

# **THE ANNUAL SURVEY OF STATE LAWS IN INDIA**

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# KARNATAKA

ANIKET R. SAWANT\*

## Introduction

The State of Karnataka is governed by a bicameral legislature, comprising the Karnataka Legislative Assembly (Vidhan Sabha) and the Karnataka Legislative Council (Vidhan Parishad). The Assembly exercises the primary legislative function, while the Council plays a revisory role. This bicameral structure is relatively uncommon among Indian states and often shapes the trajectory of statutory lawmaking by requiring the concurrence of both Houses.

The 16th Legislative Assembly was constituted in May 2023 following elections in which the Indian National Congress secured a clear majority, defeating the incumbent Bharatiya Janata Party. The elections marked a significant political transition, with the BJP losing substantial ground, the Congress making notable gains, and the Janata Dal (Secular) reduced to a marginal role. However, women's representation remained minimal, with only ten elected women MLAs.<sup>1</sup>

This chapter draws upon both primary sources (official websites of the Karnataka Legislative Assembly and Council, gazette notifications, and published statutes) and secondary sources (PRS Legislative Research, media reports, and committee outputs where available). While webcast archives of Assembly proceedings provided useful insights, they did not disaggregate time spent specifically on legislative debate. Further, discrepancies were observed between legislative and media reports, particularly regarding gubernatorial assent.

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<sup>1</sup> *Association for Democratic Reforms*, "Summary of Women Winners: Karnataka 2023 Assembly Elections," *MyNeta.info*, available at [https://myneta.info/Karnataka2023/index.php?action=summary&sort=candidate&subAction=winner\\_women](https://myneta.info/Karnataka2023/index.php?action=summary&sort=candidate&subAction=winner_women) (Last visited on October 6, 2025).

A key limitation of this study was the inability to access Kannada-language materials with full confidence. As many statutes, notifications, and debates are published primarily in Kannada, reliance on secondary translations sometimes amplifies this gap. Where vernacular sources were decisive, the researcher's inability to assess them directly in the original language remained a constraint.

To ensure accuracy, the dates of enactment, assent, and notification of Bills and Acts have been cross-checked with official government sources and legal databases such as Manupatra. This triangulation was intended to minimise discrepancies and to establish the reliability of the quantitative data used in this chapter.

Routine legislation (such as appropriation and finance acts) is not discussed in detail. Instead, attention is directed towards statutes and ordinances that were exemplary (innovative, path-breaking, or of policy significance) or egregious (controversial, partisan, or constitutionally questionable). For example, education sector reforms, laws addressing examination fraud, and amendments relating to taxation are analysed for their broader implications. Ordinances promulgated under Article 213 of the Constitution are examined critically for their effect on legislative oversight.

Through this framing, the chapter aims to provide not only a descriptive survey of Karnataka's lawmaking in 2023, but also a critical account of legislative trends in the state within the broader canvas of Indian constitutional law.

## **Quantitative Legislative Survey**

### **Data on the Working of the Legislature<sup>2</sup>**

The Karnataka Legislature is bicameral, comprising the Legislative Assembly and the Legislative Council. In 2023, the Assembly met for 39 days, the third highest in the country (after Maharashtra and West Bengal). Although this figure places Karnataka among the more active state legislatures, it nevertheless fell short of the statutory mandate of 60 sitting days per year under the Karnataka Conduct of Government Business in the State Legislature Act, 2005. The Legislative Council, which usually mirrors Assembly sittings, met for approximately 30–36 days.

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<sup>2</sup> All quantitative data in this section has been drawn from the *Annual Review of State Laws* for the respective years: Mridhula Raghavan, Niranjana Menon & Saket Surya, *Annual Review of State Laws 2021* (PRS Legislative Research, July 2022); Manas Gubbi, Niranjana S Menon & Siddharth Mandrekar Rao, *Annual Review of State Laws 2022* (PRS Legislative Research, May 2023); and Manas Gubbi, Niranjana S Menon & Simranjyot Kaur, *Annual Review of State Laws 2023* (PRS Legislative Research, April 2024). The figures have been cross-checked with official records of the Karnataka Legislative Assembly and Council where available.

The average duration of sittings was around 5 hours per day, bringing the total working time of the Assembly to approximately 209 hours in 2023. For comparison, in 2022, the Assembly met for 45 days and worked for about 225 hours, highlighting a slight decline in legislative working time in 2023.

With respect to financial business, the Budget Session in 2023 involved 7 days of discussion, close to the national average but considerably less than the 15 days of budget scrutiny in 2022. A significant portion of grant demands continued to be passed without discussion through the guillotine process, reflecting the structural absence of subject-specific committees for detailed scrutiny of departmental allocations.

**Table 1: Comparison across years**

On questions and oversight, Karnataka continues to maintain an active Question Hour, both

Indicator	2021	2022	2023
Assembly Sitting Days	40	45	39
Mandated Sitting Days	60	60	60
Total Hours Worked (approx.)	220–230 hrs	≈225 hrs	≈209 hrs
Average Sitting Duration	5–6 hrs/day	5 hrs/day	5 hrs/day
Bills Passed	48	29	32
Ordinances Promulgated	4	3	5
Bills Passed after 5+ Days	≈70%	59%	Mostly 2–5 days
Budget Discussion (days)	Longer scrutiny, detailed debate	15	7

in the Assembly and the Council. However, detailed disaggregated data for starred and unstarred questions in 2023 is not available in the public domain. In terms of committee functioning, Karnataka's Public Accounts Committee (PAC), Estimates Committee, and Public Undertakings Committee (PUC) met and submitted reports, though not as extensively as in states like Kerala or Himachal Pradesh. In 2023, the PAC tabled about 5 reports, the Estimates Committee about 3 reports, and the PUC about 2 reports. Notably, Karnataka has not yet adopted Departmentally Related Standing Committees (DRSCs), a reform which could have significantly deepened legislative scrutiny.

## Statutory Legislation

In 2023, the Karnataka Legislature passed 32 Bills. The time taken for passage varied, with the majority enacted within 2–5 days of introduction, suggesting limited deliberation. By

contrast, in 2022, Karnataka stood out nationally, with 59% of its Bills passed after at least 5 days, reflecting relatively higher deliberative standards than in 2023. In sum, Karnataka's statutory output in 2023 was marked by breadth across sectors (education, law and order, taxation, agriculture, public recruitment), though the depth of deliberation declined compared to 2022, where more time was taken before passage of Bills.

