

Conviction of Elected MPs and MLAs post-Election in India

*Pranay Chaturvedi*¹

ABSTRACT

This research explores the high-stakes evolution of legislative integrity in India, tracing the transition from a system of procedural leniency to one of immediate accountability. At its core, the study examines the fundamental tension between a representative's right to the presumption of innocence and the public's right to an ethical, "untainted" government.

Historically, Indian legislators benefited from a legal safety net that permitted them to retain their seats while appealing criminal convictions, a loophole that critics argued fueled the criminalization of politics. This paper analyzes how the landmark Lily Thomas (2013) verdict dismantled these protections, establishing that disqualification must be instantaneous upon conviction. It further navigates the remaining judicial "safety valves," such as the exceptional power to stay a conviction, which remains the only narrow path for a politician to revive their career mid-tenure.

The heart of the investigation provides a timely critique of the 130th Amendment Bill (2025). This proposed legislation introduces a radical shift in Indian constitutional law by moving the trigger for removal from a final judicial verdict to a period of investigative detention. By requiring Ministers to vacate their office after 30 consecutive days in custody, the Bill directly challenges the phenomenon of "governing from jail."

Through a comparative lens contrasting India's automatic disqualification triggers with the more deliberative "recall" or "expulsion" processes used in the United Kingdom and the United States, this research raises a critical question: In the pursuit of constitutional morality, is India risking the weaponization of investigative agencies to destabilize the democratic mandate? The paper concludes that while purging the "taint of suspicion" is essential for restoring public trust, the legal framework must ensure that administrative efficiency does not come at the cost of the Rule of Law.

¹ 3rd Year Law Student, School of Law, CHRIST (Deemed to be University), Bangalore.

INTRODUCTION

The integrity of legislatures rests on clear, predictable consequences for criminal conviction. In India, Parliament has exercised its power under Articles 102(1)(e)² and 191(1)(e)³ to prescribe disqualifications through the RPA, 1951. Section 8 of the RPA, read with Articles 101⁴ or 190⁵ on seat vacancies and Articles 103⁶ or 192⁷ on decision-making regarding disqualifications, creates a comprehensive framework that operates even when conviction occurs after election. The Supreme Court's decision in Lily Thomas (2013)⁸ removed the previously available "grace period" for sitting legislators, making disqualification immediate on conviction, subject to the appellate court's exceptional power to stay the conviction itself.

RESEARCH PROBLEM

What is the present legal position in India when an elected MP/MLA is convicted after election, how do constitutional and statutory provisions interact with Supreme Court doctrine, and how does India's approach compare with attention to thresholds, timelines, institutional roles, and available relief with the U.K., U.S., Australia, Canada, and South Africa?

THE CONSTITUTIONAL AND STATUTORY ARCHITECTURE OF DISQUALIFICATION

Constitutional Foundations of Legislative Vacancy

The Indian system of legislative disqualification has its foundation in a two-fold system of constitutional provision and statutory application. Thus, while Articles 102(1)(e)⁹ and 191(1)(e)¹⁰ the Indian Constitution states that Parliament shall make provision for the manner in which a MEMBER OF THE LOK SABHA or /MEMBER OF THE STATE LEGISLATURE shall be disqualified for its membership, such a provision is not merely procedural but also substantive in nature. As a result of such disqualification, Articles 101(3)(a)¹¹ & 190(3)(a)¹²

² Constitution of India 1950, art 102(1)(e)

³ Constitution of India 1950, art 191(1)(e)

⁴ Constitution of India 1950, art 101

⁵ Constitution of India 1950, art 190

⁶ Constitution of India 1950, art 103

⁷ Constitution of India 1950, art 192

⁸ Lily Thomas v Union of India (2013) 7 SCC 653.

⁹ Constitution of India 1950, art 102(1)(e)

¹⁰ Constitution of India 1950, art 191(1)(e)

¹¹ Constitution of India 1950, art 103(a)

¹² Constitution of India 1950, art 192

state that the seat shall be vacated as a direct consequence of the enactment. Thus, while Articles 103¹³ & 192¹⁴ state that the PRESIDENT / GOVERNOR shall be the final authority in accordance with the 'obligatory opinion' of the ELECTION COMMISSION in these matters, the high office's role in such cases essentially lies in adjudication of disputes that pertain to the fact or legal effect of disqualification. Not only that, in cases of criminal offenses such disqualifications are usually self-executing, leaving little discretion in the hands of the executive except in the case when the legal status of the offense itself has been challenged in a court of law.

