

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

(As On 04th January 2021)

Department Name: DEPARTMENT OF PARLIAMENTARY AFFAIRS

PART I: PENDING PROPOSAL WITH GOVERNMENT OF INDIA - Nil

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

**Subject: (1) The Karnataka Transgenic And Genetically Modified Cotton
Seeds (Fixation of Sale Price And Payment of Compensation) Bill,
2015 (CSC/KN/180).**

Category For obtaining the Assent of the Honorable President of India to the
Bill

UID Number: CSC/KN/180

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
30.12.2016	DPAL 42 Shasana 2015	Ministry of Home Affairs
07.02.2017	DPAL 42 Shasana 2015	Agriculture Department
28.03.2017	DPAL 42 Shasana 2015	Ministry of Home Affairs
28.04.2017	DPAL 42 Shasana 2015	Ministry of Home Affairs
24.07.2017	DPAL 42 Shasana 2015	Agriculture Department
28.10.2017	DPAL 42 Shasana 2015	Agriculture Department
11.10.2017	NO.17/38/2015.Judl&PP	Ministry of Home Affairs
18.12.2017	DPAL 42 Shasana 2015	Agriculture Department

26.02.2018	No. 17/38/2015- Judl & PP	Ministry of Home Affairs
16.03.2018	DPAL 42 Shasana 2015	Agriculture Department
26.04.2018	DPAL 42 Shasana 2015	Agriculture Department
05.07.2018	DPAL 42 Shasana 2015	Agriculture Department
21.07.2018	DPAL 42 Shasana 2015	Agriculture Department
03.09.2018	DPAL 42 Shasana 2015	Ministry of Home Affairs
29.10.2018	DPAL 42 Shasana 2015	Ministry of Home Affairs
06.12.2018	DPAL 42 Shasana 2015	Ministry of Home Affairs
01.03.2019	DPAL 42 Shasana 2015	Ministry of Home Affairs
22.05.2019	DPAL 42 Shasana 2015	Ministry of Home Affairs
24.07.2019	DPAL 42 Shasana 2015	Ministry of Home Affairs
16.08.2019	DPAL 42 Shasana 2015	Ministry of Home Affairs
24.10.2019	DPAL 42 Shasana 2015	Ministry of Home Affairs
18.11.2019	No. 17/38/2015-Judl.,& PP	Agriculture Department
27.11.2019	DPAL 42 Shasana 2015	Agriculture Department
20.01.2020	DPAL 42 Shasana 2015	Agriculture Department
20.05.2020	DPAL 42 Shasana 2015	Agriculture Department
26.06.2020	DPAL 42 Shasana 2015	Agriculture Department
17.07.2020	DPAL 42 Shasana 2015	Agriculture Department
29.08.2020	DPAL 42 Shasana 2015	Ministry of Home Affairs
07.11.2020	DPAL 42 Shasana 2015	Ministry of Home Affairs
15.12.2020	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 the Honorable President of India as required by clause (2) of Article 254 of the Constitution of India.

Therefore, the Honorable 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.

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

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

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

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

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

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

Government of India has been sent to Department of Agriculture on 24.07.2017 and reminder letter sent to Agricultural Department on dated: 28.10.2017.

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

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

In pursuance to the discussion on 31.08.2018 with Additional Secretary, ministry of Home Affairs, Government of India it is clarified that the subject Matter of cotton seed falls under entry 33 of list III, but does not fall under any of the entry in list-I. Hence it was requested to obtain the assent of the Honourable President of India, vide letter dated: 03.09.2018, 29.10.2018, 06.12.2018 and 01.03.2019.

The Agriculture Department of Government of Karnataka vide Letter No AGD 44 AGC 2018, dated 23.01.2019 has said that the pendency of the Bill is hindering the efforts in forming the comprehensive policy for the use of cottonseeds, Therefore it is communicated to Govt. Of India that this Govt. would like to pursue the Bill, further. Hence, the Government of India was requested to obtain the assent of the Honourable President of India vide letter dated 01.03.2019, 22/05/2019, 21/06/2019 24/07/2019, 16,08,2019 and 24.10.2019. In the letter dated : 16.08.2019, it is clarified that (i) the Bill does not attract interstate trade (ii) the Bill does not shield faulty seed producer (iii) the proposed Bill is progressive Legislation and protect the formers from being cheated by companies It also provide for compensation to farmers who have incurred loss due to supply of faulty/defective seeds.

