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KARNATAKA LEGISLATIVE ASSEMBLY, RESEARCH AND REFERENCE BRANCH

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Indian Express ದಿನಾಂಕ : DATE: 26/11/20

## High Court reserves order on BBMP polls

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THE Karnataka High Court on Wednesday reserved judgment on a batch of PILs seeking direction to hold elections to the Bruhat Bangalore Mahanagara Palike (BBMP). A division bench of Chief Justice Abhay Shreeniwas Oka and Justice S Vishwajith Shetty reserved the order after hearing the arguments of Advocate General Prabhuling K Navadgi, who said the purpose of the amendment to the KMC Act to increase the number of wards from 198 to 243, is to ensure a proper governance model. "The legislature has not taken an overnight decision. The exist-

ing wards are highly disproportionate," he added.

He stated that legislation can be struck down only on three limited grounds - for lacking legislative competence, violating Fundamental Rights, or if found to be 'manifestly arbitrary'. In the absence of limited grounds, the government cannot be directed to ignore a law enacted by legislature.

The bench said the petitioners' contention was that elections be held as per the existing wards to avoid breach of constitutional mandate to hold the polls on time. If the amendment is taken into ac-

count, it will be contrary to Article 243-U, as elections can't be held on time, the court added.

"Article 243-U can't be read in isolation. The provisions of Part IX-A must be read as a whole and be given effect to. Proper delimitation of wards

is an essential feature of the article," Navadgi said.

The bench asked him whether elections can be postponed on the grounds of creation

of additional wards. "The moment we uphold the state's enactment, it will defeat the constitutional mandate to hold elections on time... Even legislature does not have power to

enact law contrary to Article 243-U," the bench said.

The AG submitted that the State government would welcome directions on the timeline for a new delimitation process, and elections held. The delay was due to the Covid pandemic, he added. Senior counsel for a petitioner Prof Ravivarma Kumar argued that the State cannot make applicable amendments to the present situation as elections are already overdue.

Senior counsel KN Phanindra, State Election Commission, submitted that the Delimitation Commission came into existence after SEC filed a PIL before court, seeking directions to hold elections.