The Statutory Mechanism: Representation of the People Act, 1951

The Representation of the People Act (RPA), 1951, is the key legislative framework for maintaining the dignity of the electoral procedure. The Section 8 of this Act has a stratified structure of disqualification on the basis of the crime committed. Though Sections 8(1)¹⁵, 8(2)¹⁶, and 8(3)¹⁷ relate to certain crimes such as corruption and communal disturbances, Section 8(3) tends to be the "catch-all" provision. This says that in any case of conviction liable to result in a jail term of two years or longer, the person will be automatically disqualified. This disqualification starts from the date of conviction and continues for six years from the date of release from jail. Though Section 11¹⁸ waives this in the latter period after release from jail, there is no respite from the immediate vacation of the seat with the objective of keeping the legislative body clear of the person so long as he or she is serving his or her term.

JUDICIAL EVOLUTION AND THE "IMMEDIATE EFFECT" DOCTRINE

The Legacy of Lily Thomas: Abolishing the Grace Period

The modern landscape of legislative disqualification was fundamentally altered by the landmark judgment in Lily Thomas v. Union of India (2013)¹⁹. Prior to this ruling, Section 8(4)²⁰ The RPA provided sitting legislators with a three-month "protection window" to file an

¹³ Constitution of India 1950, art 103

¹⁴ Constitution of India 1950, art 192

¹⁵ Representation of the People Act 1951, s 8(1)

¹⁶ Representation of the People Act 1951, s 8(2)

¹⁷ Representation of the People Act 1951, s 8(3)

¹⁸ Representation of the People Act 1951, s 11

¹⁹ Lily Thomas v Union of India (2013) 7 SCC 653.

²⁰ Representation of the People Act 1951, s 8(4)

appeal, during which their seat remained secure despite a criminal conviction. The Supreme Court struck down this provision as ultra vires, holding that Parliament could not create a discriminatory classification between a "candidate" and a "sitting member" for the purpose of disqualification. By affirming that a seat falls vacant the moment a disqualification is incurred, the Court ensured that the constitutional mandate for purity in the legislature takes precedence over the individual's right to exhaust appellate remedies while remaining in office.

Pre-Conviction Disqualification and the Separation of Powers

Despite growing concerns regarding the "criminalization of politics," the judiciary has maintained a strict boundary regarding its own power to expand disqualification grounds. In *Public Interest Foundation v. Union of India* (2019)²¹, the Supreme Court declined to mandate disqualification at the stage where criminal charges are framed. Recognizing the doctrine of separation of powers, the Court held that while it could advocate for transparency and disclosure, the power to create new disqualification criteria remains an exclusively legislative function. Consequently, the Indian regime remains "conviction-centric," requiring a formal judicial finding of guilt before a representative is unseated, thereby protecting legislators from potentially motivated or frivolous prosecutions.

COMPARATIVE PERSPECTIVES ON GLOBAL STANDARDS

The "Automatic" Trigger vs. Institutional Discipline

India's regime of immediate, statutory disqualification is notably more rigorous than many of its global counterparts. In the United Kingdom, the Recall of MPs Act 2015 introduces a democratic check where constituents can remove an MP following certain criminal triggers, rather than relying solely on automatic vacation. In contrast, the United States relies heavily on internal institutional discipline; under Article I, §5²² either House may expel a member with a two-thirds majority, but there is no general constitutional rule that automatically vacates a seat upon a standard criminal conviction. India's system aligns more closely with Australia, Canada, and South Africa, where disqualification is keyed to specific sentence thresholds such as Australia's one-year threshold under Section 44(ii)²³ though India's unique Lily Thomas doctrine makes the process exceptionally swift and difficult to interrupt.

²¹ *Public Interest Foundation v Union of India* (2019) 3 SCC 224.

²² Recall of MPs Act 2015, Art.1 s 5

²³ Commonwealth of Australia Constitution Act, s 44(ii)

Mechanism and Timing: Automaticity vs. Deliberation

The timing of a vacancy is a critical point of divergence in international practice. In India, following the Lily Thomas ruling, disqualification is immediate and self-executing upon the pronouncement of a qualifying conviction. The United Kingdom follows a similar automatic path for sentences exceeding one year under the Representation of the People Act 1981²⁴, but allows for a more deliberative "recall" process for shorter custodial sentences. The United States maintains a non-automatic approach; even a convicted member remains in office until their peers vote for expulsion, emphasizing the protection of the legislative branch from executive or judicial interference.