## Qualitative Analysis

### Governance, Administration, and Local Bodies

During 2023, the legislation in Karnataka appeared to favour centralisation, with executive-controlled statutory bodies increasingly organised at the cost of constitutionally envisaged local self-governance. These reforms were argued to be advanced from time to time in the name of increasing efficiency and targeted development, but taken all together, all of them eroded the decentralised framework envisaged under Parts IX and IXA of the Constitution.

A classic example of the trend was the Bruhat Bengaluru Mahanagara Palike (Amendment) Act, 2023.<sup>3</sup> It broadened the BBMP's tax base by empowering it to levy property taxes even on buildings that did not have an occupancy certificate. At the same time, the law widened exemptions for educational institutions, thereby portraying itself as a social welfare measure.<sup>4</sup> However, the more profound implications were far from favourable. Taxing non-compliant structures would amount to tacit legitimisation of the said non-compliance, thereby eroding the deterrent purpose of urban planning laws; broad exemptions, meanwhile, would further erode the feeble revenue base. The considered rush with which this amendment was adopted indicates that urgent fiscal requirements drove it more than any vision of municipal finance.<sup>5</sup>

Another related enactment, the Bruhat Bengaluru Mahanagara Palike and Certain Other Law (Amendment) Bill, 2023, sought to harmonise existing municipal laws. Although ostensibly touching on a narrow area, its unstinting passage without any real debate pointed to a larger malaise in the legislative process, whereby air-tight reforms in urban governance

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<sup>3</sup> The Bruhat Bengaluru Mahanagara Palike (Amendment) Act, 2023.

<sup>4</sup> Summary of The Bruhat Bengaluru Mahanagara Palike (Amendment) Bill, 2023, available at <https://prsindia.org/bills/states/the-bruhat-bengaluru-mahanagara-palike-amendment-bill-2023> (Last visited on October 3, 2025).

<sup>5</sup> Although the Bill remained pending for much of 2023, its eventual passage in December was carried out with little deliberation, suggesting that the driving concern was not a considered vision of municipal finance but the urgent need to legitimise prior collections and securing of BBMP's revenues. See Yamini C.S., *BBMP Amendment Bill Passed in Karnataka Legislative Assembly*, HINDUSTAN TIMES (Bengaluru), December 14, 2023, available at <https://www.hindustantimes.com/cities/bengaluru-news/bbmp-amendment-bill-passed-in-karnataka-legislative-assembly-101702551912031.html> (Last visited on October 3, 2025).

were pushed through without meaningful scrutiny, robbing the Assembly of its deliberative function.<sup>6</sup>

Rural governance reforms also reflected a similar pattern of limited democratic deliberation. The Karnataka Gram Swaraj and Panchayat Raj (Amendment) Ordinance, 2023,<sup>7</sup> which was later converted into law,<sup>8</sup> was promulgated in response to a High Court directive to hold local body elections.<sup>9</sup> The ordinance redrew constituency boundaries and detached certain taluks from the Shivamogga district and thereby deferred the conduct of the elections. While the Government said these changes were corrective measures, opposition parties found them to be blatant gerrymandering.<sup>10</sup> The question however is, could the ordinance making power be used to alter electoral architecture, concentrate powers in the executive, and thereby subvert electoral equity.

New statutory boards reinforced this centralising tendency. The Karavali Development Board Act<sup>11</sup> was conceived as a regional development act, yet a wide interpretation saw it as a political weapon to consolidate some influence in the coastal districts, areas marked by both economic disparity and communal tension.<sup>12</sup> Acting similarly was the Shree Renuka Yellamma Kshetra Tourism Development Board Act, which again brought specialised boards into existence for worship and tourism sites, raising concerns of state interference in

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<sup>6</sup> In *M/s Sapthagiri Shelters v. State of Karnataka* [WP No. 23086/2022, 2025 LiveLaw (Kar) 203], the Karnataka High Court struck down the Karnataka Municipal Corporations and Certain Other Law (Amendment) Acts, 2021 & 2023. These amendments retrospectively empowered the BBMP to collect various fees/penalties during building plan sanctions, including levies linked to “guidance value.” The Court held that such imposts lacked quid pro quo, had no rational nexus with services rendered, and wrongly applied planning laws to all plots irrespective of size. The Court reiterated that retrospective legislation cannot be used to validate imposts earlier quashed as ultra vires without data or legal rationale. This reaffirmed limits on legislative validation and emphasised that judicial decisions cannot be neutralised through indirect amendments.

<sup>7</sup> The Karnataka Gram Swaraj and Panchayat Raj (Amendment) Ordinance, 2023.

<sup>8</sup> The Karnataka Gram Swaraj and Panchayat Raj (Amendment) Act, 2023.

<sup>9</sup> Ambarish B., *Panchayat polls: Delimitation notification in 10 days, govt tells Karnataka HC*, DECCAN HERALD (Karnataka), February 14, 2023, available at <https://www.deccanherald.com/india/karnataka/panchayat-polls-delimitation-notification-in-10-days-govt-tells-karnataka-hc-1191232.html> (Last visited on October 3, 2025).

<sup>10</sup> Kiran Parashar, *Amid Opposition uproar, Karnataka Assembly passes 5 Bills with no discussion or debate*, THE INDIAN EXPRESS (Belagavi), December 13, 2023, available at <https://indianexpress.com/article/cities/bangalore/amid-opposition-uproar-karnataka-assembly-passes-5-bills-with-no-discussion-or-debate-9064631/> (Last visited on October 3, 2025).

<sup>11</sup> The Karavali Development Board Act, 2023, Act No. 27 of 2024 (April 5, 2024).

