

**PENDING PROPOSAL WITH GOVERNMENT OF INDIA  
AND PENDING PROPOSALS FOR WHICH CLARIFICATIONS HAVE TO BE  
FURNISHED BY THE STATE GOVERNMENT**

**(As On 31<sup>st</sup> August 2018)**

**Department Name: DEPARTMENT OF PARLIAMENTARY AFFAIRS**

**PART I: PENDING PROPOSAL WITH GOVERNMENT OF INDIA**

**Subject: (1) The Karnataka Debt Relief Ordinance, 2018.**

**Category:** For obtain the previous instructions of his Excellency the President of India

**Proposal Classification                      A                      Proposal Code DPAL**

<b>Reference Date</b>	<b>Reference Number</b>	<b>Ministry</b>
<b>29.08.2018</b>	DPAL 21 Shasana 2018	Ministry of Home Affairs

The Karnataka State Legislative Assembly is not in session and is not likely to meet in near future and whereas it is expedient to provide relief from indebtedness to small farmers, landless agricultural labourers and weaker sections of the people due to floods and natural calamities in the State of Karnataka and for the matters connected therewith or incidental thereto. Accordingly, the State Government has decided to issue the Karnataka Debt Relief Ordinance, 2018 with previous instructions of the Honorable President of India.

The subject matter of the Karnataka Debt Relief Ordinance, 2018 falls under entries 6, 7 and 13 of list-III of the seventh schedule to the Constitution of India. The provisions of the Karnataka Debt Relief Ordinance, 2018 are repugnant to the provisions of the Indian Contract Act, 1872 (Central Act 09 of 1872) and the Code of Civil Procedure, 1908 (Central Act 05 of 1908) which are Central Laws in force. The proposed ordinance also contains a declaration under Article 31C of the Constitution of India. Therefore previous instructions of the Honorable President is required before issue of ordinance as per the provisions of the proviso to clause(1) of the Article 213 of the Constitution of India.

The Karnataka Debt Relief Act, 1976 (Karnataka Act 25 of 1976) and the Karnataka Debt Relief Act, 1980 (Karnataka Act 29 of 1980) were enacted with the assent of the Honorable President in the previous occasions. Copies of the said Acts are herewith enclosed.

Therefore, it is requested to obtain and communicate the previous instructions of the Honorable President to the Karnataka Debt Relief Ordinance, 2018 at an early date.

**Present Status:**

The letter along with 6 copies of the ordinance sent to the Ministry of Home Affairs on 29.08.2018, for obtain and communicate the previous instructions of the Honorable President to the Karnataka Debt Relief Ordinance., 2018

**Subject (2): The Karnataka Transgenic And Genetically Modified Cotton Seeds (Fixation Of Sale Price And Payment Of Compensation) Bill, 2015.**

**Category** Assent of the President to the Bill

<b>Proposal Classification</b>		<b>A</b>	<b>Proposal Code DPAL</b>
<b>Reference Date</b>	<b>Reference Number</b>		<b>Ministry</b>
29.08.2015	DPAL 42 Shasana 2015		Ministry of Home Affairs
09.11.2015	DPAL 42 Shasana 2015		Ministry of Home Affairs
20.01.2016	DPAL 42 Shasana 2015		Ministry of Home Affairs
18.03.2016	DPAL 42 Shasana 2015		Agriculture Department
29.03.2016	No.RCK.PS.61.2016		Resident Commissioner
18.04.2016	DPAL 42 Shasana 2015		Agriculture Department
04.05.2016	DPAL 42 Shasana 2015		Agriculture Department
25.05.2016	NO.17/38/2015.Judl&PP		Ministry of Home Affairs
20.06.2016	DPAL 42 Shasana 2015		Agriculture Department
16.07.2016	DPAL 42 Shasana 2015		Ministry of Home Affairs
26.09.2016	DPAL 42 Shasana 2015		Ministry of Home Affairs
30.12.2016	DPAL 42 Shasana 2015		Ministry of Home Affairs
07.02.2017	DPAL 42 Shasana 2015		Agriculture Department
28.03.2017	DPAL 42 Shasana 2015		Ministry of Home Affairs
28.04.2017	DPAL 42 Shasana 2015		Ministry of Home Affairs
24.07.2017	DPAL 42 Shasana 2015		Agriculture Department
28.10.2017	DPAL 42 Shasana 2015		Agriculture Department
11.10.2017	NO.17/38/2015.Judl&PP		Ministry of Home Affairs
18.12.2017	DPAL 42 Shasana 2015		Agriculture Department
26.02.2018	No. 17/38/2015- Judl & PP		Ministry of Home Affairs
16.03.2018	DPAL 42 Shasana 2015		Agriculture Department
26.04.2018	DPAL 42 Shasana 2015		Agriculture Department
05.07.2018	DPAL 42 Shasana 2015		Agriculture Department
21.07.2018	DPAL 42 Shasana 2015		Agriculture Department
03.09.2018	DPAL 42 Shasana 2015		Ministry of Home Affairs

At present there are no provisions in the present Seed laws to fix price for transgenic and genetically modified cotton seeds and payment of compensation in case of crop failure of such cotton seeds in the Karnataka State. As a result, the vendor and producers of transgenic and genetically modified cotton seeds are exploiting poor farmers by collecting exorbitant prices from the farmers. Further, as there is no provisions in the present Seed Laws to pay compensation, to farmers in case of crop failure due to defective or sub standard transgenic and

genetically modified cotton seeds, the farmers face problems and incur financial loss.

Hence, it has become imperative on the part of the State in the interest of the farmers in the Karnataka State to fix sale price of transgenic and genetically modified cotton seeds and also make provisions to compensate farmers in case of failure of transgenic and genetically modified cotton crops by fixing the responsibility on the concerned seeds producer to compensate farmers suitably thus mitigating their hardship, evolve adequate and effective mechanism to prove the quality of the transgenic and genetically modified cotton seeds.