EMERGING TRENDS: THE 130TH AMENDMENT BILL, 2025

From Conviction to Custody: A Paradigm Shift for Executives

The introduction of the Constitution (One Hundred and Thirtieth Amendment) Bill, 2025²⁵ (introduced August 20, 2025), represents a significant normative shift in Indian constitutional law. While the RPA focuses on the status of a legislator upon conviction, this Bill targets executive office-holders. The Bill proposes to amend Articles 75²⁶, 164²⁷, and 239AA²⁸ to provide for the automatic removal of the Prime Minister, Chief Ministers, and other Ministers if they are detained in custody for 30 consecutive days for an offense punishable by five years or more. This moves the trigger for removal from a final judicial conviction to a period of prolonged detention, establishing a "custody-based" removal system that operates independently of the eventual trial outcome.

Impact on Political Incentives and Governance

The proposed 130th Amendment²⁹ resets the incentives for "governing from jail." By mandating resignation or automatic cessation of office after 31 days of detention, the law seeks to prevent administrative paralysis. However, it raises significant concerns regarding the "presumption of innocence" and the potential weaponization of investigative agencies to destabilize governments. While the Bill allows for reappointment upon release, it creates a

²⁴ Representation of People's Act, 1981

²⁵ The Constitution (One Hundred and Thirtieth Amendment) Bill 2025.

²⁶ Constitution of India 1950, art 75

²⁷ Constitution of India 1950, art 164

²⁸ Constitution of India 1950, art 239AA

²⁹ The Constitution (One Hundred and Thirtieth Amendment) Bill 2025.

temporary vacancy in high executive office based solely on detention, a departure from the conviction-centric approach of Section 8 RPA³⁰. As it sits before a Joint Parliamentary Committee, it highlights a growing tension between protecting constitutional morality and maintaining democratic safeguards against executive overreach.

DETAILED CASE LAW ANALYSIS (FILAC)

Lily Thomas v. Union of India, (2013) 7 SCC 653³¹

Facts: Advocate Lily Thomas and the NGO Lok Prahari filed a writ petition challenging the constitutional validity of Section 8(4)³² of the Representation of the People Act (RPA), 1951. Before this judgment, Section 8(4) acted as a "saving clause" for sitting legislators; it provided that if an MP or MLA was convicted of an offense mentioned in Section 8, the disqualification would not take effect for three months. If the member filed an appeal or revision within that period, the disqualification remained until the final disposal of the case. This allowed convicted individuals to continue participating in legislative proceedings, sometimes for years, while their appeals were pending.

Issue: The central issue was whether Parliament had the legislative competence under Articles 102(1)(e)³³ and 191(1)(e)³⁴ to create a separate class of disqualification rules for sitting members as opposed to candidates. Essentially, the Court had to decide if the Constitution allowed for a "deferred" vacancy of a seat once a disqualification had been incurred.

Law: The case revolved around the interaction between Articles 102³⁵ or 191³⁶ (which define disqualification) and Articles 101³⁷ or 190³⁸ (which mandates the vacation of seats). Specifically, Article 101(3)(a)³⁹ states that if a member becomes subject to any disqualification, their seat "shall thereupon become vacant."

Analysis: The Supreme Court ruled that the language of the Constitution is "affirmative and mandatory." It held that Articles 102(1)(e)⁴⁰ and 191(1)(e)⁴¹ empower Parliament to make "one

³⁰ Representation of the People Act 1951, s 8

³¹ Lily Thomas v. Union of India, (2013) 7 SCC 653

³² Representation of the People Act 1951, s 8(4)

³³ Constitution of India 1950, art 102(1)(e)

³⁴ Constitution of India 1950, art 191(1)(e)

³⁵ Constitution of India 1950, art 102

³⁶ Constitution of India 1950, art 191

³⁷ Constitution of India 1950, art 101

³⁸ Constitution of India 1950, art 190

³⁹ Constitution of India 1950, art 101(3)(a)

⁴⁰ Constitution of India 1950, art 102(1)(e)

⁴¹ Constitution of India 1950, art 191(1)(e)

law" for both candidates and sitting members. By enacting Section 8(4)⁴² Parliament had attempted to carve out an exception that the Constitution did not permit. The Court reasoned that once a person is disqualified by law, the seat falls vacant automatically and instantaneously. Parliament cannot use its legislative power to override the constitutional mandate that a disqualified person's seat must become vacant. This judgment removed the "three-month cushion" and made criminal accountability immediate.

