

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.

PRESENT STATUS

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.

Accordingly, the Government of India was requested to obtain the assent of His Excellency the President of India.

Subject (2) : The Karnataka State Universities (Second Amendment) Bill, 2013

Category Assent of the President to the Bill

Proposal Classification **A** **Proposal Code DPAL**

Reference Date	Reference Number	Ministry
21.09.2013	DPAL 09 Shasana 2013	Ministry of Home Affairs
19.03.2014	DPAL 09 Shasana 2013	Ministry of Home Affairs
13.11.2014	DPAL 09 Shasana 2013	Ministry of Home Affairs
21.02.2015	DPAL 09 Shasana 2013	Ministry of Home Affairs
28.03.2015	DPAL 09 Shasana 2013	Ministry of Home Affairs

04.06.2015	DPAL 09 Shasana 2013	Ministry of Home Affairs
13.03.2015	No.17/25/2013-Judl &PP	Ministry of Home Affairs
19.08.2015	DPAL 09 Shasana 2013	Education Department (Higher Education)
16.10.2015	DPAL 09 Shasana 2013	Education Department (Higher Education)
25.11.2015	DPAL 09 Shasana 2013	Ministry of Home Affairs
28.12.2015	No.17/25/2013-Judl &PP	Ministry of Home Affairs
17.02.2016	DPAL 09 Shasana 2013	Ministry of Home Affairs
04.2.2016	23/18/2013-Judl. & P.P.(Part III)	Ministry of Home Affairs
18.03.2016	DPAL 09 Shasana 2013	Education Department (Higher Education)
29.03.2016	No.RCK.PS.61.2016	Resident Commissioner
26.03.2016	DPAL 09 Shasana 2013	Ministry of Home Affairs

It is considered necessary to amend the Karnataka State Universities Act, 2000.

The subject matter of the Bill falls under entry 25 of list 3 and entry 32 of list II of seventh schedule to the Constitution of India and accordingly the State Legislature is competent to enact the measure.

The Karnataka State Universities (Second Amendment) Bill, 2013 has been passed by the both the Houses of State Legislature was submitted to His Excellency, the Governor of Karnataka under Article 200 of the Constitution of India for orders.

His Excellency, the Governor of Karnataka had reserved the Bill for consideration of the President of India with the following noting, namely:-

"Amendment is proposed to sub-section (1) of Section 8 to empower Pro-Chancellor to order for inspection by a Commission of Enquiry. Sub-section (3) is proposed to be substituted and consequential amendments are also proposed for sub sections (4) and (7) thereof. This amendment is totally unnecessary, as in the present dispensation also State Government may recommend for such an enquiry. All these amendment dilute the position of the Chancellor in the scheme of the Act, which is not desirable.

Section 9 is also proposed to be amendment to confer power on the Pro-Chancellor to issue direction. This amendment is unnecessary as this section already provides for Chancellor to issue direction ether suo-motu or on the recommendation of the State Government.

Section 13 is proposed to be amended to provide for conferring on

the Pro-Chancellor additional powers under the Act.

Sub-section (3A) is proposed to be inserted in Section 14 to provide for inviting application from candidates seeking appointment as Vice Chancellor. Sub-sections (7) and (8) of Section 14 relate to removal of Vice Chancellor on the ground of willful omission or refusal to carryout provisions of the Act and abuse of powers. Now it is proposed to amend these sub-sections to empower the Pro-Chancellor to exercise powers along with Chancellor. Chancellor is the appointing authority of the Vice Chancellor. The power being a drastic in nature it has to be exercised in exceptional and deserving cases. As the Pro-Chancellor is not the appointing authority, he cannot be given the power of removal. Vesting Pro-Chancellor with these powers will give scope for exercise of power of removal on political grounds.

Section 16 provides for arrangement of work during vacancy in the office of the Vice-Chancellor. Now it is proposed to amend this Section to vest this power in Pro-Chancellor along with the Chancellor. As the Chancellor is the appointing authority of the Vice-Chancellor, the power to make arrangement of work during vacancy in office of the Vice Chancellor should vest solely with the Chancellor. Moreover he has primacy in the matter of appointment of Vice-Chancellor.