During Khaarif 2013, when instances of transgenic and genetically modified cotton crop failure in an area of 60,450 ha. in the districts of Haveri, Dharwad, Gadag, Belgaum, Chitradurga, Davanagere and Bellary. It was very difficult to provide compensation to the aggrieved farmers, as there was no adequate provisions in the existing laws to compensate the aggrieved farmers, in case of crop failure. As a special case, the State Government has compensated the farmers to the tune of Rs. 36.35 crores.

The present Seed Laws implemented in the State are enacted by the Central Government. Hence amendments in this regard and other lacunae to the present Central Seed Legislation were proposed by the State Government to the Central Government during last two decades, but it is yet to be passed.

Accordingly, the Karnataka Transgenic And Genetically Modified Cotton Seeds (Fixation Of Sale Price And Payment Of Compensation) Bill, 2015 was introduced in the Karnataka Legislative Assembly on 31.07.2015. The said Bill was passed in the Legislative Assembly on 31.07.2015 and passed in the Legislative Council on 01.08.2015.

The subject matter of the Bill falls under entry 14 and 26 of list II and entry 33 of list III of the Seventh Schedule to the Constitution of India. The provisions of the Bill are repugnant to the Essential Commodities Act, 1955 and the Seed (Control) Order, 1983 and the Seed Act, 1966 (Central Act 54 of 1966) which are Central laws in force. Therefore, it is required to be reserved for the assent of His Excellency the President of India as required by clause (2) of Article 254 of the Constitution of India.

Therefore, the Honourable Governor has been pleased to reserve the Karnataka Transgenic and Genetically Modified Cotton Seeds (Fixation Of Sale Price And Payment Of Compensation) Bill, 2015 under Article 200 of the Constitution of India for the consideration of the President as required by clause (2) of Article 254 of the Constitution of India.

Accordingly the Government of India was requested to obtain the assent of His Excellency the President of India vide letter dated 29.08.2015.

The Ministry of Home Affairs vide its letter dated : 25.02.2016 has sought the comments / clarifications of the State Government to process the said bill.

The said letter was sent to the Agriculture Department with a request to furnish the information sought by Government of India.

The Ministry of Home Affairs vide its Office Memorandum dated 4.2.2016 has issued guidelines on State Legislations on time limits and modalities to be adhered to by the State Government.

The Resident Commissioner, Karnataka Bhavan vide letter dated 29.03.2016 has stated that the Department of Agriculture, Government of Karnataka needs to respond to the observation of Ministry of Home Affairs through its letter dated 23.02.2016 and they are also writing a letter to the Secretary, Department of Agriculture to sent the clarification to the Ministry of Home Affairs.

The MHA had required clarification from the State Government and Secretary, DPAL Govt. of Karnataka has also written to Principal Secretary, Agriculture on 18-04-2016 to expedite the clarifications. It would be desirable that Agriculture Department provides the clarification at the earliest which would enable us getting Presidential assent.

Reminders were sent to Agriculture Secretary to furnish clarification sought by Government of India vide letter no dated 16.07.2016.

The clarification of State Government has been communicated to Government of India vide letter No. DPAL 42 Shasana 2015, Dated: 16.07.2016 and reminders had been sent vide letters at 26.09.2016 and 30.12.2016.

The comments of ministry of Agriculture and Farmers Welfare has been sent to administration Department vide letter of even number dt.07.02.2017.

The Department of Agriculture (Planning) Government of Karnataka had furnished its comments in the prescribed template and the same has been forwarded to the ministry of Home Affairs, Government of India vide letter No.DPAL 42 Shasana 2015, Dt. 28/03/2017.

A reminder letter No.CM 270 GOI 2017 dated 20.06.2017 has been sent on 22.06.2017 by the Hon'ble Chief Minister to the Hon'ble Prime Minister of India. A letter No. 17/38/2015-Judl &PP for Clarification sought by Ministry of Home Affairs Government of India has been sent to Department of Agriculture on 24.07.2017 and reminder letter sent to Agricultural Department on dated: 28.10.2017

The Ministry of Home Affairs Government of India vide letter dated: 11.10.2017 and 20.11.2017 has sought clarification and same has been forwarded to Department of Agriculture vide letter dated: 18.12.2017. The main file of even number was sent to the Agriculture Department on 09.02.2018 and requested to take a decision regarding the said Bill. The letter of Government of India dated 26.02.2018 and 11.06.2018 had been sent to the Agricultural Department vide letter dated 26.04.2018 05.07.2018 to decide as to withdrawal of the said bill.

The letter of Ministry of Home Affairs dated: 12.07.2018 has been sent to Agricultural Department vide letter of even number dated: 21.07.2018

**PRESENT STATUS:** The subject Matter of cotton seed falls under entry 33 of list III, but does not fall under any of the entry in list-I. Hence it was requested to obtain the assent of His Excellency the President of India, vide letter dated: 03.09.2018.