<sup>12</sup> HT Correspondent, *Assembly passes five bills even as Opposition holds day-long protest*, HINDUSTAN TIMES (Bengaluru), December 12, 2023, available at <https://www.hindustantimes.com/india-news/assembly-passes-five-bills-even-as-opposition-holds-day-long-protest-101702323170432.html> (Last visited on October 3, 2025) (noting that the BJP and JD(S) staged a day-long protest, yet the Speaker proceeded and four of the five Bills, including the Karnataka Gram Swaraj and Panchayat Raj (Amendment) Bill, 2023 and the Karavali Development Board Bill, 2023, were adopted without discussion).

religious affairs.<sup>13</sup> The Hampi World Heritage Area Management Authority further enhanced this trend by relaxing the conservation norms for tourism-led development, thereby subordinating the interests of heritage preservation to economic gain.<sup>14</sup> Taken together, these enactments reveal a clear trend of shifting power away from elected local bodies to executive-dominated boards and agencies. These mechanisms of formally announcing efficiency and targeted development barely helped disguise the deeper erosion of democratic decentralisation. Far from the empowerment of local self-government, the governance legislation in Karnataka in 2023 further entrenched a centralising structure. This inference is supported by the limited legislative debate recorded in the Assembly proceedings, as contemporaneous reports noted that several Bills were passed without discussion, and by the absence of any recorded consultations with municipal or panchayat institutions prior to their introduction.<sup>15</sup>

## **Taxation, Revenue & Financial Regulation**

In 2023, fiscal legislation in Karnataka reflected the dual struggle of the State: to work within the centre's constraints towards the completion of the GST framework, and to boost its own limited revenue base. The enactments of the year thus went back and forth between working around nationally-dictated deadlines and slowly, sometimes regressive, strategies of raising revenue. Ordinances were often used, thus depriving the Legislature of any debate and underlining the increasingly limited financial governance of the State.

The Karnataka Tax on Profession, Trades, Callings and Employments (Amendment) Act, 2023 raised professional tax slabs.<sup>16</sup> The government rejected the criticism by suggesting that this was a necessary step to build revenues in a fiscally constrained post-pandemic scenario. However, its significance lies less in its quantum of the tax and much more in its symbolism, for professional tax levied under Entry 60 of the State List continues to be one of the very few taxes over which state governments have exclusive power. Such expansion speaks to the restricted fiscal manoeuvrability of states in a GST regime.<sup>17</sup> They were

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<sup>13</sup> The Shree Renuka Yellamma Kshetra Tourism Development Board Act, 2023.

<sup>14</sup> The Hampi World Heritage Area Management Authority (Amendment) Act, 2023.

<sup>15</sup> *Supra* note 10 & 12.

<sup>16</sup> The Karnataka Tax on Profession, Trades, Callings and Employments (Amendment) Act, 2023.

<sup>17</sup> Ajith Athrady, *Karnataka seeks Constitution amendment to hike professional tax*, DECCAN HERALD (Bengaluru), December 20, 2024, available at <https://www.deccanherald.com/business/karnataka-seeks-constitution-amendment-to-hike-professional-tax-3327319> (Last visited on October 3, 2025).

criticised for singling out smaller traders and service providers for tax increases, while big investors reaped benefits through a parallel universe of tax exemptions and concessions.<sup>18</sup>

The most consequential cluster of changes was brought about by amendments to the Karnataka Goods and Services Tax Act. The Karnataka GST (Amendment) Ordinance, 2023, and its subsequent legislative conversion,<sup>19</sup> along with a second amendment,<sup>20</sup> were brought into force to keep state law in conformity with the decisions of the GST Council, especially those relating to the taxation of online gaming and virtual digital assets.<sup>21</sup>

The Karnataka Stamp (Amendment) Act, 2023, was presented as a technical measure, but its distributive consequences were significant.<sup>22</sup> By revising stamp duty rates, it raised transaction costs in urban property markets already characterised by inflated prices. For many households, this translated into additional barriers to accessing housing and credit, demonstrating how ostensibly neutral fiscal changes can exacerbate structural inequities. The ordinance route was justified by invoking the Council's mandatory deadline of 1 October 2023. While formally defensible, the episode lays bare the erosion of state-level fiscal autonomy. Article 246A may confer concurrent powers over GST, yet in practice, Council decisions bind states so tightly that legislative discretion is reduced to ratification. Opposition members alleged that such far-reaching changes, having an overarching effect on Karnataka's digital economy, were passed without any meaningful discussion.<sup>23</sup>

Parallel changes to the Karnataka Motor Vehicles Taxation Act,<sup>24</sup> also passed twice during the year, looking to arrest revenue leakage in the transport sector.<sup>25</sup> By tinkering with exemptions and rates, the State sought incremental revenue mobilisation. However, the frequency of these amendments betrayed an absence of long-term fiscal design. Rather, the

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<sup>18</sup> For an analysis of the Act and further concerns, see Anshul Prakash, Deeksha Malik & Ajeta Anand, *Karnataka Professional Tax Amendment 2023: Major Changes Notified*, LEXOLOGY (Khaitan & Co., March 24, 2023), available at <https://www.lexology.com/library/detail.aspx?g=5c6be4c3-edec-4071-8b06-7d7767db8c28> (Last visited on October 3, 2025).

<sup>19</sup> The Karnataka Goods and Services Tax (Amendment) Act, 2023.

<sup>20</sup> The Karnataka Goods and Services Tax (Second Amendment) Act, 2023.

<sup>21</sup> The *Karnataka Goods and Services Tax (Amendment) Ordinance, 2023*, was promulgated on 29 September 2023 to urgently align state law with central GST amendments on online gaming and related matters. Following the 51st GST Council meeting (2 August 2023) and the Council Secretariat's direction on 11 August 2023, states were required to adopt changes by 1 October 2023. As the Legislature was not in session, the Governor issued the Ordinance to ensure Karnataka's compliance within the strict deadline.

<sup>22</sup> The Karnataka Stamp (Amendment) Act, 2023.

<sup>23</sup> *Supra* note 12.

<sup>24</sup> The Karnataka Motor Vehicles Taxation (Amendment) Act, 2023.

<sup>25</sup> The Karnataka Motor Vehicles Taxation (Second Amendment) Act, 2023 (further revising the vehicle taxation framework, including updated slabs and compliance provisions to enhance state revenue collection).

pattern stood out more as ad-hoc measures taken to cater to immediate fiscal stress instead of a coherent taxation strategy.