Amendments proposed to Sections 13, 14 and 16 to provide for exercise of similar power by the Pro-Chancellor is opposed to the very scheme and policy of the Act. This will certainly undermine the primacy of the Chancellor in the overall administration of the University.

Amendment is proposed to Section 20 to authorize Pro-Chancellor to make arrangement during temporary vacancy in the office of the Registrar, Registrar (Evaluation) and Finance Officer. The Chancellor being the key authority he is the right person to make arrangement in the case of temporary vacancy in the office of the Registrar, Registrar (Evaluation) and Finance Officer. Conferring these powers on the Pro-Chancellor will lead to interference in the internal administration of the University.

Amendment is proposed to Section 28 to provide for representation of members of Legislative Assembly and one Member of the Legislative Council in the Syndicate. Such a provision was there in repealed 1976 Act but this has been deliberately omitted in the present Act for some valid reason. Therefore this may be considered.

Section 58 provides for transfer of employees of the University from one University to another by the Chancellor in consultation with the State Government. Amendment is proposed to confer this power on the State

Government and to constitute a Board for the purpose of transfer. Till now this power could be exercised sparingly by the Chancellor on the administrative reasons. Now it may be exercised even for the reasons specified in the proposed Section 58A viz pooling of subject. This amendment will open Pandora box and give scope for indiscriminate transfer of both teaching and non-teaching staff without reference to necessity, resulting in total chaos in the administration of the University. Even creation of the Board cannot minimize the ill of transfer. The menace of transfer of Government servants has been adversely affecting administration. If the proposed amendment is carried out the ills of transfer of Government servants will spread to Universities also.

It is proposed to insert a new section 58A to provide for pooling of subjects if the number of students in a subject of department of PG course in a University is less than 10 in two consecutive years. Universities are established to provide for higher education to the needy persons in distant rural and backward areas. Implementing this provision would deprive them of the opportunity.

A mere glance at the amendments proposed would make it abundantly clear that the State Government is trying to increase its strangle hold on Universities which will result in academics giving way to politics.

The amendments are inconsistent with the regulations and guidelines issued under the University Grants Commission."

In the above circumstances, the Karnataka State Universities (Second Amendment) Bill, 2013 was reserved for consideration of the President of India by His Excellency the Governor of Karnataka in exercise of his powers conferred under 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: 21.09.2013 and 4.06.2015.

The Ministry of Home Affairs vide its letter dated : 13.3.2015 has sought the comments / clarifications of the State Government with regard to the observations of Ministry of Health and Family Welfare and Ministry of Human Resource Development (Department of Higher Education).

The said letter was sent to the Education Department (Higher Education) with a request to furnish the information sought by Government of India.

PRESENT STATUS

In the comments made by the Ministry of Human Resources Development on the said Bill it is specified that the provisions of the Bill are against National or Central policy that has been notified. Hence, the Government of India was requested to furnish the copies of the said notified National or Central policy vide letter dated 25.11.2015.

The Ministry of Home Affairs vide its letter dated : 28.12.2015 has sought the comments / clarifications of the State Government with regard to the observations of Ministry of Human Resource Development (Department of Higher Education).

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 Education Department (Higher Education) vide letter dated 18.3.2016 with a request to furnish the information sought by Government of India.

The Resident Commissioner, Karnataka Bhavan vide letter dated has stated that the said Bill would be returned to the State with the Presidential Message.

Clarifications of the State Government have been sent to the Government of India vide letter dated 26.03.2015.

Accordingly the Government of India was requested to obtain the assent of His Excellency the President of India.

Subject (3) : The Prohibition of Child Marriage (Karnataka Amendment) Bill, 2016.