**PART II: PENDING PROPOSALS FOR WHICH CLARIFICATIONS HAVE TO BE FURNISHED BY THE STATE GOVERNMENT**

**Subject (1): The Right of Children to Free and compulsory Education (Karnataka Amendment) Bill, 2015**

**Category** Assent of the President to the Bill

**Proposal Classification A Proposal Code DPAL**

Reference Date	Reference Number	Ministry
22.05.2015	DPAL 05 Shasana 2015	Ministry of Home Affairs
07.07.2015 24.07.2015 05.08.2015 and 05.11.2015	No. 17/26/2015-judl & PP	Ministry of Home Affairs
04.08.2015	DPAL 05 Shasana 2015	Education Department (Primary and Secondary)
26.10.2015	DPAL 05 Shasana 2015	Education Department (Primary and Secondary)
09.12.2015	DPAL 05 Shasana 2015	Education Department (Primary and Secondary)
29.03.2016	No.RCK.PS.61.2016	Resident Commissioner
05.06.2017	DPAL 05 Shasana 2015	Education Department (Primary and Secondary)
16.08.2017	DPAL 05 Shasana 2015	Education Department (Primary and Secondary)
21.10.2017	DPAL 05 Shasana 2015	Education Department (Primary and Secondary)
18.12.2017	DPAL 05 Shasana 2015	Education Department (Primary and Secondary)
19.03.2018	DPAL 05 Shasana 2015	Education Department (Primary and Secondary)
02.07.2018	DPAL 05 Shasana 2015	Education Department (Primary and Secondary)
21.07.2018	DPAL 05 Shasana 2015	Education Department (Primary and Secondary)

The State Government constituted the language policy regarding the medium of instruction from 1<sup>st</sup> std to 5<sup>th</sup> std in 1994. In Government order No. ED 24 PGC 1994 dated 29.04.1994 the State Government ordered that the

mother tongue or Kannada shall be the medium of instruction in all schools recognized by the State Government from the academic year 1994-95.

But, some private schools had taken permission to run the school in Kannada medium and are running in English medium, by violating the language policy.

Karnataka State unaided School Management Association has Questioned the language policy in different stages in the court. The full bench of the Hon'ble High court of Karnataka has quashed the Government order No. ED 24 PGC 1994, dated 24.4.1994 in W.P.No 14863/1994 (Education) dated 2.7.2008.

State Government questioned the above order dated 2.7.2008 before the Hon'ble Supreme Court of India vide WP No. 290/2009. The Hon'ble Supreme Court has issued an interim order dated 21.07.2009, directing to maintain the status quo. The case was then transferred to the Constitutional Bench on 5.7.2013. The Hon'ble Supreme Court in Civil Appeal No. 5166-5190/2013 dated 6.5.2014 has ordered that "government cannot impose mother tongue for teaching children at primary level".

In the present situation, as the language policy of the State was rejected by the Hon'ble Supreme Court of India, the State Government has filed a Review Petition No. 1878-1911/2014. The Review Petition was dismissed on 9.9.2014.

Article 350A of Constitution reads as follows:-

“350A. facilities for instruction in mother-tongue at primary stage.- It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups; and the President may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities.”

It is the constitutional duty of the concerned states to provide primary school education to the child in his/her mother tongue as per the Article 350A of the constitution. It was discussed in detail with Educationists, intellectuals and writers who unanimously opined the necessity of primary education in mother tongue.

Article 21A reads as follows, namely:-

“21A. Right to education.—The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.”

Therefore, this Government would like to determine by law, the manner of compulsory education to children from the age of six to fourteen years.

Therefore, it is considered necessary to amend the Right of children to Free and Compulsory Education Act, 2009, (Central Act 35 of 2009) to provide Primary Education (1<sup>st</sup> Std to 5<sup>th</sup> Std) in Child's mother tongue or in Kannada" in the State of Karnataka.

Accordingly, The Right of Children to Free and compulsory Education (Karnataka Amendment) Bill, 2015 was introduced in the Karnataka Legislative Assembly on 26/03/2015. The said Bill was passed in the Legislative Assembly on 31/03/2015 and in the Legislative Council on 01/04/2015.

The subject matter of the Bill falls under entry 25 of List III of the Seventh Schedule to the Constitution of India. The provisions of the Bill are repugnant to item (f) of sub-section (2) of section 29 of the Right of Children to Free and compulsory Education Act, 2009 (Central Act 35 of 2009) which is a central law in force. Therefore, the Bill has to be reserved for the assent of His Excellency the President of India as required by clause (2) of Article 254 of the Constitution of India.

Therefore, Hon'ble Governor of Karnataka is pleased to reserve the said Bill for the consideration of the President under Article 200 and as required by clause (2) of Article 254 of the Constitution of India.

Accordingly the Government of India was requested to obtain the assent of His Excellency the President of India vide letter dated 22.05.2015.

The Legal Cell, Karnataka Bhavan has sent a fax on 26.06.2015 enclosing the Status Report as on 23.06.2015 and has reported that the above said Bill has been referred to the Legislative Department, Ministry of Human Resources Development (School Education) and Ministry of Home Affairs (Human Rights Division), and the comments of the Legislative Department had been sent to Ministry of Home Affairs on 23.06.2015.

The Legal Cell, Karnataka Bhavan has sent a fax on 18.08.2015 and has reported that the above said Bill has been referred to the Legislative Department, Ministry of Human Resources Development (Department of School Education and Literacy) dated 2.7.2015 for clarifications/views of the State Government and pending with Government of Karnataka.

The Government of India vide Letters dated: 07.07.2015, 24.07.2015, 05.08.2015 and 05.11.2015 requested to communicate the comments of the State Government with regard to the observations of Ministry of HRD and accordingly vide letters dated: 04.08.2015, 25.08.2015, 26.10.2015 and 09.12.2015 the Education Department was requested to furnish the said views immediately. A reminder letter sent to Education Department dated: 21.10.2017, 18.12.2017, 19.03.2018 and 21.07.2018

The Resident Commissioner, Karnataka Bhavan vide letter dated 29.03.2016 has stated that the Ministry of Home Affairs is awaiting clarification from the State Government.

The MHA is awaiting comments from Department of School Education in the Ministry of HRD to ascertain the legality of invoking article 350A of the Indian Constitution. Once we obtain the comments from MHA, we may have to take internal view.

**PRESENT STATUS:** The proposal to clarify Government of India is still pending in Education Department since 04.08.2015.

