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Supreme Court stays HC order on BBMP polls

State govt. approached apex court after HC ordered elections to only 198 wards .

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NEW DELHI

The Supreme Court on Friday stayed a Karnataka High Court judgment of December 4 that directed the State Election Commission to conduct elections to only 198 wards of the Bruhat Bengaluru Mahanagara Pa-

like (BBMP) in six weeks.

A Bench led by Chief Justice of India Sharad A. Bobde issued notice to the Election Commission and the original petitioners in the High Court – M. Shivraju and Abdul Wajid – on an appeal filed by the Karnataka government.

The government said the High Court judgment nullified the unanimous will of the State legislature, which is made up of the representatives of the people and which amended the Karnataka Municipal Corporations Act of 1976 to increase the number of wards in Bengaluru

to 243. The 1976 Act governs the BBMP.

The High Court, on December 4, had ordered the elections to be held to 198 wards as per the delimitation of wards published on June 23.

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The State government, represented by advocate Subhranshu Padhi, said the HC had severely handicapped efforts to "improve urban governance in one of the largest and most cosmopolitan cities in India".

"The increase in number of wards was necessitated by the fact that the population and demographics of the city have undergone vast changes since 2009 (when the number of wards was in-

creased to 198), thereby necessitating an increase in wards and their redrawing into smaller, more administrable sizes," the State argued.

The petition said the HC had erroneously read down the provisions to mean that the amended provisions would not apply to elections to those corporations that were due prior to the amended provisions coming into force.

The government contended that the HC had directed the State to conduct the elections in a manner contrary to "a validly and unanimously enacted piece of legislation by the State legislature". It said that Article 243-ZA(2) of the Constitution conferred power on the State legislature to, by law, make provisions with respect to "all matters relating to or in connection with elections to municipalities".