Conclusion: The Court declared Section 8(4)⁴³ of the RPA ultra vires (beyond the power of) the Constitution. As a result, any sitting legislator now stands disqualified on the date of conviction, and their seat is deemed vacant immediately.

Navjot Singh Sidhu v. State of Punjab, (2007) 2 SCC 574⁴⁴

Facts: Navjot Singh Sidhu, then a Member of Parliament, was convicted of culpable homicide not amounting to murder in a road-rage case and sentenced to three years of imprisonment. This conviction triggered immediate disqualification under the RPA. Sidhu resigned his seat and sought a "stay of conviction" from the appellate court so he could contest a by-election for the same seat. This was one of the first major cases to define the "safety valve" available to politicians after a trial court verdict.

Issue: The core question was whether a court, exercising powers under Section 430 of the BNSS, has the authority to stay a conviction (not just the sentence) specifically to allow a person to contest an election or retain a seat, and what standard of proof is required for such a stay.

Law: The Court interpreted Section 430⁴⁵ of Bhartiye Nagarik Suraksha Samhita, which allows an appellate court to suspend the "execution of the sentence or order" appealed against.

Analysis: The Supreme Court clarified that a "stay of sentence" only pauses the jail term, but the "disqualification" arises from the fact of the conviction itself. Therefore, a legislator remains disqualified even if they are out on bail. To revive their eligibility, they must obtain a specific stay of conviction. The Court held that this power is "exceptional" and should be exercised only in "rarest of rare" cases. The applicant must demonstrate that if the conviction is not stayed, they will face "irreparable injury" that cannot be remedied even if they are later acquitted. In Sidhu's case, the Court granted the stay because he had voluntarily resigned on

⁴² Representation of the People Act 1951, s 8(4)

⁴³ Representation of the People Act 1951, s 8(4)

⁴⁴ Navjot Singh Sidhu v. State of Punjab, (2007) 2 SCC 574

⁴⁵ Bhartiya Nagarik Suraksha Samhita 2023, s 430

moral grounds and sought a fresh mandate from the people, which the Court viewed as a sign of bona fide intent.

Conclusion: A stay of conviction is the only legal remedy that can "wipe out" the disqualification pending appeal. However, it is not a matter of right and is granted only when the court is satisfied that the conviction could lead to a catastrophic and irreversible loss of a public career.

Public Interest Foundation v. Union of India, (2019) 3 SCC 224⁴⁶

Facts: Petitions were filed in the interest of "cleaning up" Indian politics, asking the Supreme Court to disqualify individuals from contesting elections as soon as criminal charges are framed against them by a judge. The petitioners argued that since the framing of charges implies a prima facie judicial finding of involvement in a crime, it should be enough to bar a person from the legislature, given the long delays in Indian criminal trials.

Issue: Can the judiciary add new grounds for disqualification specifically at the pre-conviction stage to the list already provided by Parliament in the Representation of the People Act?

Law: The case touched upon the Doctrine of Separation of Powers and the limits of the Court's power to "legislate" under Article 142⁴⁷.

Analysis: A five-judge Constitution Bench expressed deep concern over the "criminalization of politics" but ultimately held that the Court cannot cross the line into the legislative domain. Under the Indian constitutional scheme, the power to prescribe disqualifications is vested exclusively in Parliament. The Court noted that the "presumption of innocence" is a fundamental right, and disqualifying someone before a trial is completed would be a violation of that principle. Instead of changing the law, the Court issued "directions" to political parties and candidates to publish their criminal antecedents in newspapers and on television to allow voters to make an informed choice.

Conclusion: The Court refused to expand disqualification to the charge-framing stage. India's system remains strictly conviction-centric, meaning a legislator's seat is safe until a formal judgment of guilt is delivered by a court of law.

Lok Prahari v. Election Commission of India, (2018) 18 SCC 114⁴⁸

⁴⁶ Public Interest Foundation v. Union of India, (2019) 3 SCC 224

⁴⁷ Constitution of India 1950, art 142

⁴⁸ Lok Prahari v. Election Commission of India, (2018) 18 SCC 114

Facts: This case was a follow-up to the Lily Thomas ruling. The petitioner challenged the idea that a disqualification is "wiped out" retrospectively if a court stays the conviction. They argued that once a seat becomes vacant under Article 101⁴⁹ or 190⁵⁰, it cannot be "revived" just because an appellate court grants a stay weeks or months later.