**Subject (2): The Karnataka Stamp (Second Amendment) Bill, 2015.**

**Category** Assent of the President to the Bill

**Proposal Classification**

**A**

**Proposal Code DPAL**

Reference Date	Reference Number	Ministry
27.08.2015	DPAL 19 Shasana 2015	Ministry of Home Affairs
19.11.2015	DPAL 19 Shasana 2015	Ministry of Home Affairs
02.02.2016	DPAL 19 Shasana 2015	Ministry of Home Affairs
15.03.2016	DPAL 19 Shasana 2015	Ministry of Home Affairs
29.03.2016	No.RCK.PS.61.2016	Resident Commissioner
18.04.2016	No.17/25/2013-Judl &PP	Ministry of Home Affairs
11.05.2016	DPAL 19 Shasana 2015	Revenue Department
23.06.2016	DPAL 19 Shasana 2015	Ministry of Home Affairs
08.09.2016	DPAL 19 Shasana 2015	Ministry of Home Affairs
21.10.2016	DPAL 19 Shasana 2015	Ministry of Home Affairs
14.12.2016	DPAL 19 Shasana 2015	Ministry of Home Affairs
21.01.2017	DPAL 19 Shasana 2015	Ministry of Home Affairs
07.03.2017	DPAL 19 Shasana 2015	Ministry of Home Affairs
27.04.2017	DPAL 19 Shasana 2015	Revenue Department
02.06.2017	DPAL 19 Shasana 2015	Revenue Department
03.07.2017	DPAL 19 Shasana 2015	Ministry of Home Affairs
16.08.2017	DPAL 19 Shasana 2015	Ministry of Home Affairs
21.09.2017	DPAL 19 Shasana 2015	Ministry of Home Affairs
26.10.2017	DPAL 19 Shasana 2015	Ministry of Home Affairs
16.12.2017	DPAL 19 Shasana 2015	Ministry of Home Affairs
03.01.2018	No.17/25/2013-Judl &PP	Ministry of Home Affairs
30.01.2018	DPAL 19 Shasana 2015	Revenue Department
16.03.2018	DPAL 19 Shasana 2015	Revenue Department
21.07.2018	DPAL 19 Shasana 2015	Revenue Department
14.09.2018	DPAL 19 Shasana 2015	Revenue Department

It is considered necessary to amend the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957), to provide for fixing liability to pay, remit and recover proper stamp duty on instrument produced before public authority, person or institution and to provide for maintenance and submission of accounts/returns by public authority, person or institution and to make consequential amendments.

Accordingly, the Karnataka Stamp (Second Amendment) Bill, 2015 was introduced in the Karnataka Legislative Assembly on 30.03.2015. The said Bill was passed in the Legislative Assembly on 30.03.2015 and in the Legislative Council on 30.03.2015.



The subject matter of the Bill falls under entries 63 of List II and 44 of List III of the Seventh Schedule to the Constitution of India. Clause 2, 3, 4, 5 and 6 of the Bill are repugnant to the provisions of the Section 9 of Indian Stamp Act, 1899 (Central Act 02 of 1899), which is Central Law. Therefore, the Bill has to be reserved for consideration of the President.

Therefore, the Honourable Governor has been pleased to reserve the Karnataka Stamp (Second Amendment) Bill, 2015 under Article 200 of the Constitution of India for the consideration of the President as required by clause (2) of Article 254 of the Constitution of India.

Accordingly the Government of India was requested to obtain the assent of His Excellency the President of India vide letter dated 27.08.2015.

The Resident Commissioner, Karnataka Bhavan vide letter dated 29.03.2016 has stated that the said Bill is pending with the Ministry of Finance (Department of Revenue) for their comments.

The Government of India vide letter No.17/40/2015-Judl.P.P dt:18.04.2016 has requested to furnish the clarifications on the observations made by Department of Revenue and Financial Services. Accordingly a request was made to Revenue Department to furnish the same vide letter dt: 07/05/2016.

The Clarification had been communicated to Government of India for further necessary action vide letter dated 23.06.2016. The clarifications of Revenue Department had been sent vide letter dated: 08.09.2016 and a reminder had been sent vide letter dated: 21.10.2016, 14.12.2016, 21.01.2017 and 07.03.2017. Accordingly the Government of India was requested to obtain the assent of His Excellency the President of India.

The Ministry of Home Affairs vide its letter dt. 24.02.2017, 05.04.2017 and 12.05.2017 has again requested for the clarification of the State Government on the views of Ministry of Finance (Department of Revenue) Government of India stating that RBI has approved the said policy and Indian Bank Employees Association also opposed this and the same as been forwarded to Revenue Department vide letter No. DPAL 19 Shasana 2015 dt. 27.04.2017 and 02.06.2017.

The Clarifications of Inspector General of Registration and Commissioner of Stamps and Revenue Department had been sent to Ministry of Home Affairs vide letter even No.dated:03.07.2017 with a request to obtain the assent of His Excellency the President of India. A reminder dated 16.08.2017, 21.09.2017, 26.10.2017 and 16.12.2017 have been sent.

The letters of Government of India dated: 12.06.2018, 26.02.2018 and 12.07.2018 had been sent to Revenue Department on 16.03.2018 and 11.07.2018 asking for clarifications regarding withdrawal of the Bill.

**PRESENT STATUS:**

The letter of Ministry of Home Affairs dated: 12.07.2018 has been forwarded to Revenue Department vide letter of even number dated: 21.07.2018 and a reminder has been issued on 14.09.2018.

