

Topic: The Enigma of Sasikala

Topic Introduction

Corruption in high places is a malaise that is easy to diagnose but difficult to cure. Even in the rare cases they are arraigned before a court, top politicians often pay their way through legal battles, and spend little or no time in incarceration. **The conviction of AIADMK general secretary V.K. Sasikala in the disproportionate assets case** involving her close friend, former Chief Minister Jayalalithaa, as the prime accused, is a significant marker in India's legal and political history. The charges against Jayalalithaa abated following her death last December, but Ms. Sasikala had to face the full wrath of the Supreme Court, which has upheld the trial court order *in toto*, leaving her to spend **four years in prison**. As Justice Amitava Roy wrote in his concurring order, "corruption is a vice of insatiable avarice for self-aggrandisement by the unscrupulous, taking unfair advantage of their power and authority." While there is no denying that the judgment has strengthened confidence in the justice delivery system, it is mystifying that the ruling has come more than eight months after the two-member Bench concluded hearing arguments in the case. All the more so, since the basic thrust of the judgment only endorsed the position taken by the trial court in Bengaluru, which held all the accused in the case guilty. Given that the Supreme Court had pressed the **Karnataka High Court** to hear the appeal expeditiously, there was no justification in such an inordinate delay.

Politically, this could not have come at a worse time for Ms. Sasikala, who was making a determined bid for power, staking claim to form the government after **displacing one-time loyalist O. Panneerselvam. Governor Ch. Vidyasagar Rao** had held off inviting Ms. Sasikala to form the government despite her demonstrating the support of a majority of the members of the legislature precisely because he had anticipated such a situation. Now, however, the options before him are a lot clearer. If the newly elected leader of the AIADMK Legislature Party, **Edappadi Palaniswami, is able to show the support of at least 117 MLAs**, he will have to be sworn in as Chief Minister. Though there are allegations that the MLAs were kept forcibly at a resort by the Sasikala camp, Mr. Panneerselvam is nowhere close to splitting the AIADMK legislature party despite the support of the rank and file. Notwithstanding the legal setback, Ms. Sasikala may be able to trump Mr. Panneerselvam politically. But her success in keeping the MLAs together may depend on the Governor's next move; whatever that is, Tamil Nadu is destined for more political churn.

A look at the various legal cases Ms. Sasikala faces:

Disproportionate Assets case:

Ms. Sasikala was acquitted by the Karnataka High Court on **May 11, 2015 in the disproportionate assets case** along with the late Tamil Nadu Chief Minister Jayalalithaa, J. Elavarasi and V.N. Sudhakaran. The Karnataka government, however, filed appeals against the acquittal of the accused in the DA case. A Bench of **Justices Pinaki Chandra Ghose and Amitava Roy had reserved the appeals for judgment** in June last year after 20 days of arguments. The hearing had started on February 23 last. It had sought the responses of Jayalalithaa and the co-accused before taking a hiatus to study the records of the litigation held over nearly two decades. At one point during the marathon hearings, the Bench had indicated that merely possessing assets disproportionate to the known source of income did not amount to corruption unless the source of income was illegal.

Foreign Exchange Regulation Act (FERA) case:

Ms. Sasikala suffered a legal setback just last week when the **Madras High Court refused to discharge** her from **three cases** filed by the Enforcement Directorate (ED) in **1995 and 1996** on charges of **violating the Foreign Exchange Regulation Act (FERA) of 1973**. The case relates to payments made in US and Singapore dollars to foreign firms for hiring transponders and uplink facilities for **J. Jay TV** (the predecessor of Jaya TV), which was earlier telecast under the logo of JJ TV. Ms. Sasikala was the chairperson of J. Jaya TV.

Illegal Foreign Exchange Act case :

Ms. Sasikala will also have to face trial in a case related to acquiring illegal foreign exchange through an **acquaintance in Malaysia** and using the money to purchase the **Kodanad Tea Estate in the Nilgiris**, along with her sister-in-law J. Elavarasi. In May 2015, the additional chief metropolitan magistrate in Egmore had discharged her from the case. But on a criminal revision petition filed by the ED, the High Court directed her to **face trial**.

Read further:

<http://indiatoday.intoday.in/story/sasikala-chinnamma-panneerselvam-aiadmj-jayalalithaa/1/878481.html>

<http://indiatoday.intoday.in/story/panneerselvam-revolt-sasikala-jayalalithaa-tamil-nadu-cm/1/877631.html>

<http://www.hindustantimes.com/india-news/sasikala-vs-panneerselvam-live-supreme-court-da-case-verdict-impacts-tamil-nadu-aiadmj/story-WLQTGFIXFCd2xDHiAMz3rJ.html>

<http://www.hindustantimes.com/india-news/vk-sasikala-found-guilty-in-disproportionate-assets-case-asked-to-surrender-immediately/story-sS5Tfg0cNEG3crzM1CsaZN.html>