

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

(As On 31.10.2016)

Department Name: DEPARTMENT OF PARLIAMENTARY AFFAIRS

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

**Subject (1) : 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
21.07.2016	17/37/2016-Judl&PP	Ministry of Home Affairs
31.08.2016	DPAL 45 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 and 21.07.2016.

#### **PRESENT STATUS:**

Further, Government of India, in its letter dated: 21.07.2016 has sought clarification on the views of Department of Law and Justice and Woman welfare Department. This Government has clarified above points in letter no. DPAL 44 SHASANA 2015, dated: 31.08.2016

#### **Subject (2): 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

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 (3): 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

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. The clarifications of Revenue Department had been sent vide letter dated: 08.09.2016. Accordingly the Government of India was requested to obtain the assent of His Excellency the President of India.

**Subject (4): 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
16.07.2016	DPAL 42 Shasana 2015	Ministry of Home Affairs
26.09.2016	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 Kharif 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.

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.

**PRESENT STATUS**

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

**Subject (5): Sub: The Karnataka Transparency in Public Procurements (Amendment) Bill, 2016.**

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

Reference Date	Reference Number	Ministry
16.08.2016	DPAL 22 Shasana 2016	Ministry of Home Affairs

It is considered necessary to amend the Karnataka Transparency in Public Procurements Act, 1999 (Karnataka Act 28 of 2000) to overcome the unemployment problem in the Scheduled Castes or Scheduled Tribes Community and to encourage their participation in such number of works not exceeding 17.15 percent for persons belonging to the Scheduled castes and not exceeding 6.95 percent for the persons belonging to the Scheduled tribes out of the total number of Government construction works upto Rupees 50.00 lakhs.

Accordingly, the Karnataka Transparency in Public Procurements (Amendment) Bill, 2016 was introduced in the Karnataka Legislative Assembly on 14.07.2016. The said Bill was passed in the Legislative Assembly on 14.07.2016 and was passed in the Legislative Council on 15.07.2016.

The subject matter of the Bill falls under entry 35 of List II and entry 7 of List III of the Seventh Schedule to the Constitution of India. The provisions of the Bill are not repugnant to any of the provisions of Central Laws in force. The opinion of Hon'ble Advocate General in this regard is also herewith enclosed.

Accordingly, the Bill was sent to the Honourable Governor of Karnataka on 25.07.2016 to obtain His assent under Article 200 of the Constitution of India.

The Honourable Governor of Karnataka on 29.07.2016 having observed that the proposed legislation is in violation of 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. A original copy of the



observations made by the Honourable Governor is here with enclosed for kind perusal.

Six copies of the following documents are enclosed herewith, namely:-

- (1) The Bill as introduced and passed by the Legislative Assembly.
- (2) The Bill as passed by the Legislative Council
- (3) The Bill as passed by both Houses of the State Legislature.
- (4) Three authentic copies of the said Bill in Kannada and English version printed on the parchment paper each endorsed by the Governor reserving the legislation for the consideration of the President.
- (5) The Legislation is an Amending one, one upto date copy of the principal Act and six copies of the Comparative Statement showing each clause as it exists and as it would read after the proposed amendment.

A certificate in the proforma as required in letter No. 19/23/17/Judl, dated:3.8.1972 from the Ministry of Home Affairs is also enclosed.

#### **PRESENT STATUS**

Accordingly the Government of India was requested to obtain assent of His Excellency the President of India, vide letter No: DPAL 22 Shasana 2016 at 16.08.2016.

**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
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

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.

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.

#### **PRESENT STATUS:**

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

**Subject (7) : 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
29.08.2016	DPAL 54 Shasana 2015	Ministry of Home Affairs

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.

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.

## **PRESENT STATUS**

Clarification has been furnished to Government of India vide D.O.Letter No. DPAL 54 Shasana 2015, dated: 29 .08.2016

## **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**

<b>Reference Date</b>	<b>Reference Number</b>	<b>Ministry</b>
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

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.

### **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 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 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

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.

**PRESENT STATUS**

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 and 24.09.2016.