Issue: Does a stay of conviction granted by an appellate court have the effect of restoring the membership of a disqualified legislator, or does it only apply prospectively for future elections?

Law: Interaction between Article 101(3)⁵¹ (vacation of seat) and Section 430⁵² of the BNSS (stay of order).

Analysis: The Supreme Court clarified that the moment a conviction (carrying a sentence of 2+ years) is stayed by an appellate court, the disability caused by that conviction ceases to operate. The Court held that a stay of conviction has the effect of "suspending" the disqualification. If the stay is granted, the member's disqualification is lifted, and they are eligible to continue as a member or contest elections. The Court emphasized that the stay of conviction is a vital "check" to ensure that a potentially erroneous trial court judgment does not permanently destroy a democratic mandate before the higher courts can review the evidence.

Conclusion: The Court affirmed that a stay of conviction restores the status of the legislator. This confirmed the stay of conviction as the primary legal "relief" for sitting MPs and MLAs who face unseating due to a criminal verdict.

SYNTHESIS: JUDICIAL SAFETY VALVES VS. THE 130TH AMENDMENT

The Conflict of Triggers: Conviction vs. Custody

Under the established Lily Thomas doctrine, a legislator's seat is protected by the "presumption of innocence" until a trial court delivers a formal verdict of guilt. The trigger for vacancy is a judicial determination. Conversely, the 130th Amendment Bill⁵³ shifts this trigger to an investigative fact: 30 consecutive days of custody.

- Under RPA Section 8⁵⁴: You are unseated because you are a convict.
- Under 130th Amendment: You are removed because you are unavailable to govern.

⁴⁹ Constitution of India 1950, art 101

⁵⁰ Constitution of India 1950, art 190

⁵¹ Constitution of India 1950, art 101(3)

⁵² Bhartiye Nagarik Suraksha Samhita 2023, s 430

⁵³ The Constitution (One Hundred and Thirtieth Amendment) Bill 2025.

⁵⁴ Representation of the People Act 1951, s 8

This moves the law away from the "conviction-centric" protection affirmed in Public Interest Foundation (2019)⁵⁵, creating a higher, more precarious standard of accountability for the Executive than for the Legislature.

The Inapplicability of "Stay of Conviction"

The most significant legal shift lies in the available relief. Under the Navjot Sidhu⁵⁶ and Lok Prahari⁵⁷ precedents, an MP or MLA can save their seat by obtaining a "Stay of Conviction" under Section 430 of the BNSS. This judicial order effectively "pauses" the disqualification. However, because the 130th Amendment⁵⁸ triggers removal based on detention rather than conviction, a "Stay of Conviction" is legally irrelevant. For a Minister in 30 day custody, the only "safety valve" is Bail. If an investigative agency successfully opposes bail for 31 days, the removal becomes automatic and self-executing, bypassing the appellate judicial protections that have guarded the careers of legislators since 2013.

Reversibility and Reappointment

A critical distinction introduced by the 2025 Bill is the concept of reversibility.

- **Representation of People's Act or Lily Thomas:**

Once a seat is vacant, a by-election is typically triggered. Even if a conviction is later overturned, the individual often cannot simply "walk back" into their old seat without a fresh election.

- **130th Amendment**

The Bill allows for reappointment once the person is released from custody or acquitted. This suggests that the removal is intended as a "functional suspension" rather than a permanent disqualification. It prioritizes the continuous operation of the office over the tenure of the individual.

Constitutional Morality vs. Weaponization

⁵⁵ Public Interest Foundation v. Union of India, (2019) 3 SCC 224

⁵⁶ Navjot Singh Sidhu v. State of Punjab, (2007) 2 SCC 574

⁵⁷ Lok Prahari v. Election Commission of India, (2018) 18 SCC 114

⁵⁸ The Constitution (One Hundred and Thirtieth Amendment) Bill 2025.

The synthesis of these laws highlights a growing tension in Indian Constitutional Morality. The government justifies the 130th Amendment using the spirit of *Manoj Narula* (2014)⁵⁹, which urged that "tainted" persons should not hold high office.

