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Supreme Court - Maharashtra Govt.

ಇಲಾಖೆ / ವಿಷಯ: DEPARTMENT / SUBJECT:

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Guv's decision to invite BJP still under SC lens

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New Delhi: The Aghadi led by Uddhav Thackeray will form the government after Devendra Fadnavis quit as CM following the Supreme Court's direction for a floor test on Wednesday. But the court's decision to examine the legality of governor B S Koshiyari's decision to invite the BJP to form government leaves the legal fi-

eld interestingly poised.

The SC bench justified its interim order on the Aghadi's petition, saying, "If the floor test is delayed, there is a possibility of horse-trading. Thus, 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."

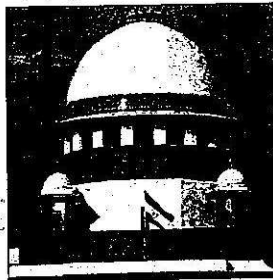
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Will Aghadi maintain stand against governor?

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A bench of Justices N V Ramana, Ashok Bhushan and Sanjiv Khanna said, "In the 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 order (for holding floor test) in this case."

The interim order worked itself out with Fadnavis's resignation paving the way for the Thackeray-led Maha Vikas Aghadi to form the government. But the interesting part of the order is that the bench has kept the Sena-NCP-Congress petition pending to examine the validity of the governor's decision to recommend revocation of President's rule in the night,



invite Fadnavis to form the government and administer oath within hours of the Aghadi declaring that the three parties had worked out a common minimum programme and would stake claim to form government.

The bench asked the governor and Fadnavis to file their responses to the Sena-led petition in four weeks and ordered listing of the matter for detailed hearing after 12 weeks.

Will it maintain its vitriolic stand against the governor and demand scrutiny-

of his actions between 7pm and 8am on November 22-23 or withdraw the petition in order not to embarrass the governor and not create an incongruent situation of fighting against a constitutional office in whose name it carries out the task of governance?

The SC said, "There is no gainsaying that boundaries between jurisdiction of courts and parliamentary independence have been contested for a long time. However, there is a need and requirement for recognising institutional comity and separation of powers so as to tailor judicial interference in the democratic processes only as a last resort. This case pertains to one such situation, wherein this court is called upon to adjudicate and maintain democratic values and facilitate fostering of the citizen's right of good governance."