Category Assent of the President to the Bill

Proposal Classification **A** **Proposal Code DPAL**

Reference Date	Reference Number	Ministry
17.05.2016	DPAL 45 Shasana 2013	Ministry of Home Affairs
28.06.2016	DPAL 44 Shasana 2015	Ministry of Home Affairs

The High Court of Karnataka in its judgment in Writ Petition No. 11154 of 2006 has directed the State Government to set up a core

Committee on prevention of Child Marriages Accordingly the State Government has set up a core Committee headed by Dr. Justice Shivaraj V Patil, Former Judge of Supreme Court of India.

The Core Committee in its report submitted to the Government has recommended consequential amendments to the Prohibition of Child Marriage Act, 2006, (central Act 6 of 2007) in its application to the State of Karnataka and State Government has accepted the report of the core committee, for enabling concerned the police officer to take notice of an offence suo-motto and prescribe a period of minimum year imprisonment for offences under section 9,10 and 11, therefore, it is considered necessary to amend sections 3, 9, 10 and 11 of the said Act to provide for,-

- (a) declaring every child marriage void abinitio;
- (b) to enhance the penalty under sections 9,10,11 and 13; and
- (c) for enabling concerned the police officer to take notice of an offence suo-motto.

Accordingly, the Prohibition of Child Marriage (Karnataka Amendment) Bill, 2016 was passed by both Houses of the State Legislature.

The subject matter of the Bill falls under entry 5 of list III of the Seventh Schedule to the Constitution of India. The clauses 2, 3, 4, 5, 6 and 7 of the Prohibition of Child Marriage (Karnataka Amendment) Bill, 2016 are repugnant to Section 3, 9, 10, 11, 13 and 15A of the Prohibition of Child Marriage Act, 2006 (Central Act 6 of 2007).Which is a Central Legislation. Therefore, the Bill has to be reserved for the consideration of His Excellency the President as required under clause (2) of Article 254 of the Constitution of India.

Accordingly, 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 that was sent to Government of India, Ministry of Home Affairs vide letter dated 17.05.2016. Further a reminder was sent to Government of India on 28.06.2016.

Subject (4): The Registration (Karnataka Amendment) Bill, 2015.

Category Assent of the President to the Bill

Proposal Classification**A****Proposal Code DPAL**

Reference Date	Reference Number	Ministry
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

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.

PRESENT STATUS

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. On 02/5/2016, the Secretary, Dept. of Parliamentary Affairs has also written to Principal Secretary, Revenue Department to expedite the replies to the comments made by MHA. The replies are awaited from Principal Secretary, Revenue Department.

The clarification had been communicated to Government of India for further necessary action vide letter dated 28.06.2016. Accordingly the Government of India was requested to obtain the assent of His Excellency the President of India.

Subject (5): 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

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.

PRESENT STATUS

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. Accordingly the Government of India was requested to obtain the assent of His Excellency the President of India.

Subject (6): 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**

Reference Date	Reference Number	Ministry
17.10.2014	DPAL30 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

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 (1) 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.

PRESENT STATUS: 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.

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

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 (1st Std to 5th 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.

PRESENT STATUS

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.

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.

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

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

Proposal Classification **A** **Proposal Code DPAL**

Reference Date	Reference Number	Ministry
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

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.

PRESENT STATUS

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.

A reminder was sent to Agriculture Secretary to furnish clarification sought by Government of India vide letter no dated 20.06.2016. The proposal now pending with Agriculture Department.

Subject (3) : The Karnataka Maritime Board Bill, 2015

Category Assent of the President to the Bill

Proposal Classification **A** **Proposal Code DPAL**

Reference Date	Reference Number	Ministry
20.01.2016	DPAL 54 Shasana 2015	Ministry of Home Affairs
18.05.2016	DPAL 54 Shasana 2015	Ministry of Home Affairs
24.05.2016	17/08/2016 – Judl & PP	Ministry of Home Affairs
17.06.2016	DPAL 54 Shasana 2015	Public Works Department

The Karnataka Maritime Board Bill, 2011 was sent to Ministry of Home Affairs Government of India to obtain and communicate the assent of His Excellency the President of India vide letter under reference (1).

