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# Apex court tells Speaker to defer call on MLAs

Court orders status quo, schedules hearing for Tuesday

KRISHNADAS RAJAGOPAL  
NEW DELHI

The Supreme Court on Friday pressed the pause button in the legal battle for power in Karnataka, asking Assembly Speaker K.R. Ramesh Kumar to refrain from deciding on the disqualification or resignation of 10 rebel Congress-Janata Dal (Secular) MLAs for the time being.

The order comes just a day after the court asked Mr. Ramesh Kumar to meet the 10 MLAs at 6 p.m. on July 11 and decide on their resignations "forthwith or in the course of the remaining part of the day".

On Friday, a Bench, led by Chief Justice of India Ranjan Gogoi, ordered status quo and scheduled the hearing for Tuesday next.



**In a spot:** Karnataka Chief Minister H.D. Kumaraswamy, right, having a word with his deputy G. Parameshwara in the Assembly on Friday. ■ K. MURALI KUMAR

The Bench's decision came after an hour-long hearing, in which Chief Minister H.D. Kumaraswamy said the rebel MLAs had dragged the court into a "political thicket".

The Speaker, in turn, ac-

cused the legislators of feeding the court with a petition "full of blunders and distortions".

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# SC asks Speaker to defer call on MLAs

11/31  
"What was the basis of the Supreme Court's intervention? Your Lordships passed an ex-parte order against me yesterday... But what do these MLAs want? They claim the government has failed, so you (Supreme Court) help us fail it further. They claim there is 'malafide'. But these are just words. They claim the State administration has come to a standstill and there are scams. Do you know that one of them is involved in a scam named in their own petition," senior advocate Rajeev Dhavan, for the Chief Minister, submitted.

Mr. Kumar, represented by senior advocate A.M. Singhvi, said the MLAs did not disclose that disqualification proceedings were pending against them since February under the anti-defection law.

The Speaker asked whether the apex court had acted within the framework of the Constitution by putting him, a constitutional authority, on a deadline to meet the rebels and decide their resignation.

He said Article 190 of the Constitution gave the Speaker discretion to decide whether resignations tendered were voluntary and genuine. In a 10-page affidavit, the Speaker told the court that the resignations of the MLAs would be considered along with the disqualification proceedings for defection under the Tenth Schedule of the Constitution. He would take a call in the spirit and letter of law.

Initially, Chief Justice Gogoi asked whether the Speaker was "challenging the power and authority of the court to pass orders."

"Is it the stand of the Speaker that the Supreme Court should stay its hands as far as the Speaker is concerned," the CJI asked.

But the Bench later acknowledged that "weighty" issues have been raised, including of judicial intervention and whether the Speaker was constitutionally obligated to decide the

question of disqualification of the legislators before taking a call on their resignation letters.

The hearing began with senior advocate Mukul Rohatgi, for the rebel MLAs, adopting an aggressive tone, saying the Speaker did not take a decision on the resignations after meeting the MLAs on July 11. Mr. Rohatgi said the Speaker instead held a press conference where he was heard asking "why the hell did the MLAs go to the Supreme Court and not come to me."

## 'Deliberate delay'

Mr. Rohatgi said the "government is to delay action on the resignations and brazenly nudge events to culminate in the disqualification of MLAs for not obeying party's whip during assembly session which commenced on July 12."

He claimed the Speaker had returned the disqualification of eight out of 10 MLAs filed on July 11 did not substantiate his claim with an affidavit in this regard. "The Speaker can be given two months to decide on the resignations. If he does not decide at all, this will be contempt," Mr. Rohatgi submitted.

But the Speaker refused to say he had met with the MLAs or that he had video-graphed the proceedings. He said the MLAs were not doing a backtracking on their claim that he had not taken a "scarce" on July 11 when they came to tender resignation at his office.

The Speaker said he had not misled the court.

"The MLAs are on the course of the law. They stated that they considered their resignation. The Speaker said the MLAs also stated they had not resigned at that time nor at any time with the Speaker. He stated that it is not that when they come to the Speaker through the Speaker's office, the Speaker said