

ಕರ್ನಾಟಕ ವಿಧಾನ ಸಭೆ, ಸಂಶೋಧನಾ ಹಾಗೂ ಉಲ್ಲೇಖನಾ ಶಾಖೆ
KARNATAKA LEGISLATIVE ASSEMBLY, RESEARCH AND REFERENCE BRANCH

ಪತ್ರಿಕಾ ತುಣುಕುಗಳು
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ಇಲಾಖೆ / ವಿಷಯ : DEPARTMENT / SUBJECT: *Court matter*

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HC notice to govt on PIL to restrain 3 MLCs from becoming ministers

BENGALURU, DHNS

The Karnataka High Court on Monday ordered notice to the state government on a PIL filed seeking restraint order on three legislators - R Shankar, MTB Nagaraj and AH Vishwanath - from taking oath as ministers.

The petitioner contended that the three legislators do not meet the constitutional validity to be inducted into the council of ministers. The petition contended that if the three legislators are administered oath as ministers it would be in violation of Articles 71 (1B), 164 (1B) and 361 (B) of the Constitution.

The PIL has been filed by Harisha A S, a Bengaluru-based advocate. A division bench comprising Chief Justice Abhay Shreeniwas Oka and Justice Ashok S Kinagi asked the petitioner as to how he was sure that all the three legislators are going to be appointed as ministers. The counsel appearing for the petitioner cited several media reports in this regard.

The high court declined to pass any interim order stating that the Governor and the Chief Minister, being constitutional functionaries, will take note of the provisions of the Constitution.

The petitioner submitted that the three politicians were among the 17 legislators who filed writ petitions before the Supreme Court challenging the order of disqualification by the then Speaker of the Assembly.

The petition further contended that the Supreme Court had widely discussed the terms 'elected', 're-elected' and 'nominated'.

The order has stated that a disqualified member can be accommodated into the council of ministers when he/she is 're-elected' in the election and not otherwise.

The petition stated that while the state government

with the consent of the governor declared R Shankar and MTB Nagaraj as elected representatives under the provision of the Representation of the People Act on June 22, 2020, AH Vishwanath was nominated as the member of legislative council on July 22, 2020.

Before the disqualification, the three had won the assembly elections held in 2013. Shankar, a candidate of Karnataka Pragnyavanta Janata Party, was elected from Ranebennur constituency, Vishwanath had won on a JD(S) ticket from Hunsur constituency and Nagaraj had won from Hoskote constituency on a Congress ticket.