

ಇಲಾಖೆ / ವಿಷಯ : DEPARTMENT / SUBJECT: Court Matter

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HC nixes Act on appointment of parliamentary secretaries

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IN a major ruling, the Karnataka High Court has struck down the Karnataka Parliamentary Secretaries Salaries, Allowances and Miscellaneous Provisions Act, 1963, amended in 1999, which allows the appointment of parliamentary secretaries by the State Government.

A division bench of Chief Justice Abhay Shreeniwas Oka and Justice S R Krishna Kumar delivered the judgment on Saturday, striking down the Act on

the ground that the Karnataka legislature had no legislative competence to enact it.

Allowing the public interest petitions filed by M B Adinarayana, a resident of Vijayanagar in the city, and KB Vijayakumar, an advocate, questioning the validity of the Act, the bench said that the Apex Court has held that the state legislature has no competence to enact a law providing for appointment of parliamentary secretaries.

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'No difference between DCM, pari secretary'

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THE petitioners had challenged the appointment of eight parliamentary secretaries on January 7, 2019, by then government. Representing them, advocate GR Mohan argued that the Act was a contravention to Article 164 (1-A) of the Constitution, which fixes the upper limit on appointment of ministers.

The bench said there was hardly any difference between the role of a deputy minister and a Parliamentary Secretary. The Act will work as a device available to the CM to appoint members of the Legislative Assembly and Council of his choice as parliamentary secretaries, who cannot be made as ministers due to constraints of Article 164(1-A). This will completely defeat and nullify the upper limit imposed by Article 164(1-A) on the number of ministers. Hence, the Act is ultra vires of the constitutional mandate in Article 164 (1-A), it said.

"We hold that the State Legislature of Karnataka had no legislative competence to enact the law. The same is *ab initio void*, being *ultra vires* the Constitution and hence struck down".