

ಪತ್ರಿಕಾ ತುಣುಕುಗಳು
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Dissent cannot be shut down, says Apex Court

SC allows Rajasthan High Court to rule on the challenge to disqualification notices by Congress rebel MLAs

KANU SARDA @ New Delhi

THE Supreme Court on Thursday observed that the voice of dissent cannot be suppressed, else democracy will shut down, while refusing to restrain the Rajasthan High Court from delivering its verdict on a petition by rebel Congress MLAs challenging the disqualification proceedings initiated against them by state Assembly Speaker C P Joshi.

A three-judge bench comprising Justices Arun Mishra, B R Gavai and Krishna Murari was hearing the Speaker's petition's questioning the July 21 Rajasthan High Court order directing him to extend the time given to the rebel lawmakers to reply to the disqualification notices. Interestingly, the same bench will hear a 2009 contempt petition against senior advocate Prashant Bhushan on Friday.

Representing Joshi, senior advocate Kapil Sibal said the HC cannot give such a direction in view of the 1992 Constitution Bench judgment that courts cannot interdict the Speaker from proceeding before a final decision is taken.

"The question is can voices of dissent be shut down like

ASSEMBLY SESSION SOON

Confident that he has ample support, Rajasthan Chief Minister Ashok Gehlot on Thursday said an Assembly session will be called soon and his government will prove its majority | P9

this? Can a person elected by the people not express his dissent? Voice of dissent cannot be suppressed. Then democracy will shut," remarked Justice Mishra, adding that the court will hear the matter at length on Monday.



During the hearing, Sibal said: "Proceedings under the 10th Schedule are proceedings before the Legislature and cannot be interfered with... There are allegations against the MLAs. They have given statements to the media. Why are they not replying to the disqualification notices?" To the bench's poser on whether a whip can be issued outside the House, Sibal said it was not a whip but a notice issued by the chief whip for a Congress Legislature Party meeting.

'Why can't Speaker wait for a day?' 9

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MLAs are being given a chance to voice their grievances, Sibal said, when the court questioned him on his views on intra-party democracy. Sibal contended there have been numerous SC decisions which hold that actions outside the party, including not attending meeting, have resulted in disqualification. At this, the bench said the

matter will require a detailed hearing as the issue of jurisdiction has to be decided. "These are important questions relating to democracy," said Justice Mishra.

The court asked Sibal why the Speaker could not wait for one more day for the rebel MLAs' response. The bench also declined his request to stay further proceedings of the high court or to transfer the matter to the Supreme

Court. Senior Advocate Mukul Rohatgi pointed out that the Speaker had given two letters to the HC agreeing for deferment of proceedings, but he had not put those letters on record.

Echoing the same, senior advocate Harish Salve, representing Sachin Pilot and the 18 other rebel MLAs, said issues of jurisdiction and maintainability had been argued before the high court.

Credit society scam: Court directs probe into complaint against Shekhawat

A day after the ED raided CM Ashok Gehlot's brother, a Jaipur court directed Rajasthan Police to probe a complaint against Union minister Gajendra Singh Shekhawat in a credit society scam. ADJ Pawan Kumar had directed the additional chief judicial magistrate's court to send the complaint against Shekhawat to the state police's special operations group. Shekhawat's wife is also named in the case. The Jaipur unit of the SOG has been probing the Sanjivani Credit Cooperative Society scam — in which around 50,000 investors allegedly lost about ₹840 crore — since an FIR was registered on August 23 last year.