**Subject (3) :The Karnataka Municipal Corporations (Amendment)  
Bill, 2015**

**Category** Assent of the President to the Bill

<b>Proposal Classification</b>		<b>A</b>	<b>Proposal Code DPAL</b>
<b>Reference Date</b>	<b>Reference Number</b>	<b>Ministry</b>	
04.08.2015	DPAL 25 Shasana 2015	Ministry of Home Affairs	
17.08.2015	No.17/33/2015-judl.&PP No. 17/33/2015- judl.&PP	Ministry of Home Affairs Ministry of Home Affairs	
25.11.2015	DPAL 25 Shasana 2015	Ministry of Home Affairs	
26.11.2015	DPAL 25 Shasana 2015	Urban Development Department	
16.01.2016	DPAL 25 Shasana 2015	Urban Development Department	
29.01.2016	No.17/33/2015-judl.&PP No. 17/33/2015- judl.&PP	Ministry of Home Affairs Ministry of Home Affairs	
16.02.2016	DPAL 25 Shasana 2015	Urban Development Department	
04.2.2016	23/18/2013-Judl. & P.P.(Part III)	Ministry of Home Affairs	
18.03.2016	DPAL 25 Shasana 2015	Urban Development Department	
26.03.2016	DPAL 25 Shasana 2015	Ministry of Home Affairs	
25.05.2016	DPAL 25 Shasana 2015	Ministry of Home Affairs	
22.06.2016	No.17/33/2015-judl.&PP	Ministry of Home Affairs	
16.07.2016	No.17/33/2015-judl.&PP	Urban Development Department	
22.08.2016	DPAL 25 Shasana 2015	Urban Development Department	
24.09.2015	DPAL 25 Shasana 2015	Urban Development Department	
07.11.2016	DPAL 25 Shasana 2015	Urban Development Department	
20.12.2016	DPAL 25 Shasana 2015	Ministry of Home Affairs	
28.01.2017	DPAL 25 Shasana 2015	Ministry of Home Affairs	
06.03.2017	DPAL 25 Shasana 2015	Ministry of Home Affairs	
27.05.2017	DPAL 25 Shasana 2015	Ministry of Home Affairs	
05.07.2017	DPAL 25 Shasana 2015	Urban Development Department	
17.08.2017	DPAL 25 Shasana 2015	Urban Development Department	
22.09.2017	DPAL 25 Shasana 2015	Urban Development Department	
20.09.2017	UDD 565 MNY 2015	Ministry of Home Affairs	

28.10.2017	DPAL 25 Shasana 2015	Ministry of Home Affairs
16.12.2017	DPAL 25 Shasana 2015	Ministry of Home Affairs
02.01.2018	DPAL 25 Shasana 2015	Ministry of Home Affairs
17.02.2018	DPAL 25 Shasana 2015	Urban Development Department
14.03.2018	DPAL 25 Shasana 2015	Urban Development Department
19.04.2018	DPAL 25 Shasana 2015	Urban Development Department
04.07.2018	DPAL 25 Shasana 2015	Urban Development Department
21.07.2018	DPAL 25 Shasana 2015	Urban Development Department
30.08.2018	DPAL 25 Shasana 2015	Urban Development Department

The population of the larger urban area of the city of Bangalore has gone beyond eighty lakhs. Therefore, it is difficult to supervise the implementation of the State or Central Schemes. For the purpose of smooth administration of the corporation of city of Bangalore, the expert committee appointed by the Government has also recommended in its interim report for trifurcation of the corporation of city of Bangalore. Therefore, it is considered necessary to reconstitute the corporation of city of Bangalore into two or more corporations. Hence, it is considered necessary to amend the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) accordingly.

Accordingly, the Karnataka Municipal Corporations (Amendment) Bill, 2015 was introduced in the Karnataka Legislative Assembly on 20.4.2015. The said Bill was passed in the Legislative Assembly on 20.04.2015 and was referred to the Select Committee by the Legislative Council on 27.04.2015. The said Bill was rejected in the Legislative Council on 20.07.2015 and was reconsidered and passed by the Legislative Assembly for the second time on 21.07.2015 and was passed in the Legislative Council on 22.07.2015.

The subject matter of the Bill falls under entry 5 of List II of the Seventh Schedule to the Constitution of India. The provisions of the said Bill are not repugnant to any provisions of the Central Acts in force.

Accordingly, the Bill was sent to the Honourable Governor of Karnataka on 24.07.2015 to obtain His assent under Article 200 of the Constitution of India.

The Honourable Governor of Karnataka on 28.07.2015 having observed certain infirmities in the proposed legislation and taking note of the constitutional provisions has deemed it appropriate to reserve the said Bill for the consideration of His Excellency the President of India in accordance with Article 200 of the Constitution of India.

Accordingly the Government of India was requested to obtain the assent of His Excellency the President of India vide letter dated 04.08.2015.

As requested by the Ministry of Home Affairs vide letter dated: 17.08.2015, two more copies of the observation made by the Honorable Governor on the above said Bill were sent along with letter dated: 25.11.2015 with a request to obtain the assent of His Excellency the President of India.

The Ministry of Home Affairs vide its letter dated: 30.09.2015 requested to send views of the State Government on comments of the Ministry of Urban Development and Ministry of Urban Poverty Alleviation for further process of the said Bill. Accordingly the Urban Development Department vide letter dated: 26.11.2015 was requested to send the said views.

The Ministry of Home Affairs vide its Office Memorandum dated 4.2.2016 has issued guidelines on State Legislations on time limits and modalities to be adhered to by the State Government.

The said letter was sent to the Urban Development Department vide letter dated 18.3.2016 with a request to furnish the information sought by Government of India.

The Ministry of Home Affairs vide letter dated 29.01.2016 requested the State Government to provide comments on the observations made by the Ministry of Urban Development, Government of India and the Ministry of Housing and Poverty alleviation, Government of India. In this respect the information received from the Urban Development Department, Government of Karnataka dated 24.03.2016 has been sent to the Joint Secretary (Judicial), Ministry of Home Affairs (Judicial & PP Section), New Delhi vide letter dated: 26.03.2016.

The Resident Commissioner, Karnataka Bhavan vide letter dated has reported that the comments of the State Government would be referred to the Ministry of Housing & Poverty Alleviation and the Ministry of Urban Development.

Clarifications of the State Government have been sent to the Government of India vide letter dated 26.03.2016.

