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

(As On 31.10.2015)

Department Name: DEPARTMENT OF PARLIAMENTARY AFFAIRS
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PART I: PENDING PROPOSAL WITH GOVERNMENT OF INDIA

Subject (1): Obtaining previous consent of His Excellency the President for the use of Kannada Language in all the proceedings in the High Court of Karnataka.

Category Assent of the President to the Resolution

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

Reference Date	Reference Number	Ministry
24.01.2015	DPAL 27 Shasana 2014	Ministry of Home Affairs
16.05.2015	DPAL 27 Shasana 2014	Ministry of Home Affairs
03.07.2015	DPAL 494/D-1/2015	Resident Commissioner
15.10.2015	DPAL 27 Shasana 2014	Ministry of Home Affairs

Article 348 (2) of the Constitution of India is as following, namely:-

"(2) Notwithstanding anything in sub-clause (a) of clause (1), the Governor of a State may, with the previous consent of the President, authorise the use of the Hindi Language, or any other language used for any official purposes of the State, in proceedings in the High Court having its principal seat in that State:

Provided that nothing in this clause shall apply to any judgment, decree or order passed or made by such High Court"

Accordingly, the cabinet in its meeting held on 09.07.2014 has taken a decision to recommend Honourable Governor to send the proposal to the Government of India for the approval of His Excellency the President to authorize the use of Kannada Language in all the proceedings of the High Court of Karnataka.

Accordingly, a resolution was moved in the Karnataka Legislative Assembly on 22.07.2014 and the Karnataka Legislative Council on 30.07.2014.

The said resolution was approved in the Karnataka Legislative Assembly and in the Karnataka Legislative Council unanimously.

Therefore, Honourable Governor was pleased to seek the approval of His Excellency the President under clause (2) of Article 348 of Constitution of India.

Therefore, copies of the resolutions (both in Kannada and English Language) as passed by the Karnataka Legislative Assembly on 28.07.2014 and Karnataka Legislative Council on 30.07.2014 are enclosed and sent to Government of India to obtain previous consent of His Excellency the President for authorization of the use of Kannada Language in all the proceedings in the High Court of Karnataka. The submission note as approved by the Honourable Governor was also sent to Government of India.

Therefore, the Government of India was requested to obtain previous consent of His Excellency the President of India under clause (2) of Article 348 of the Constitution of India to the said resolution vide letter No: DPAL 27 Shasana 2014, dated 24.01.2015.

The Resident Commissioner, Karnataka Bhavan, in the letter dated 26.06.2015 has requested to send a set of the entire correspondence regarding obtaining of previous consent of His Excellency the President of India for the use of Kannada Language in all the proceedings in the High Court of Karnataka.

A set of the entire correspondence regarding obtaining of previous consent of His Excellency the President of India for the use of Kannada Language in all the proceedings in the High Court of Karnataka had been sent vide letter dated 3.7.2015.

The Legal Cell, Karnataka Bhavan has sent a fax on 18.08.2015 has reported that the proposal has been sent to the Supreme Court of India for their comments and pending with Ministry of Justice.

Subject (2): The Karnataka State Motor Vehicle (Special Provisions) Bill, 2015.

Category Assent of the President to the Bill

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

Reference Date	**Reference Number**	**Ministry**
19.08.2015	DPAL 43 Shasana 2015	Ministry of Home Affairs
26.10.2015	DPAL 43 Shasana 2015	Ministry of Home Affairs

The Hon'ble Supreme Court in B.A Lingareddy Vs Karnataka State Transport Authority (2015 AIR SCW 279), after exhaustive review of the case law while considering the specific assertion on behalf of the appellant, it categorically laid down that a permit cannot be granted for a non-notified route which overlap or traverses the notified route and declared the permits granted contrary to the scheme are illegal.

And whereas section 102 of the Motor Vehicle Act, 1988 empowers the State Government to modify any approved scheme. The Supreme Court in Karnataka State Road Transport Corporation Vs Asharafulla Khan (2002)2 SCC 560 has held that modification may be effected only to need and convenient of the travelling public on representation of the travelling public or on the ground that the State Transport undertaking lacks the necessary resources in the form of vehicle or infrastructure to meet the public demand. The Karnataka State Transport undertaking has expressed its inability to start stage carriage vehicles in the areas of approved scheme immediately.

Therefore, it is considered necessary to make certain special provisions to prevent inconvenience to travelling public by sudden stoppage of existing permit holders of private stage carriage under the Motor Vehicles Act, 1988 in relation to the areas of approved schemes and routes notified under Chapter-VI of that Act and to provide for an enabling provision to issue temporary permits to meet the need of the day and matters connected therewith or incidental thereto;

Accordingly, the Karnataka State Motor Vehicle (Special Provisions) Bill, 2015 was introduced in the Karnataka Legislative Assembly on .07.2015. The said Bill was passed in the Legislative Assembly on .07.2015 and passed in the Legislative Council on 01.08.2015.

The subject matter of the Bill falls under entry 35 of list III of the Seventh Schedule to the Constitution of India. Clause 2,3,4 and 5 of the Bill are repugnant to the provisions of the Motor Vehicles Act, 1988 (Central Act 59 of 1988) which is a central law 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 State Motor Vehicle (Special Provisions) 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

A letter with a request to obtain assent of His Excellency the President of India was sent on 19.08.2015 with all the necessary enclosures.

Accordingly the Government of India was requested to obtain the assent of His Excellency the President of India vide letter dated 19.08.2015.

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

Category Assent of the President to the Bill

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

Reference Date	Reference Number	Ministry
04.08.2015	DPAL 25 Shasana 2015	Ministry of Home Affairs
17.08.2015	No.17/33/2015-judl.&PP	Ministry of Home Affairs

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.

PRESENT STATUS

In the letter, received from the Ministry of Home Affairs, Government of India has requested to send two more original copies of the observation made by the Hon'ble Governor.

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

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.

Subject (5): 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

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, 2015was 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.

Subject (6): 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

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.

PRESENT STATUS

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

Subject (7): 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

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.

PRESENT STATUS

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 Ministeries (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.

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

Subject (1) : 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)

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 is 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

The Legal Cell, Karnataka Bhavan has sent a fax on 26.06.2015 enclosing the Status Report and has reported that the Bill has been referred to the Ministry of Legal Affairs for their opinion and pending with Ministry of Legal Affairs.

The Legal Cell, Karnataka Bhavan has sent a fax on 18.08.2015 has reported that the comments of the Human Resources Department Ministry was sent to State Government by Ministry of Home Affaires on 13.3.2015 and pending with Government of Karnataka.

Subject (2): 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	DPAL 05 Shasana 2015	Ministry of Home Affairs
04.08.2015	DPAL 05 Shasana 2015	Education Department (Primary and Secondary)

The State Government constituted the language policy regarding the medium of instruction from 1st std to 5th 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 (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.