However, by removing the requirement for a judicial verdict (*Lily Thomas*) and making removal dependent on the duration of custody, the law risks making the Permanent Executive (Investigative Agencies) the arbiters of the Political Executive's survival. Unlike the UK's "Recall" system or the US "Expulsion" system both of which involve democratic or peer-based deliberation the Indian 30-day rule is a mathematical, automatic trigger that leaves little room for judicial or political discretion.

FUTURE OUTLOOK: THE 130TH AMENDMENT AND THE BASIC STRUCTURE DOCTRINE

The future of executive accountability in India is likely to be defined by a high-stakes constitutional showdown over the 130th Amendment Bill. If passed, the Supreme Court will be forced to weigh the government's pursuit of "Constitutional Morality", the idea that high office should be beyond suspicion against the "Basic Structure Doctrine." Legal scholars anticipate a challenge based on the Separation of Powers, as the Bill effectively allows the permanent executive (police and investigative agencies) to unseat the elected executive (the Prime Minister or Chief Ministers) simply by extending detention beyond 30 days. This shifts the power to "de-legitimize" a government from the legislature and the judiciary to investigative bodies, potentially disrupting the democratic mandate without a single trial court finding of guilt.

Furthermore, the Bill's departure from the "Conviction-Centric" model may be viewed as a violation of the Rule of Law and the Presumption of Innocence under Article 21⁶⁰. Unlike the *Lily Thomas* framework, where a seat is vacated only after a rigorous judicial trial, the 130th Amendment⁶¹ triggers removal based on a pre-trial investigative stage. The Supreme Court may find that such an automatic trigger, lacking judicial oversight of the likelihood of guilt, is arbitrary. However, if the Court views "Governing from Jail" as a separate constitutional crisis that paralyzes administration, it may uphold the amendment as a necessary functional

⁵⁹ *Manoj Narula v Union of India* (2014) 9 SCC 1

⁶⁰ Constitution of India 1950, art 21

⁶¹ The Constitution (One Hundred and Thirtieth Amendment) Bill 2025.

safeguard, provided that robust protections against "motivated arrests" are integrated during the Joint Parliamentary Committee's current review.

Ultimately, the resolution of this conflict will determine whether the Indian Constitution evolves into a "zero-tolerance" model where even the suspicion of a serious crime is enough to pause a ministerial career. The survival of the 130th Amendment will depend on whether the judiciary perceives it as a genuine tool for ethical cleansing or as a potential instrument for political destabilization. As the Bill allows for reappointment upon release, the Court might treat it not as a permanent disqualification, but as a temporary administrative suspension, a distinction that could be the key to its survival under judicial scrutiny.

CONCLUSION

The evolution of disqualification law in India reflects an aggressive judicial and legislative push to resolve the "criminalization of politics," a phenomenon that has long threatened the integrity of the world's largest democracy. For decades, the legal system operated under a protective shield that allowed convicted legislators to retain their seats through prolonged appellate delays. The landmark ruling in *Lily Thomas v. Union of India* (2013)⁶² shattered this status quo, establishing that the constitutional mandate for a "vacant seat" is immediate and self-executing. This shift moved the Indian legal regime from a state of procedural leniency to one of strict, conviction-centric accountability, where the only narrow "safety valve" remains the rare and exceptional judicial stay of conviction.

However, the introduction of the Constitution (130th Amendment) Bill, 2025⁶³, marks the beginning of an even more radical era. By proposing to unseat the Prime Minister, Chief Ministers, and Ministers based on 30 days of custody rather than a final conviction, the law seeks to codify "Constitutional Morality" as a functional requirement for high office. This transition from judicial finality to administrative necessity acknowledges that "governing from jail" is incompatible with the public trust. Yet, it simultaneously creates a constitutional paradox as it risks sacrificing the fundamental presumption of innocence and potentially weaponizing investigative detentions to destabilize democratically elected governments.

⁶² *Lily Thomas v. Union of India*, (2013) 7 SCC 653

⁶³ The Constitution (One Hundred and Thirtieth Amendment) Bill 2025.

In summary, while the Lily Thomas framework successfully purged the legislature of proven convicts, the 130th Amendment attempts to purge the executive of the "taint of suspicion." The future of this legal landscape will depend on the judiciary's ability to harmonize these two goals. A sustainable model for India's democracy must ensure that while the "halls of power" are kept clean, the "will of the people" is not subverted by arbitrary arrests. Ultimately, the integrity of the Indian legislature rests not just on the speed of removal, but on the fairness of the process that leads to it ensuring that accountability and justice remain two sides of the same constitutional coin.

