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HC says Vishwanath's disqualification holds, dashes cabinet dreams

TIMES NEWS NETWORK

Bengaluru: In a big setback to veteran politician and BJP MLC AH Vishwanath, the high court on Monday said he had been ex-facie disqualified as an MLA under Articles 164(1B) and 361-B of the Constitution and the status still subsists.

However, there is big relief for MLCs R Shankar and MTB Nagaraj, as the court said that the disqualification incurred by them no longer subsists as both were elected to the Karnataka legislative council.

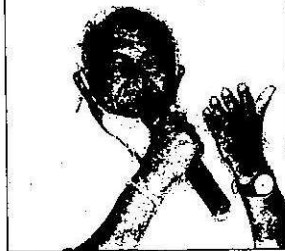
Disposing of applications seeking interim relief, a division bench headed by Chief Justice Abhay Shreenivas Oka noted that both the chief minister and the governor are bound to consider this aspect (disqualification) while taking any decision vis-a-vis inducting Vishwanath as a minister.

Holding that nomination doesn't amount to an election, the bench noted that disqualification incurred by him will continue till the expiry of the term of the post of Karnataka legislative assembly held by him. "If he (Vishwanath) gets elected (and not nominated) to the any house of the legislature, the disqualification under both Articles 164(1B) and 361-B will not apply," the bench added.

The court, however, clarified that it has not gone into the issue of whether Vishwanath could have been nominated to the legislative council as a *littérateur* on July 22, 2020.

In one of the PILs filed by advocate AS Harish, the petitioner has sought for direction to prohibit Shankar, Vishwanath and Nagaraj from taking oath as ministers in the BS Yediyurappa cabinet. He claims that they have

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Vishwanath was among the first MLAs to resign and head to Mumbai, triggering a stability crisis in the JD(S)-Congress government last year. This was significant since the move emboldened other rebel MLAs from the two parties to follow suit.

This was his fourth attempt at becoming a minister in three different governments. Vishwanath, who was a minister in the SM Krishna-led government 20 years ago, was one of those responsible for current opposition leader Siddaramaiah's entry into the Congress. When Siddaramaiah took over as the CM in 2013, many were hoping that Vishwanath would be inducted into his cabinet. However, the two fell out and Vishwanath quit Congress to join JD(S) in 2017.

He was keen on getting a ministerial berth in the JD(S)-Congress government, but was not considered by the Gowda family. Later, they tried to placate him by offering the party president's post, which he resigned before quitting the camp.

Though he had managed to get nominated to the legislative council under the *littérateur* quota to earn a cabinet berth in the Yediyurappa government, for now, it looks like the end of his long political innings.

made a back-door entry into the state legislature. In the other PIL filed by Rukmangada, the challenge is limited to nomination of Vishwanath.