If anything, the amendment to the Karnataka Transparency in Public Procurements Act was the most contested politically.<sup>26</sup> Originally promulgated as an ordinance but later ratified by the Assembly,<sup>27</sup> the amendment considered modernisation, as the way of streamlining procurement and aligning thresholds with digital platforms.<sup>28</sup> However, opposing parties and civil society organisations were concerned that the reforms increased executive discretion concerning pre-qualification criteria, opening channels for patronage and rent-seeking, hence corroding further confidence, since reliance on the ordinance route provided no scrutiny for an area that has, since time immemorial, been historically prone to corruption.<sup>29</sup>

Taken together, Karnataka's fiscal legislation in 2023 was good in numbers but stagnant in substance. Compliance with the directives of the GST Council showed a slow loss of fiscal autonomy by the states, while amendments to professional taxes and vehicle taxes revealed some regressive tendencies in revenue mobilisation. Some of the reforms in procurement, even though claimed to advance modernisation, earned criticism for diluting accountability. As such, the fiscal agenda that developed through these legislations was largely reactive: meeting external deadlines and plugging immediate gaps, without adequately resolving the larger questions of distributive justice and sustainable financial planning.

## Judiciary, Legal System & Litigation

Legislative activity in Karnataka during 2023 also extended into the judicial and legal domain. Here, the State's interventions oscillated between pragmatic reforms designed to address systemic inefficiencies and measures that revealed the executive's desire to exercise greater influence over the judicial process. Together, these enactments illustrate the limitations of piecemeal statutory tinkering in the absence of deeper structural investment in judicial capacity.

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<sup>26</sup> The Karnataka Transparency in Public Procurements (Amendment) Act, 2023.

<sup>27</sup> The Karnataka Transparency in Public Procurements (Amendment) Ordinance, 2023.

<sup>28</sup> *KTPP Amendment Bill passed in Karnataka Assembly; quota in focus*, DECCAN HERALD (Bengaluru), March 5, 2024, available at <https://www.deccanherald.com/india/karnataka/kttp-amendment-bill-passed-quota-in-focus-2811972> (Last visited on October 3, 2025) (reporting that Law and Parliamentary Affairs Minister H.K. Patil described the Bill as a proactive step to enhance employment opportunities for OBCs in Karnataka).

<sup>29</sup> Shruithi H.M. Sastry, *Karnataka Cabinet okays hike in exemption limit for SC/ST contractors to Rs 1 cr*, DECCAN HERALD (Bengaluru), June 29, 2023, available at <https://www.deccanherald.com/india/karnataka/st-contractors-to-rs-1-cr-1232165.html> (Last visited on October 3, 2025) (reporting that the Cabinet approved raising the exemption limit for SC/ST contractors to ₹1 crore, a measure earlier introduced by ordinance and now set to be replaced by a Bill).

The Code of Civil Procedure (Karnataka Amendment) Act, 2023, is an example of this approach.<sup>30</sup> The amendment sought to alter procedural time-limits in civil litigation, thereby curtailing the adjournments and interlocutory disputes that had become a characteristic clog in the wheel of trial courts.<sup>31</sup> Insofar as efficiency was the goal, critics in the bar were concerned that this might prove inadequate to address the issue: in fact, a far too stringent a schedule may unfairly prejudice litigants from rural areas where access to legal counsel is already very limited. The bigger question: can procedural reforms really cut arrears, or do they just transfer pressure instead of addressing the real shortage of judicial resources?

Although the Karnataka Conduct of Government Litigation Act, 2023 presents itself as a measure to streamline and rationalise the State's litigation practices, a closer reading reveals its limitations.<sup>32</sup> The statute primarily centralises litigation management by vesting control in designated law officers, the Law Secretary, and committees at the state and district levels. While this framework promises consistency and curbs departmental autonomy in initiating and pursuing cases, it stops short of altering the underlying incentives that drive excessive government litigation. The Act contains no provision mandating a reduction in the volume of appeals or prescribing substantive criteria for screening weak cases, nor does it embed institutional mechanisms to encourage mediation or alternative dispute resolution. Except for a narrow reference to the possibility of settlement in response to notices under Section 80 of the Civil Procedure Code, its thrust remains managerial rather than reformist.<sup>33</sup> In effect, the legislation restructures who manages litigation without addressing why the State litigates as frequently as it does.

Amendments to the Karnataka High Court Act<sup>34</sup> and the Karnataka Civil Courts Act<sup>35</sup> were more technical, raising the pecuniary jurisdiction of subordinate courts to ease the High Court's burden. The measure was intended to improve access to justice by bringing more disputes within the purview of lower courts. However, critics highlighted a familiar risk: subordinate courts, already strained by limited staffing and infrastructure, may struggle to

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<sup>30</sup> The Code of Civil Procedure (Karnataka Amendment) Act, 2023.

<sup>31</sup> Bharath Joshi, *Bill introduced in Karnataka Assembly to ensure speedy trials for farmers, poor*, DECCAN HERALD (Bengaluru), July 18, 2023, available at <https://www.deccanherald.com/india/karnataka/bill-introduced-in-karnataka-assembly-to-ensure-speedy-trials-for-farmers-poor-1238382.html> (Last visited on October 3, 2025)

<sup>32</sup> The Karnataka Conduct of Government Litigation Act, 2023.

<sup>33</sup> *Ibid*, Section 11(1)–(4), provides that upon receipt of a notice under Section 80 CPC, the Departmental Secretary must examine the claim, consider the possibility of settlement out of court, and if the claim is genuine, take immediate action to settle it.

<sup>34</sup> The Karnataka High Court (Amendment) Act, 2023.

<sup>35</sup> The Karnataka Civil Courts (Amendment) Act, 2023.

handle complex cases.<sup>36</sup> Without corresponding investments, jurisdictional adjustments risk displacing arrears rather than resolving them.

The Karnataka Prohibition of Violence Against Advocates Bill, 2023, was a targeted legislative response to a rise in attacks on lawyers.<sup>37</sup> It created stringent penalties for violence or intimidation against advocates. Its enactment acknowledged the vulnerability of lawyers as central actors in the justice system. However, the Bill also generated controversy for the privileges it conferred. By creating special protections for advocates while leaving similarly vulnerable professions, such as doctors or journalists, without equivalent safeguards, the law arguably entrenched professional hierarchies. The said bill might chill legitimate client dissent against negligent representation. The episode underscored both the political influence of the bar and the selective nature of statutory protection.

