

## 6. Dispute between Karnataka and Kerala on Highway Blockade

**Prelims Syllabus:** Judiciary

**Mains Syllabus:** GS-II Functions and responsibilities of the Union and the States, issues and challenges pertaining to the federal structure, devolution of powers and finances up to local levels and challenges therein.

### Why in News?

- Karnataka has refused to lift the blockade despite the Supreme Court (SC) has asked the governments of Kerala and Karnataka to amicably settle the dispute over the closure of roads linking Kasaragod district (Kerala) to Mangaluru (Karnataka).

### Highlights of the SC Judgement:

- **On Kerala High Court's Order:** The bench did not stay the Kerala High Court order but asked the states not to precipitate matters.
- **Centre Mediation:** The Supreme Court asked the Centre to discuss the matter with the states and formulate parameters for passage of patients for urgent medical treatment.

### Kerala High Court's Order:

- The Kerala High Court had directed the Centre to ensure that blockades put up by Karnataka on national highways connecting it to Kerala are removed forthwith in order to facilitate free movement of vehicles carrying people for urgent medical treatment between the two states. The Kerala HC asked the Union government to intervene as the arterial roads that connect Mangalore to Kasaragod are part of the national highway network. Hence, it is the duty of the central government to ensure that roads are blockade-free.
- Denial of health services amounts to **infringement of right to life under Article 21 and also affects the right to freedom of movement under Article 19(1) (d) of the Constitution.**

### Court's Territorial Jurisdiction:

- Before the High Court Order, Karnataka contended that the court would be exceeding its territorial jurisdiction if it issues any direction.
- But the court rejected this and said that when a High Court of a state finds and declares the actions of the government of another State to be illegal and unconstitutional, the said state government would be obliged to defer to the said declaration of law by a Constitutional Court of this country, notwithstanding that the said court is situated beyond the territorial limits of the said state.

- The Court held that the Karnataka government cannot therefore be heard to contend that it is not obliged to respect the fundamental right of a citizen who resides outside its territorial limits.

