

ಇಲಾಖೆ / ವಿಷಯ: DEPARTMENT/SUBJECT: Court Matter

ಪತ್ರಿಕೆಯ ಹೆಸರು : NAME OF THE NEWS PAPER: The Hindu

ದಿನಾಂಕ : DATE: 14/08/2019

Disqualified MLAs from State seek urgent hearing in SC

Plea in Supreme Court against their ouster from the House

LEGAL CORRESPONDENT
NEW DELHI

A Supreme Court Bench led by Justice Arun Mishra on Tuesday asked disqualified Karnataka legislators to communicate to the court Registrar their urgency to list pleas against their ouster from the House under the anti-defection law for hearing.

Several MLAs, including Pratapgouda Patil and A.H. Vishwanath, have approached the apex court jointly and separately.

Their petitions have arraigned the then Speaker, the State of Karnataka, Congress Legislature Party leader Siddaramaiah and State Congress president Dinesh Gundu Rao and the former Karnataka Chief Minister H.D. Kumaraswamy as respondents.

The petitions urged the court to set aside the former Speaker's decision.

"The petitioners have a fundamental right under Ar-

icle 19 to carry on any trade, business and profession. Their right to resign from the post of MLA and carry on any vocation of their choice, including public service, cannot be denied by the Respondent Speaker by a completely illegal and unconstitutional order. The action of the Speaker is thus in violation of the fundamental rights of the Petitioners guaranteed under Articles 19 and 21," they argued.

They also challenged the then Speaker's conclusion that their resignations were neither voluntary nor genuine. The legislators asked

the Supreme Court to call for the records of the proceedings pertaining to their resignation and disqualification.

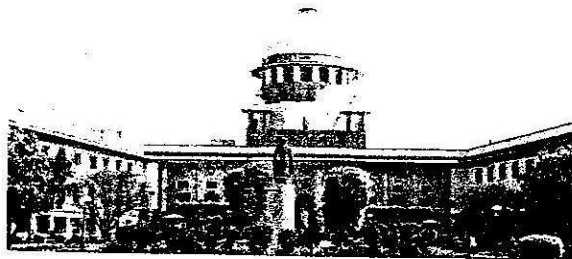
The legislators argued that the disqualification order under the Tenth Schedule was not in consonance with Rules 6 and 7 of the Karnataka Legislative Assembly (Disqualification of Members on Ground of Defection) Rules of 1986.

They said the actions of the former Speaker were wholly arbitrary and unreasonable and in violation of Article 14 of the Constitution. Besides, they argued, that not only had they submitted

their resignations on July 6, they repeated the act by coming in person again on July 11 before the Speaker to submit their resignations.

Under Article 190 of the Constitution read with Rule 202 of the Karnataka Legislative Assembly, a member can deliver a resignation signed in his own hand and the Speaker is only to satisfy himself about the genuineness and voluntariness of the resignation, they contended. The legislators further blamed the former Speaker of adopting a "pick-and-choose" policy.

The petitions said the then Speaker slipped out of his office when the legislators went to tender their resignations on July 6. The Speaker did not comply when the Supreme Court, on July 11, asked him to decide the resignations on the same day. The floor test, which was supposed to be held on July 13, was unduly delayed.



TH. 14/8/19