The Government of India vide its letter dated: 22.06.2016 has again requested to send views and clarifications on comments of the Ministry of Urban Development & Ministry of Housing & Urban Property Alleviation. This letter has been forwarded to Urban Development Department vide letter No. DPAL 25 Shashana 2015, Dated: 16.07.2016 and a reminder has been issued vide letter dated 22.08.2016, 24.09.2016, 07.11.2016 , 20.12.2016 and 17.08.2017.

The Ministry of Home Affairs vide its letter dated 22.06.2017 and 31.07.2017 has again requested for the clarification of the State Government on views of Ministry of Urban Development and Ministry of Housing and Urban Poverty Alleviation, Government of India and the same has been forwarded to the Urban Development Department vide even letter No. dated: 05.07.2017 and a reminder has been issued on 28.10.2017. The Urban Development Department vide letter No. UDD 565 MWY 2015 dated: 20.09.2017 has given the clarifications directly to Govt of India stating that Government does not want to dissolve Municipal Council, which is contrary to the provisions of the Bill. A reminder dated: 16.12.2017 and 17.02.2018 has been sent to Government of India.

Government of India sought clarification regarding withdrawal of the Bill vide letter dated: 10.01.2018 and 26.02.2018 and same has been forwarded to the urban Development Department vide letter of even number dated: 17.02.2018, 14.03.2018 and 19.04.2018. A reminder had been sent on 04.07.2018 and 21.07.2018.

**PRESENT STATUS:**

The letter of Ministry of Home Affairs dated: 12.07.2018 has been forwarded to Urban Development Department on dated: 21.07.2018 and a reminder dated: 30.08.2018 was sent to Urban Development Department to take appropriate decision with the approval of the cabinet for withdrawal of the Bill.

**Subject (4): The Karnataka Prevention of Dangerous Activities of Bootleggers, Drug-offenders, Gamblers, Goondas, Immoral Traffic Offenders, Slum-Grabbers and Video or Audio Pirates (Amendment) Bill, 2014.**

**Category** Assent of the President to the Bill

**Proposal Classification**

**A**

**Proposal Code DPAL**

<b>Reference Date</b>	<b>Reference Number</b>	<b>Ministry</b>
17.10.2014	DPAL 30 Shasana 2014	Ministry of Home Affairs
02.12.2014	No. 17/26/2014-Judl. & P.P.	Ministry of Home Affairs
09.02.2015	DPAL30 Shasana 2014	Ministry of Home Affairs
15.05.2015	DPAL30 Shasana 2014	Ministry of Home Affairs
25.06.2015	No.17/26/2014-Judl.P.P	Ministry of Home Affairs
15.07.2015	No.17/26/2014-Judl.P.P	Ministry of Home Affairs
28.07.2015	DPAL30 Shasana 2014	Home Department
05.08.2015	No.17/26/2014-Judl.P.P	Ministry of Home Affairs
30.09.2015	DPAL30 Shasana 2014	Ministry of Home Affairs
24.11.2015	DPAL 30 Shasana 2014	Ministry of Home Affairs
30.01.2016	DPAL 30 Shasana 2014	Ministry of Home Affairs
16.03.2016	DPAL 30 Shasana 2014	Ministry of Home Affairs
22.04.2016	No.17/26/2014-Judl.P.P	Ministry of Home Affairs
11.05.2016	DPAL 30 Shasana 2014	Kerala Government
22.06.2016	DPAL 30 Shasana 2014	Ministry of Home Affairs
14.06.2016	No.17/26/2014-Judl.P.P	Ministry of Home Affairs
15.07.2016	DPAL 30 Shasana 2014	Home Department
12.08.2016	DPAL 30 Shasana 2014	Ministry of Home Affairs
22.09.2016	DPAL 30 Shasana 2014	Ministry of Home Affairs
10.11.2016	DPAL 30 Shasana 2014	Ministry of Home Affairs
11.11.2016	DPAL 30 Shasana 2014	Ministry of Home Affairs
16.12.2016	DPAL 30 Shasana 2014	Ministry of Home Affairs
21.01.2017	DPAL 30 Shasana 2014	Home Department
08.03.2017	DPAL 30 Shasana 2014	Ministry of Home Affairs
01.06.2017	DPAL 30 Shasana 2014	Ministry of Home Affairs
29.06.2017	DPAL 30 Shasana 2014	Home Department

11.10.2017 and 16.11.2017	No.17/26/2014-Judl.P.P	Ministry of Home Affairs
06.12.2017	DPAL 30 Shasana 2014	Home Department
02.02.2018	DPAL 30 Shasana 2014	Ministry of Home Affairs
22.03.2018	DPAL 30 Shasana 2014	Ministry of Home Affairs
05.05.2018	DPAL 30 Shasana 2014	Ministry of Home Affairs
21.07.2018	DPAL 30 Shasana 2014	Home Department
10.08.2018	DPAL 30 Shasana 2014	Home Department

It is considered necessary further to amend the Karnataka Prevention of Dangerous Activities of Bootleggers, Drug-Offenders, Gamblers, Goondas, Immoral Traffic Offenders, Slum-Grabbers and Video or Audio Pirates Act, 1985 (Karnataka Act 12 of 1985) to include the offences relating to acid attack, depredation of environment, digital media, land grabbing, money laundering and sexual offences in relation to children and women, as a preventive measure.

Accordingly, the Karnataka Prevention of Dangerous Activities of Bootleggers, Drug-offenders, Gamblers, Goondas, Immoral Traffic offenders, Slum-Grabbers and Video or Audio Pirates (Amendment) Bill, 2014 was introduced in the Karnataka Legislative Assembly on 28.7.2014. The said Bill was passed in the Legislative Assembly on 28.07.2014 and in the Legislative Council on 28.07.2014.

The subject matter of the Bill falls under entry 1 of List III of the Seventh Schedule to the Constitution of India.

