiced in the might of his pace battery. His team now has a chance to strengthen its position in the World Test Championship when the three-match series against South Africa begins in Visakhapatnam on Wednesday. India has established a near-impregnable home record, having lost only one of its last 29 Tests on home soil, a record stretching back some six-and-a-half years. Key to that dominance has been the mastery India's spin bowlers have exerted over touring sides, and the home team's superior batting, helmed by Kohli and Cheteshwar Pujara.

At first glance, this South Africa team in transition appears unlikely to offer a stern challenge. When the side was here last for a Test series, in 2015, it was tormented by spin. No South African batsman barring A.B. de Villiers managed more than 150 runs over the four Tests. Indeed only two others even got to triple figures for the series. Faf du Plessis, who is now captain, averaged less than nine. Yet, it would be unwise to consider the current contest a foregone conclusion. Aiden Markram has been in form in the preparatory matches, and in Kagiso Rabada, Lungi Ngidi and Vernon Philander, the visitor has a potent pace attack, even if the conditions are unlikely to favour the three. And India can be vulnerable. There is an over-reliance on Kohli and Pujara. Mayank Agarwal and Hanuma Vihari have played only 10 Tests between them. Rishabh Pant, who was India's wicket-keeper in the West Indies, is still developing as a player. The BCCI selectors have made a bold decision to choose Rohit Sharma as opener. A colossus in One-Day cricket, the Mumbai batsman has failed to convince in the longer format. He will now hope to seize this chance. India will also be without the services of Bumrah, who has suffered a stress fracture in the back. It is not a gap easily filled. This series is also an opportunity for R. Ashwin, in and out of the side, to remind the world of his worth. A rigorous examination awaits South Africa.

<b>WORD</b>		<b>MEANING</b>	<b>SYNONYMS</b>
<b>OVERWHELM</b>	<b>VERB</b>	Defeat completely	Defeat, Defeat Easily, Defeat Heavily, Defeat Utterly, Trounce
<b>NASCENT</b>	<b>ADJECTIVE</b>	just coming into existence and beginning to display signs of future potential	Emerging, Beginning, Coming Out, Arising, Dawning
<b>RELENTLESSLY</b>	<b>ADVERB</b>	In an unceasingly intense or harsh way	

<b>IMPREGNABLE</b>	<b>ADJECTIVE</b>	Unable to be defeated or overcome	Unassailable, Unbeatable, Undefeatable, Unshakeable, Invincible
<b>HELM</b>	<b>VERB</b>	Steer	Steer, Captain, Pilot, Skipper, Navigate, Con
<b>STERN</b>	<b>ADJECTIVE</b>	strict and severe	Strict, Severe, Stringent, Harsh, Drastic, Hard
<b>POTENT</b>	<b>ADJECTIVE</b>	Having great power, influence, or effect	Powerful, Strong, Vigorous, Mighty, Formidable
<b>COLOSSUS</b>	<b>NOUN</b>	A statue that is much bigger than life-size	Monster, Brute, Beast, Giant, Colossus, Mountain, Behemoth

