

ಪತ್ರಿಕಾ ತುಣುಕುಗಳು
PAPER CLIPPINGS

ಇಲಾಖೆ / ವಿಷಯ : DEPARTMENT / SUBJECT: Regarding floor test in Maharashtra
ಪತ್ರಿಕೆಯ ಹೆಸರು : NAME OF THE NEWS PAPER: The Hindu → Supreme Court ದಿನಾಂಕ : DATE: 27/11/19

**It's incumbent
on us to protect
democracy: SC**

JH 27/11/2019
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NEW DELHI

A three-judge Bench of the Supreme Court, led by Justice N.V. Ramana, while calling for an immediate floor test in Maharashtra on Tuesday, referred to the nine-judge Bench judgment in the S.R. Bommai case in 1994 that said, "It is the Legislative Assembly that represents the will of the people – and not the Governor."

"In a situation, if the floor test is delayed, there is a possibility of horse-trading, it becomes incumbent upon the court to act to protect democratic values. An immediate floor test, in such a case, might be the most effective mechanism to do so," the court observed.

The court said a floor test was required as an interim measure also because "oath has not been administered to the elected members though a month has elapsed since the declaration of election results." Neither had the MLAs taken oath nor had the Speaker been elected, it said.

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The Bench also comprised Justices Ashok Bhushan and Sanjiv Khanna.

"In such emergent facts and circumstances, to curtail unlawful practices such as horse-trading, to avoid uncertainty and to effectuate smooth running of democracy by ensuring a stable government, we are of the considered opinion that it is necessary to pass certain interim directions in this case. In this context, it is necessary and expedient to conduct the floor test as soon as possible to determine whether the Chief Minister, who was administered the oath of office, has the support of the majority or not," Justice Ramana pronounced the order in a

packed courtroom.

The Bench ordered the immediate appointment of a pro tem Speaker solely for the conduct of a floor test. All the elected members shall take the oath on November 27, which exercise should be completed before 5.00 p.m.

"Immediately, the pro tem Speaker shall conduct the floor test in order to ascertain whether the Respondent No. 3 [Fadnavis] has the majority and these proceedings shall be conducted in accordance with law," the court ordered.

It directed that the floor test would not be conducted by secret ballot.

It ordered the proceedings to be telecast live.