Whereas assent of the President was obtained while enacting the original Legislation and also while incorporating several other offences through Amendments in respect of following offences, namely:-

- (a) Bootleggers
- (b) Drug offender
- (c) Gambler
- (d) Goonda
- (e) Immoral traffic offender
- (f) Slum grabber
- (g) Video or audio pirates

Now it is proposed to include the following new offences, namely:-

- (a) Acid attack
- (b) Digital offence
- (c) Land grabbing
- (d) Depredation of Environment
- (e) Money laundering; and
- (f) Sexual offences pertaining to woman and children under new laws.

Therefore, Clause 5 to 7 of the said Bill are now becoming repugnant to sections 326 A, 326 B, 376, 376 A, 376 B, 376 C, 376 D and 376 E of the Indian Penal Code, 1860 (Central Act 45 of 1860), the Protection of Children from Sexual Offences Act, 2012 (Central Act 32 of 2012), sections 41, 42, 44, 46 and 50 of the Code of Criminal Procedure, 1973, section 15 of the Environment Protection Act,

1986, sections 66, 66A and 66B, 67, 68, 69, 70, 71, 72, 73, 74 and 75 of the Information Technology Act, 2000 (Central Act 21 of 2000), sections 3 and 4 and Part A of the schedule to the Prevention of Money Laundering Act, 2002, which are central Legislations in force. These central enactments provide for punishment after crimes are committed but the proposed legislation provides for detention of a person earlier to commission of such crime also. Therefore, the Bill has to be reserved for the assent of the President.

Therefore, His Excellency, the Governor of Karnataka has been pleased to reserve the said Bill for the consideration of the President under Article 200 of the Constitution of India, as required by clause (2) of Article 254 of the Constitution of India.

Accordingly the Government of India was requested to obtain the assent of His Excellency the President of India vide letter dated 17.10.2014.

The Legal Cell, Karnataka Bhavan has sent a fax on 12.12.2014 enclosing the Government of India letter No. 17/26/2014-Judl. & P.P., dated: 02.12.2014 and confirmed the receipt of the above mentioned Bill.

The Legal Cell, Karnataka Bhavan has sent a fax on 26.06.2015 enclosing the Status Report as on 23.06.2015 and has reported that the comments of all Administrative Departments were received by the Ministry of Home Affairs and the comments are being scrutinised by the Ministry of Home Affairs.

The Legal Cell, Karnataka Bhavan has sent a fax on 18.08.2015 has reported that the observations of the Union Ministries (i) Environment, Forest and Climate Change (ii) Communications and IT (Department of Electronics and Information Technology) were sent for clarifications of MHA and pending with Government of Karnataka.

As the Bill is on the similar lines of the Kerala Anti-Social Activities (Prevention) Act, 2007, it was decided to send a reminder to obtain the assent of His Excellency the President vide meeting held on 4.8.2015.

Clarifications of the State Government have been sent to the Government of India vide letter dated 30.09.2015.

The Resident Commissioner, Karnataka Bhavan vide letter dated 29.03.2016 has stated that the clarifications have been submitted by State Government on 30.09.2015 and the Ministry of Home Affairs had been required a copy of the Kerala Act, said Bill is pending with the Ministry of Home Affairs.

The Government of India vide letter No. 17/ 26/ 2014 - Judl. P. P dt: 22.04.2016 has requested to furnish the date of assent/ date of notification of the Kerala Anti-Social Activities (Prevention) Act, 2007. Accordingly a request was made to Kerala Government to furnish the same vide letter dt: 11/05/2016.

In the letter dated 22.06.2016 the Kerala Anti Social Activities (Prevention) Act, 2007 had been sent to Government of India. Accordingly the Government of India was requested to obtain the assent of His Excellency the President of India.

The Ministry of Home Affairs, Government of India, vide its letter dated: 14.06.2016 has requested to send the clarifications on the observations of the Department of Legal Affairs (Ministry of Law and Justice). This letter has been sent to Home department, Government of Karnataka, with letter No. DPAL 30 Shasana 2014, dated: 15.07.2016.

The clarifications have been provided to Government of India vide D.O. letter No. DPAL 30 Shasana 2014, dated: 12.08.2016, 22.09.2016 and 11.11.2016 with a request to obtain the assent of His Excellency the President.

The ministry of Home Affairs vide letter at 10.11.2016 asked to withdraw the Bill. The same has been sent to Home Department to clarify the stand of that Department in letter dated: 16.12.2016, 21.01.2017 and 08.06.2017.

A Copy of Anitha Bruse vs. State of Kerala (MANU/KE/0074/2008) in which the High Court of Kerala upheld the constitutional validity of Kerala Anti Social Activities (Prevention) Act, 2007 has been sent to the ministry of Home Affairs vide letter at 08.03.2017. A reminder has been sent vide letter dt.01.06.2017

A reminder letter No.CM 270 GOI 2017 dated 20.06.2017 has been sent on 22.06.2017 by the Hon'ble Chief Minister to the Hon'ble Prime Minister of India. The Ministry of Home Affairs vide its letter dated 08.06.2017 has again requested for the clarification of the State Government on views of Ministry of Environment, Forest and Climate Change, GOI and the same has been forward to the Home Department vide even letter No. dated: 29.06.2017. Main File of even Number has been sent to Home Department on 18.07.2017 to consider the modifications in the Bill as suggested by the Government of India.

The GOI vide its letter dated: 11.10.2017 and 16.11.2017 has sought clarifications and the same has been forwarded to Home Department vide letter dated: 06.12.2017.

A revised draft ordinance called the Karnataka Prevention of Dangerous Activities of Bootleggers, Drug-Offenders, Gamblers, Goondas, Immoral Traffic Offenders, Slum-Grabbers and Video or Audio Pirates (Amendment) Ordinance, 2018, sent to Government of India on 02.02.2018 for previous instructions of H.E. the President and thereafter action will be taken to withdraw the bill as per cabinet decision at 02.01.2018. Reminders had been sent on 22.03.2018, 05.05.2018.

