

ಪತ್ರಿಕಾ ತುಣುಕುಗಳು
PAPER CLIPPINGS

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Speaker

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All eyes on the Speaker today

Congress to move petition seeking disqualification of rebel MLAs

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All eyes are set on Legislative Assembly Speaker K.R. Ramesh Kumar as he returns to office on Tuesday and takes a call on the resignations submitted by the 13 MLAs last week. His decision will play a key role in how the fiasco over the government pans out.

The Speaker, on Saturday, promised to initiate the process on Tuesday by calling all MLAs, speaking to them, and then taking a decision. The rebel MLAs are expected to meet the Speaker on Tuesday morning. They would, however, not be attending the Congress Legislature Party meeting, sources claimed.

'Instigated by BJP'

While the coalition government has emptied out the old Cabinet in an attempt to woo back the rebel MLAs, the Congress and the Janata Dal (Secular) are also planning to fight it out legally.



K.R. Ramesh Kumar

The Congress may petition the Speaker seeking disqualification of the rebel MLAs under Tenth Schedule of the Constitution for defection.

"We have evidence to prove that the MLAs did not resign voluntarily but have been instigated by the Bharatiya Janata Party and this is only a way to defect," said a senior Congress leader. The JD(S) is also likely to move a similar petition against the three rebel MLAs.

The rebel MLAs have reportedly been promised that they would be made Ministers when the BJP government is sworn in, even before the bypolls. The law

allows a person to be sworn in as Minister and provides six months for the person to be elected to either of the Houses. "If the MLAs are disqualified for defection, they cannot become Ministers in the alternate BJP government till they are successfully elected as legislators," said a Congress strategist.

Section 164 (1) (B) of the Constitution stipulates that a member disqualified under Tenth Schedule cannot be appointed Minister till the date on which the term of his office as such member would expire or till the person is elected to either of the Houses, whichever is earlier. "If the Speaker disqualifies them, it can be challenged even by a third party in court, which will only create a stalemate for the bypolls to be held. This essentially would create roadblocks for the rebel MLAs to become Ministers immediately," the strategist said. He claimed that with all the Cabinet Ministers resigning, the rebel

MLAs have a "better chance" to become Ministers in the coalition government than in a BJP government. However, the success of this strategy would depend on whether the Speaker would disqualify them for "defection".

Senior advocate Ravivarma Kumar told *The Hindu* that the Tenth Schedule has not defined "defection", which allows discretion for the Speaker to decide whether the circumstances of the resignation of the MLAs amounted to defection.

'Pressure tactic'

BJP strategists termed the move as a "psychological pressure tactic" on the rebel MLAs. The party has instead decided to deploy pressure tactic on the Speaker, as it is considering moving a no-confidence motion against the Speaker in the Assembly on July 12, when the House convenes for the monsoon session, if the Speaker delays taking a decision on the resignations.