



LILY THOMAS V. UNION OF INDIA (2013)

Constitutional Interpretation & Basic Structure

PRELIMS SNAPSHOT

- ♦ 1. Prelims Snapshot (Fact Box)
- 📅 Year: 2013
- ⚖️ Case: Lily Thomas v. Union of India
- 👤 Bench Strength: 2 Judges
- 📖 Key Articles Involved: Article 102(1)(e), Article 191(1)(e), Section 8(4) of the Representation of the People Act, 1951
- 🧠 Doctrine Evolved: Immediate disqualification of convicted legislators; Section 8(4) held unconstitutional
- 💬 Famous Line: "A person convicted of a serious crime has no right to represent the people."

CONTEXT & BACKGROUND

Under Section 8(4) of the Representation of the People Act, 1951, sitting MPs and MLAs convicted of offences were allowed a 3-month window to appeal, during which their disqualification would be suspended.



This special protection did not apply to ordinary citizens contesting elections. Advocate Lily Thomas filed a petition challenging the constitutional validity of Section 8(4) on the grounds that it violated the principle of equality before the law and free and fair elections.

CONSTITUTIONAL ISSUES RAISED

- Does Section 8(4) create an unfair exception for sitting legislators?
- Should disqualification be immediate upon conviction, or only after exhausting appeals?
- Does this provision violate Article 14 (equality) and the spirit of Article 102 and Article 191?

VERDICT & RATIO DECIDENDI

The Supreme Court declared Section 8(4) of the RP Act unconstitutional, holding that:

- Sitting MPs and MLAs will be disqualified immediately upon conviction in a criminal case attracting more than 2 years of imprisonment



**UPSC
GURUS**

MAJOR SUPREME COURT JUDGEMENTS

- There cannot be a privileged class of lawmakers exempt from the same rules that apply to others
- Parliament cannot override constitutional provisions (Articles 102 and 191) through statutory law

This decision struck a blow against the criminalisation of politics and demanded higher standards of conduct from elected representatives.

DOCTRINE / PRINCIPLE EVOLVED

- Immediate disqualification on conviction is necessary to uphold equality before law
- Parliament cannot legislate to delay constitutional consequences
- Elected office demands moral legitimacy, not just procedural victory



**UPSC
GURUS**

MAJOR SUPREME COURT JUDGEMENTS

IMPACT & LEGACY

- Led to automatic disqualification of MPs/MLAs upon conviction without time for appeal
- Resulted in the disqualification of several high-profile legislators soon after the judgment
- Prompted calls for a clean politics movement and stricter candidate selection
- Sparked a debate on whether conviction without final appeal violates fair process—but the Court upheld public interest as paramount

RELEVANCE FOR UPSC

- GS Paper 2:
 - Electoral reforms and criminalisation of politics
 - Balance between individual rights and public trust
 - Role of judiciary in democratic cleansing
- GS Paper 4 (Ethics):
 - Integrity in public life, accountability, justice
- Essay Paper:
 - Use in essays on Ethical Governance, Decriminalising Politics, Rule of Law
- UPSC Interview:
- Important for questions on disqualification, electoral integrity, and judicial activism in governance

**TO DOWNLOAD PDF
JOIN OUR TELEGRAM
CHANNEL**

https://t.me/UPSC_Gurus



**OR
DOWNLOAD FROM
OUR WEBSITE**

www.upscgurus.in

FOLLOW US