The ministry of Home Affairs vide letter dated: 12.07.2018 has requested to furnish State views on comments of Government of India regarding omission of provisions regarding digital offenders same has been forwarded to Home Department vide letter of even number dated: 21.07.2018

**PRESENT STATUS:** Government of India vide letter dated: 26.07.2018 has asked to clarify regarding comments of ministry of electronics and Information Technology and same has been forwarded to Home Department on 10.08.2018



**Subject (5): The Registration (Karnataka Amendment) Bill, 2015.****Category** Assent of the President to the Bill**Proposal Classification A Proposal Code DPAL**

<b>Reference Date</b>	<b>Reference Number</b>	<b>Ministry</b>
18.08.2015	DPAL 18 Shasana 2015	Ministry of Home Affairs
26.10.2015	DPAL 18 Shasana 2015	Ministry of Home Affairs
26.12.2015	DPAL 18 Shasana 2015	Ministry of Home Affairs
04.02.2016	DPAL 18 Shasana 2015	Ministry of Home Affairs
29.03.2016	No.RCK.PS.61.2016	Resident Commissioner
02.04.2016	DPAL 18 Shasana 2015	Revenue Department
02.05.2016	DPAL 18 Shasana 2015	Revenue Department
31.05.2016	DPAL 18 Shasana 2015	Revenue Department
28.06.2016	DPAL 18 Shasana 2015	Ministry of Home Affairs
03.07.2016	DPAL 18 Shasana 2015	Ministry of Home Affairs
12.09.2016	DPAL 18 Shasana 2015	Ministry of Home Affairs
21.10.2016	DPAL 18 Shasana 2015	Ministry of Home Affairs
14.12.2016	DPAL 18 Shasana 2015	Ministry of Home Affairs
21.01.2017	DPAL 18 Shasana 2015	Ministry of Home Affairs
23.02.2017	DPAL 18 Shasana 2015	Ministry of Home Affairs
31.05.2017	DPAL 18 Shasana 2015	Revenue Department
03.07.2017	DPAL 18 Shasana 2015	Ministry of Home Affairs
29.08.2017	DPAL 18 Shasana 2015	Revenue Department
09.04.2018	DPAL 18 Shasana 2015	Revenue Department
14.06.2018	DPAL 18 Shasana 2015	Ministry of Home Affairs
21.07.2018	DPAL 18 Shasana 2015	Revenue Department
28.08.2018	DPAL 18 Shasana 2015	Revenue Department
03.09.2018	DPAL 18 Shasana 2015	Revenue Department

It is considered necessary to amend the Registration Act, 1908 (Central Act 16 of 1908) in its application to the State of Karnataka to provide for online Registration of Agreement for Sale, Lease Deed and Leave and License Agreements and for online filing of true copies of Court orders, Decrees and Mortgages by way of Deposit of Title Deeds etc., sent by Banks and other Financial Institutions and to make certain consequential amendments.

Accordingly, the Registration (Karnataka Amendment) Bill, 2015 was introduced in the Karnataka Legislative Assembly on 30.03.2015. The said Bill was passed in the Legislative Assembly on 30.03.2015 and passed in the Legislative Council on 30.03.2015.

The subject matter of the Bill falls under entry 6 of List III of the Seventh Schedule to the Constitution of India. Certain provisions of the Bill are repugnant to the provisions of the Registration Act, 1908 (Central Act 16 of 1908), which is Central Law. Therefore, the Bill has to be reserved for consideration of the President.

Therefore, the Honourable Governor has been pleased to reserve the Registration (Karnataka Amendment) Bill, 2015 under Article 200 of the Constitution of India for the consideration of the President as required by clause (2) of Article 254 of the Constitution of India.

Accordingly the Government of India was requested to obtain the assent of His Excellency the President of India vide letter dated 18.08.2015.

The Resident Commissioner, Karnataka Bhavan vide letter dated has stated that they are writing a letter to the Principal Secretary, Revenue Department to expedite the clarifications so that it could be communicated to the Ministry of Home Affairs.

The Ministry of Home Affairs vide its letter dated: 26.02.2016 and 22.03.2016 has sought the views / clarifications of the State Government to process the said bill.

The said letter was sent to the Revenue Department with a request to furnish the information sought by Government of India.

The MHA had required the State Government to comment on the observations of various Union Ministries stating that Information Technology Act, 2000 is not applicable to any contract for sale or conveyers of immovable property or interest in such property on 02/5/2016, the Secretary, Department of Parliamentary Affairs has also written to Principal Secretary, Revenue Department to expedite the replies to the comments made by MHA.

The Ministry of Home Affairs vide its letter dt.21.04.2017 has requested for clarifications and the same has been forwarded to Revenue Department vide letter dt. 31.05.2017.

The clarification had been communicated to Government of India for further necessary action vide letter dated 28.06.2016 and a reminder had been sent vide letter dated: 12.09.2016 21.10.2016 14.12.2016 21.01.2017 23.02.2017 and 03.07.2017.

A letter dated 03.07.2017 sent clarifications of State Government with the request that the assent of His Excellency President of India, may kindly be obtained to the Bill and communicated to us early. Main file of even number has been sent to the Department of Revenue on 29.08.2017 to withdrawal the said bill and for the modification as suggested by the Government of India and to take an administrative decision. A reminder sent to the Revenue Department to take decision regarding withdrawal of the said bill on 09.04.2018 14.06.2018 and 21.07.2018.

**Present Status:**

The Ministry of Home Affairs vide letter dated: 12.07.2018 sought clarifications regarding withdrawal and same has been forwarded to Revenue Department on 21.07.2018. The main file is with Revenue Department since 28.08.2017.