Finally, the Registration (Karnataka Amendment) Bill, 2023, tied judicial reform to the terrain of land and property transactions, an area that produces a large volume of litigation in Karnataka. By streamlining evidentiary requirements for registration, the amendment aimed to reduce disputes over defective documentation. Yet, by lowering safeguards, it risked facilitating benami transactions and the regularisation of irregular real estate dealings. In a state where land politics are deeply intertwined with power, the amendment must be read not as a neutral technical measure but as a reform with significant distributive and political implications.

Considered together, these enactments reflect a judiciary-facing legislative agenda that was at once pragmatic and partial. Efforts to rationalise procedure and regulate state litigation were defensible, but reforms privileging lawyers or easing land transactions were shaped by powerful constituencies. What is missing is a sustained commitment to building judicial capacity and infrastructure. In that absence, statutory changes of 2023 appear less as a coherent vision for access to justice and more as a patchwork response to immediate pressures and influential demands.

## **Social Justice, Caste & Tribal Welfare**

Few areas of Karnataka's legislative interventions in 2023 carried as much political weight as those concerning Scheduled Castes (SCs) and Scheduled Tribes (STs). These enactments reveal the dual character of social justice lawmaking: it functions simultaneously as a space

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<sup>36</sup> Shridhar Prabhu, *Amendment to the Karnataka Civil Courts Act and the High Court's Act: Cure or Chaos?*, Daksha Legal (December 16, 2023), available at <https://dakshalegal.blog/2023/12/16/amendment-to-the-karnataka-civil-courts-act-and-and-the-high-courts-act-cure-or-chaos/> (Last visited on October 3, 2025).

<sup>37</sup> The Karnataka Prohibition of Violence Against Advocates Act, 2023.

for symbolic affirmation of constitutional commitments and as a field where redistributive intent is often negotiated against political expediency.

The Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) (Amendment) Act, 2023, touched upon one of the most contentious legacies of the entire realm of land reform.<sup>38</sup> The original statute empowered the state to secure land given to SCs and STs against alienation; alienation of such land was illegal, but over time, this rigidity gave rise to endless litigation, disturbing the tranquillity of even bona fide purchasers many decades after such transactions.<sup>39</sup> With the 2023 amendment, a compromise sought to soften this rigidity by introducing procedural safeguards and time limits. Its supporters described it as a pragmatic correction to prevent an endless series of litigation, while its critics noted that it actually diluted the statute's original redistributive aim of restoring alienated land to marginalised communities.<sup>40</sup> In other words, the amendment sits somewhere in between: it alleviates the plight of alternative purchasers while simultaneously shrinking the courts' potential transformative impact upon the very groups that the law was enacted to shield.

Karnataka Scheduled Castes Sub-Allocation and Tribal Sub-Allocation (Planning, Allocation and Utilisation of Financial Resources) (Amendment) Act, 2023, further extends the State's experiment in targeted budgeting, the framework pioneered by Karnataka and later taken up as a national model.<sup>41</sup> The amendment laid down certain finer points relating to accounting mechanisms and the permissible scope of expenditure in layman terms. Thus, on its face, yet another institutional guarantee for earmarked outlays for Dalit and Adivasi welfare was laid. However, there were warnings from civil society that the very categories of "permissible expenditure" had begun to stretch in recent years to include general-purpose infrastructural works with only tangential relevance to the SC/ST communities.<sup>42</sup>

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<sup>38</sup> The Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) (Amendment) Act, 2023.

<sup>39</sup> See Express News Service, *Karnataka moves to amend SC/ST land transfer law, 25-year time bar on claims by grantees to be removed*, THE INDIAN EXPRESS (Bengaluru), July 23, 2023, available at <https://indianexpress.com/article/cities/bangalore/karnataka-amend-sc-st-land-transfer-law-8855578/> (Last visited on October 3, 2025)

<sup>40</sup> Satish Kumar B.S., *Assembly adopts Karnataka SC/ST land transfer Bill*, THE HINDU (Bengaluru), July 20, 2023, available at <https://www.thehindu.com/news/national/karnataka/assembly-adopts-karnataka-scst-land-transfer-bill/article67102913.ece>

<sup>41</sup> The Karnataka Scheduled Castes Sub-Allocation and Tribal Sub-Allocation (Planning, Allocation and Utilisation of Financial Resources) (Amendment) Act, 2023.

<sup>42</sup> Nandini Chandrashekar, *Karnataka govt under fire over decision to use SC/ST funds for other schemes*, THE NEWS MINUTE (Bengaluru), August 4, 2023, available at <https://www.thenewsminute.com/karnataka/karnataka-govt-under-fire-over-decision-use-scst-funds-other-schemes-180644> (Last visited on October 3, 2025) (reporting that the Karnataka government diverted

The 2023 amendment, by further enlarging discretion, may well render sub-allocation into just a number-crunching exercise, fulfilling expenditure targets but failing in actual empowerment, delivery, or targeting of benefits.

At first sight, the Karnataka Legislature (Prevention of Disqualification) (Amendment) Act, 2023 might strike the reader as primarily an issue of legislative privilege.<sup>43</sup> To this extent, the Act aligns itself with the social justice narrative. This is because it touches upon the very integrity of representation in welfare governance. By exempting certain advisory offices from disqualification, the Act essentially served to shield legislators who simultaneously held memberships of statutory boards and authorities--many of which work in SC/ST development programmes. This was said to be in order to encourage legislators to use their experience in policy oversight. On the contrary, however, the reform merely entrenched the overlap of political office with patronage structures and thereby blurred the demarcation between independent legislative functions and executive co-optation. What this means for marginalised communities is that : it converts welfare boards into sites for political brokerage rather than autonomous sites of accountability.

Taken together, these measures underscore the paradox of Karnataka's 2023 approach to social justice legislation. On the surface, they extended the rhetoric of protection and empowerment through land reform adjustments, budgetary earmarking, and welfare-linked political participation. Yet, within each measure lay built-in dilutions: restitution weakened by procedural limitations, sub-allocation hollowed by broadened categories, and representation compromised by patronage. The result is a legislative framework that signals commitment to SC/ST welfare while simultaneously tempering its redistributive edge. This reflects a political calculus in which electoral legitimacy requires symbolic allegiance to social justice, even as legislative design accommodates the interests of dominant landholding, bureaucratic, and political elites.