The Ministry of Home Affairs vide letter under reference (3) has referred the observations of Union Ministers of (i) Finance (Department of Revenue) and (ii) Finance (Department of Financial Services), furnished vide their O.M No. T.11021/4/2012-TC, dated 27.11.2014 and F.No. 10/102/2014-AC dated, 11.11.2014 respectively for revision of the Karnataka Maritime Board Bill, 2011.

Accordingly, the said Bill was withdrawn and returned by the Ministry of Home Affairs vide letter No. 17/08/2012 dated 25.03.2015.

As suggested by Ministry of Home Affairs, Government of India, vide letter under reference (3) all the amendments are incorporated in modified "Karnataka Maritime Board Bill, 2015".

Karnataka has a coast line of about 300 kms, which is dotted with 10 non-major ports, besides the major port at New Mangalore. These non-major ports, which include Karwar, Malpe harbour, Tadri, Old Mangalore, etc., are currently managed by the Public Works Department through the Director of Ports and Inland Water Transport. The revenue receipts from these ports are credited into the Consolidated Fund of the State, while the development and maintenance expenditure are met out of the budgetary grants. In the circumstances, there is no relationship between the receipts and expenditure of the Ports & IWT sector. Further, the Directorate of Ports & IWT is not able to raise finance from the market directly for undertaking development activities.

Some of the major maritime States, notably Gujarat, Maharashtra and Tamil Nadu, have already set up Maritime Boards and have seen tremendous growth in development of the infrastructure for ports and allied activities. Keeping such experience in view, the Maritime States Development Council has been advising all the maritime States to constitute Maritime Boards.

Karnataka also has several inland waterways on both, west flowing as well as east flowing rivers, that offer the potential for development of an environment friendly mode transportation of goods and passengers, particularly for several interior locations. The Maritime Board would be in a position to develop and maintain the inland waterways too. Further, the Board would be in an advantageous position to prepare and implement schemes for coastal protection, which has become an important issue for the growth and development of the coastal regions of the State.

The Bill among other things provides for,-

- (i) Constitution and functioning of the Maritime Board for Karnataka. The Board shall be in a position to find ways and means to undertake various developmental projects and maintenance activities in relation to ports, harbours, inland waterways and coastal protection and thus help in the growth and development of the coastal region and its hinterland.
- (ii) Developing all Karnataka ports on public private partnership Basis.

- (iii) Development and maintenance of fishing harbors by the Board with suitable budgetary grants and subventions from the Government. However, the operations and management of the fishing harbors shall continue to be done by the Fisheries Department and not by the Maritime Board.

Accordingly, Karnataka Jalasarige Mandali Vidheyaka, 2015 was re-introduced in the Karnataka Legislative Assembly on 27.11.2015 and the same was passed in the Legislative Assembly on 27.11.2015 and in the Legislative Council on 27.11.2015.

The subject matter of the Bill falls under entry 31 of List III of the Seventh Schedule to the Constitution of India. Item (i) of sub-clause (3) of clause 36 is repugnant to the provisions of the Arbitration and conciliation Act, 1996. Clause 56 is repugnant to section 45 of the Indian Contract Act, 1872. Clause 62 is repugnant to the provisions of the Indian Limitation Act, 1963. Therefore, Honorable Governor of Karnataka is pleased to reserve the Karnataka Jalasarige Mandali Vidheyaka, 2015, for the consideration of His Excellency the President of India under Article 200 of the constitution of India as required by clause (2) of Article 254.

PRESENT STATUS

Accordingly, the Government of India was requested to obtain the assent of His Excellency the President of India vide letter dated 20.01.2016.

The Ministry of Home Affairs vide letter no. 17/08/2016/Judl & PP dated 24.05.2016 had sought the clarifications of the State Government on the comments of Ministry of Finance, Government of India.

This letter was sent to Public Works Department, Government of Karnataka vide letter dated 17.06.2016. The proposal to clarify Government of India is pending in Public Work Department since 17.06.2016.