## **Education, Universities & Health**

Legislative developments in Karnataka during 2023 in the fields of education and health reveal two parallel trajectories: the steady proliferation of private universities and the reinforcement of compulsory service obligations on medical graduates. Both reflect the uneasy balance between market expansion, regulatory authority, and constitutional commitments to welfare.

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₹11,144 crore from the SC/ST Sub-Plan allocation to fund five guarantee schemes, sparking criticism and debate).

<sup>43</sup> The Karnataka Legislature (Prevention of Disqualification) (Amendment) Act, 2023, Act No. 26 of 2023 (July 27, 2023).

The BMS University Act of 2023 is an indictment of Karnataka's recent higher education policy.<sup>44</sup> Along with a slew of similar private university acts in recent years, it has enlarged the scope of legislatively chartered private institutions. Such statutes are customarily enacted on the grounds of increasing access and promoting excellence, but their enactment is rapid and largely insulated from serious scrutiny. The BMS Act followed the pattern and was passed with barely any discussion on governance models, fee fixation, or regulation.<sup>45</sup> Arguably, these private university acts vest decision-making powers with boards dominated by promoters, with only a skeleton of accountability. What this trajectory raises is a fundamental constitutional question: higher education, linked to Directive Principles under Articles 41 and 45, has been historically envisaged as a public good. Karnataka, while starving public universities of funds, has favoured granting charters to private ones—even if this amounts to a retreat from this conception and embeds inequalities of access in a state where there have already been sharp disparities between rural and urban educational infrastructure.<sup>46</sup>

Generally speaking, the Karnataka Compulsory Service by Candidates Completed Medical Courses (Amendment) Act, 2023, preceded by an ordinance,<sup>47</sup> displayed the State's resolve to enforce the rural service aspect of the programme. It revised default penalties and procedures relating to the compulsory posting.<sup>48</sup> The government invoked the urgency of the ordinance on grave shortages afield in rural health centres, a deficit further exaggerated in the pandemic aftermath. The plea to address the unfair distribution of healthcare would probably have stood, but the controversial way chosen to address it ended up in major contestation. Medical graduates and their associations went on record denouncing the

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<sup>44</sup> The BMS University Act, 2023.

<sup>45</sup> The BMS University Bill, 2023, was introduced in the Karnataka Legislative Assembly in late February 2023 and was passed in mid-March 2023. Bill available at [https://www.prsindia.org/files/bills\\_acts/bills\\_states/karnataka/2023/Bill-5of2023-Karnataka.pdf](https://www.prsindia.org/files/bills_acts/bills_states/karnataka/2023/Bill-5of2023-Karnataka.pdf) (Last visited on October 3, 2025).

<sup>46</sup> Sruthy Susan Ullas, *Karnataka govt blasts 25 private universities for sidelining officials*, THE TIMES OF INDIA (Bengaluru), July 28, 2023, available at <https://timesofindia.indiatimes.com/city/bengaluru/govt-blasts-25-pvt-univs-for-sidelining-officials/articleshow/101998635.cms> (Last visited on October 3, 2025) (reporting government criticism of 25 private universities for bypassing oversight mechanisms and marginalizing state-appointed officials).

<sup>47</sup> Navya P.K., *State govt panel report recommends one-year compulsory govt service for nursing students*, DECCAN HERALD (Bengaluru), February 4, 2023, available at <https://www.deccanherald.com/india/karnataka/bengaluru/state-govt-panel-report-recommends-one-year-compulsory-govt-service-for-nursing-students-1187891.html> (Last visited on October 3, 2025).

<sup>48</sup> Arun Dev, *Karnataka cabinet eases law mandating rural service for doctors: Patil*, HINDUSTAN TIMES (Bengaluru), October 17, 2023, available at <https://www.hindustantimes.com/india-news/karnataka-cabinet-eases-law-mandating-rural-service-for-doctors-patil-101697826718475.html> (Last visited on October 3, 2025).

perceived forced conscription when adequate infrastructure, security, or working conditions were not met in rural postings. Others, largely sympathetic to the matter, countered that no compelling manner would ever fill structural vacancies or chronic underfunding in the public health system.

The constitutional dilemma here is acute. Article 19(1)(g) guarantees the freedom to practise a profession, but Article 47 imposes a Directive Principles obligation on the State to raise the level of public health. Courts have generally upheld reasonable restrictions on professional freedom when justified by public interest. Yet reliance on compulsion rather than incentives raises questions of proportionality. Without systemic improvements to rural healthcare delivery, mandatory service may prove counterproductive, undermining both morale and quality of care. The repeated use of ordinances in this domain further reflects a legislative preference for immediate, coercive fixes over deeper structural reform.

Taken together, Karnataka's 2023 laws on education and health reveal a pattern of statutory responses that are expedient but limited in vision. Private university statutes entrench a drift toward privatisation without robust safeguards for equity, while compulsory service laws exemplify the limits of legal coercion in addressing healthcare deficits. Both strands demonstrate how legislative strategies, presented as pragmatic responses to demand and scarcity, risk exacerbating existing inequalities rather than fulfilling the constitutional promise of education and health as instruments of social justice.

## **Labour, Industry & Safety**

Legislative interventions in Karnataka during 2023 in the domains of labour and safety reveal the persistent tension between the State's pursuit of industrial competitiveness and its constitutional obligation to safeguard workers' rights. The measures enacted suggest a policy environment where regulatory flexibility for employers was prioritised, while protections relating to safety and welfare were addressed only through incremental adjustments rather than systemic reform.

The most contested measure was the Factories (Karnataka Amendment) Act, 2023.<sup>49</sup> By extending permissible working hours and enabling greater flexibility in shifts, the government framed the amendment as essential to attract global investment, particularly in labour-intensive sectors such as electronics and garments, where Karnataka competes regionally and internationally. Industry associations endorsed the reform as a signal of "ease of doing business." However, trade unions and opposition legislators argued that the amendment undermined hard-won labour protections. Extended hours without parallel

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<sup>49</sup> The Factories (Karnataka Amendment) Act, 2023.

guarantees on overtime pay, health safeguards, or workplace conditions risk institutionalising exploitative practices. In constitutional terms, although labour falls within the Concurrent List, such reforms must be situated against Articles 21 and 42, which mandate humane working conditions and just treatment of labour. The speed with which the Act was passed, with little deliberation, underscored the government's prioritisation of investment imperatives over thorough debate on labour rights.<sup>50</sup>

In contrast, the Karnataka Fire Force (Amendment) Act, 2023, preceded by an ordinance, represented a more traditional regulatory intervention.<sup>51</sup> It expanded state authority to prescribe fire safety measures and raised penalties for non-compliance.<sup>52</sup> The government justified its urgency on account of increasing urban vulnerabilities, particularly in high-density residential and commercial spaces. Yet critics observed that the reliance on ordinance-making again reflected a pattern of executive haste, sidelining legislative discussion.<sup>53</sup> Further, while penalties were enhanced, little attention was paid to institutional capacity: whether the fire services possessed adequate manpower, training, or equipment to ensure effective enforcement remained largely unaddressed.

The Karnataka State Road Safety Authority (Amendment) Act, 2023, followed a similar trajectory of incremental reform.<sup>54</sup> By reconstituting the Authority and altering its funding mechanisms, the statute aimed to strengthen road safety in a state with among the highest accident rates in the country.<sup>55</sup> While the intent was unobjectionable, civil society organisations highlighted the chronic underfunding and dormancy of such statutory

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<sup>50</sup> Express News Service, *Karnataka government will reconsider 12-hour workday law brought by BJP, says CM Siddaramaiah*, THE INDIAN EXPRESS (Bengaluru), January 19, 2024, available at <https://indianexpress.com/article/cities/bangalore/karnataka-government-12-hour-workday-law-cm-siddaramaiah-9116897/> (Last visited on October 3, 2025) (noting that trade unions opposed the Factories (Karnataka Amendment) Bill, 2023, which extended permissible workdays to 12 hours).

<sup>51</sup> The Karnataka Fire Force (Amendment) Act, 2023.

<sup>52</sup> The PRS memorandum and Bill justification stress rising urban vulnerability and the need for modernised rule-making powers, rather than naming a single incident that denoted urgency behind making this Act.

<sup>53</sup> The legislative record and PRS note make clear the ordinance route was used (i.e., promulgation when the legislature was not in session) and the Bill replaces that Ordinance; commentators routinely treat ordinance use as a form of executive haste that short-circuits fuller legislative scrutiny. See Statement of Object and Reason of the Bill that replaces the Act, available at [https://prsindia.org/files/bills\\_acts/bills\\_states/karnataka/2023/Bill3of2023Karnataka.pdf](https://prsindia.org/files/bills_acts/bills_states/karnataka/2023/Bill3of2023Karnataka.pdf)

<sup>54</sup> The Karnataka State Road Safety Authority (Amendment) Act, 2023.

<sup>55</sup> Express News Service, *Road accidents, fatalities rose in Karnataka and Bengaluru in 2022: Report*, THE INDIAN EXPRESS (Bengaluru), November 3, 2023, available at <https://indianexpress.com/article/cities/bangalore/road-accidents-fatalities-rose-karnataka-bengaluru-2022-9011662/> (Last visited on October 3, 2025) (citing Union Ministry of Road Transport and Highways data that 11,702 people were killed in 39,762 accidents in Karnataka during 2022).

authorities.<sup>56</sup> Without sustained political will and resource allocation, the reorganisation of governance structures risks becoming merely cosmetic, failing to translate into tangible improvements in road safety outcomes.

Taken together, Karnataka's 2023 legislation on labour and safety illustrates a dual orientation. On the one side, bold deregulation through the Factories Amendment demonstrated the State's willingness to prioritise industrial competitiveness over labour protection. On the other hand, reforms in fire safety and road safety addressed genuine concerns but relied heavily on ordinance-making and institutional reshuffling, with little engagement with systemic deficits in enforcement capacity. The pattern suggests a State more committed to projecting business-friendliness than to deepening its constitutional promise of humane labour standards and robust public safety.

## Recruitment & Public Services

One of the most prominent legislative responses in Karnataka during 2023 was the Karnataka Public Examination (Measures for Prevention of Corruption and Unfair Means in Recruitment) Bill, 2023.<sup>57</sup> The statute emerged directly from the recurring scandals of paper leaks and organised cheating that had plagued public examinations in recent years, severely undermining public trust in recruitment to state services and provoking sustained protests by aspirants. Against this backdrop, the Bill was positioned as both a corrective reform and a political signal of responsiveness to youth constituencies.

The Act criminalises a wide range of malpractices, including paper leaks, impersonation, and organised cheating, prescribing stringent penalties of imprisonment and substantial fines.<sup>58</sup> It further empowers investigating authorities with enhanced powers to dismantle networks enabling recruitment fraud.<sup>59</sup> From a political standpoint, its introduction allowed the newly elected Congress government to demonstrate decisive action on a matter that had generated electoral salience. Yet, legislative debate revealed concerns about whether

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<sup>56</sup> ₹480.50 crore collected as road safety cess between 2017-18 and 2019-20 was only transferred to the Road Safety Fund in 2020-21, and that rules required for KSRSA were not framed till October 2021. See HT Correspondent, *CAG report: Road safety policy failed to reduce accidents*, HINDUSTAN TIMES (Bengaluru), March 17, 2022, available at <https://www.hindustantimes.com/india-news/cagreportroad-safety-policy-failed-to-reduce-accidents-101647456907960.html> (Last visited on October 3, 2025) (reporting the CAG's findings that Karnataka's road safety policy did not achieve a reduction in accidents).

<sup>57</sup> The Karnataka Public Examination (Measures for Prevention of Corruption and Unfair Means in Recruitment) Act, 2023.

<sup>58</sup> *Ibid* § 2(f) (defining "unfair means" to include impersonation, paper leaks, and organised cheating).

<sup>59</sup> *Ibid* §§ 12–17 (conferring powers for confiscation, senior-level investigation, and trial by designated courts).

criminalisation alone could cure systemic vulnerabilities. Critics pointed out that recruitment scandals typically involve insider complicity within examination boards, inadequate technological safeguards, and weak institutional oversight. In the absence of parallel reforms to digital security systems, examination management, and independent supervisory bodies, the Act risks becoming a largely symbolic deterrent rather than a comprehensive safeguard.

Constitutionally, the legislation is anchored in the State's competence over public services under Entry 41 of the State List. At a normative level, it resonates with the constitutional guarantee of equality of opportunity in public employment under Article 16, seeking to preserve the meritocratic integrity of recruitment processes. However, the statute also exemplifies a familiar legislative reflex: reliance on penal provisions to address what are fundamentally administrative and institutional failures. By framing the problem primarily in criminal terms, the State risks neglecting the structural reforms required to insulate public recruitment from political interference and bureaucratic malpractice.

In a broader perspective, the Public Examination Bill epitomises a recurring feature of Karnataka's governance in 2023: swift legislative responses to public crises that prioritise demonstrable toughness over long-term institutional strengthening. While the law addresses the immediate demand for accountability in recruitment, its effectiveness will depend less on its punitive provisions and more on whether the State undertakes deeper reforms of examination governance and transparency.

## **Executive Lawmaking**

A striking feature of Karnataka's legislative record in 2023 was the government's repeated resort to ordinance-making under Article 213 of the Constitution. Five ordinances were promulgated during the year, three of which were later converted into Acts. While each was formally justified by claims of urgency or judicial compulsion, the pattern points to a deeper trend: the executive's use of ordinances as a functional substitute for legislative debate. This practice weakens the deliberative role of the Assembly and Council, thereby unsettling the balance envisioned in the constitutional scheme of parliamentary democracy. In the preceding sections, many of the ordinances have been discussed, yet the author has tried to produce a law-making standpoint view from the remaining ordinances yet to be discussed, vis-à-vis those that have been discussed.

The proliferation of ordinances in Karnataka through 2023 illustrates how a constitutional emergency tool has increasingly been converted into a routine instrument of governance.

The Karnataka Goods and Services Tax (Amendment) Ordinance, 2023,<sup>60</sup> The Karnataka Gram Swaraj and Panchayat Raj (Amendment) Ordinance, 2023,<sup>61</sup> and the Karnataka Transparency in Public Procurements (Amendment) Ordinance, 2023<sup>62</sup> These are emblematic examples. Each was justified under the rhetoric of urgency, whether compliance with a GST Council directive, judicial timelines for panchayat elections, or reforms in tendering practices. Yet, the resort to ordinance-making in these contexts displaced legislative debate and scrutiny, leaving the Assembly to function largely as a ratifying body. The very design of constitutional democracy, which locates lawmaking within the legislature as a deliberative process, was weakened in the process.

What becomes evident is that ordinance-making has been wielded less as an emergency provision and more as a political strategy. In the case of the Panchayat Raj Ordinance, for instance, urgency masked controversial redrawing of constituencies, while the Transparency in Public Procurements Ordinance expanded executive discretion in a historically sensitive area without parliamentary oversight. Even measures that addressed genuine administrative concerns, such as the Karnataka Compulsory Service of Candidates Completed Medical Courses (Amendment) Ordinance, 2023<sup>63</sup> and the Karnataka Fire Force (Amendment) Ordinance, 2023,<sup>64</sup> were introduced in ways that sidelined stakeholder consultation. Together, these examples show how ordinance-making in Karnataka has become a mode of executive convenience, privileging speed and control over democratic debate and accountability and eroding the participatory essence of state-level lawmaking.

From a constitutional standpoint, Article 213 was intended as a safety valve for extraordinary contingencies when the legislature is not in session. Karnataka's 2023 experience demonstrates a more troubling use: ordinances were deployed as instruments of convenience to meet centrally imposed deadlines, avoid legislative resistance, or expedite politically sensitive reforms. Such a pattern not only normalises governance by executive decree but also erodes the deliberative and participatory functions of the legislature. In doing so, it reflects the broader phenomenon of “executive creep” in Indian federalism, where the rhetoric of urgency is used to justify short-circuiting institutional checks central to a parliamentary democracy.

## Conclusion

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<sup>60</sup> Karnataka Goods and Services Tax (Amendment) Ordinance, 2023.

<sup>61</sup> Karnataka Gram Swaraj and Panchayat Raj (Amendment) Ordinance, 2023.

<sup>62</sup> Karnataka Transparency in Public Procurements (Amendment) Ordinance, 2023.

<sup>63</sup> Karnataka Compulsory Service of Candidates Completed Medical Courses (Amendment) Ordinance, 2023.

<sup>64</sup> Karnataka Fire Force (Amendment) Ordinance, 2023.

The legislative record of Karnataka in 2023 was marked by numerical productivity but normative ambivalence. Thirty-two Bills were passed and five Ordinances promulgated, yet this output was compressed into just thirty-nine sitting days, among the highest in India, but still below the statutory minimum of sixty mandated under the Karnataka Conduct of Government Business in the State Legislature Act, 2005. This truncated calendar points to a deeper institutional weakness: lawmaking in Karnataka remains rushed, executive-heavy, and procedurally constrained.

Across diverse domains, certain structural tendencies emerged with clarity. In governance, a consistent tilt toward centralisation was evident, as statutory boards and executive-controlled authorities eclipsed elected local bodies. In fiscal policy, state autonomy continued to narrow under the imperatives of the GST Council, while compliance-based ordinance-making displaced meaningful scrutiny. In social justice, education, and labour, legislative responses appeared reactive, balancing symbolic commitments to welfare with policies that reinforced inequality or curtailed deliberation. The judiciary-facing enactments, though framed as reforms, remained piecemeal, addressing efficiency without expanding institutional capacity.

Threaded through these enactments was the pervasive resort to ordinance-making, transforming what was meant to be a constitutional safety valve under Article 213 into a routine tool of governance. This normalization of executive lawmaking has diminished the legislature's deliberative role and weakened its accountability functions. Ordinances justified on grounds of urgency, from panchayat reforms to GST compliance, became substitutes for democratic debate rather than instruments of necessity.

Karnataka's legislative trajectory in 2023 thus presents a paradox: a legislature prolific in form yet constrained in substance; a polity invoking decentralisation while consolidating authority; a government professing social justice even as it dilutes redistributive commitments. The task ahead is not merely procedural reform, but the restoration of the legislature as a genuine site of deliberation and constitutional imagination, rather than an arena of executive expediency.