PRESENT STATUS: Ministry of Home Affairs has sent a letter with request to Depute an Officer to discuss the issues with the Department of Agriculture, Co-operation and Farmers Welfare vide letter of even number dated 04.12.2020.

Therefore it is requested to depute an Officer who is expert in dealing with matters relating to the above said Bill.

Subject (2) : The Karnataka Prevention of Dangerous Activities of Bootleggers, Drug-offenders, Gamblers, Goondas, Immoral Traffic Offenders, slum-Grabbers and Video or Audio Pirates (Amendment) Ordinance, 2018

Category Previous instruction of the President to the draft Ordinance

UID Number

Proposal Classification A Proposal Code DPAL

Reference Date	Reference Number	Ministry
07.10.2014	DPAL 30 Shasana 2014	Ministry of Home Affairs
10.11.2016 and 28.12.2016	NO.17/26/2014- Judl & PP	Ministry of Home Affairs
02.02.2018	DPAL 30 Shasana 2014	Ministry of Home Affairs
26/07/2018	14/02/2018 Judl & PP	Ministry of Home Affairs
26.10.2018	DPAL 30 Shasana 2014	Ministry of Home Affairs
22.03.2019	23/30/2018- Judl & PP	Ministry of Home Affairs
10.01.2019	DPAL 30 Shasana 2014	Ministry of Home Affairs
19.09.2019	17/26/2014-Judl & PP	Ministry of Home Affairs
18.10.2019	DPAL 30 Shasana 2014	Ministry of Home Affairs
28.11.2019	NO. 17/26/2014 Judl , & PP	Ministry of Home Affairs
14.02.2020	DPAL 30 Shasana 2014	Home Department
01.06.2020	DPAL 30 Shasana 2014	Home Department
13.08.2020	DPAL 30 Shasana 2014	Home Department
21.10.2020	DPAL 30 Shasana 2014	Home Department

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 sent to Government of India with a request to

obtain and communicate the assent of the President of India, vide letter dated:07.10.2014.

The Ministry of Home Affairs, Government of India vide its letter dated. 10.11.2016 and 28.12.2016 has requested to send the clarifications on the observations of the Ministry of Environment, Forest, Climate Change.

The Karnataka Prevention of Dangerous Activities of Bootleggers, Drug-offenders, Gamblers, Goondas, Immoral Traffic Offenders, Slum- Grabbers and Video or Audio Pirates (Amendment) Ordinance, 2018 was sent vide letter dated: 02.02.2018 to Ministry of Home Affairs with a request to obtain and communicate the previous instructions of His Excellency the President of India to the said Ordinance.

The Ministry of Home Affairs in its letter No.14/02/2018-Judi 85 PP, dated: 26/07/2018 has requested the State Government to provide for clarification from the State Government regarding comments of the Ministry of Electronics 86 Information Technology vide OM No. 7 (72)12014-CD, dated 17.07.2018 regarding omission of provisions relating to digital offenders and the same had been sent to the Home Department vide letter of even number dated: 10.08.2018.

State Government in letter, dated: 26.10.2018 has informed that the State of Karnataka Government has agreed to omit the words "digital offenders" from the said Ordinance as suggested by the Ministry of Electronics and Information Technology vide OM No. 7 (72)/2014-CD, dated 17.07.2018.

The Government of India, Ministry of Home Affairs in its letter No. 23/30/2018-Judl&PP, dated:22.03.2019. has suggested to withdraw 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.

During discussion with Central Government, it has suggested to state Government to amend the Ordinance. As suggested by Government of India, a draft modified The Karnataka Prevention of Dangerous Activities of Bootleggers, Drug-offenders, Gamblers, Goondas, Immoral Traffic Offenders, Slum- Grabbers and Video or Audio Pirates (Amendment) Ordinance, 2018 was sent with letter dated: 10.01.2019 to the Central Government to obtain and Communicate to His Excellency the President of India.

The Government of India vide letter No. 17/26/ 2014-Judl. & PP, dated: 19.09.2019 had returned the three authentic copies of the Bill.

In this background it was once again requested to obtain the previous instructions of His Excellency the President of India to the draft Ordinance and communicate early, vide letter Dated: 18.10.2019.

PRESENT STATUS: Hon'ble Chief Minister has given approval to the draft Ordinance, prepared by Department of Parliamentary Affairs and Legislation . But a Bill has been prepared on the model of Kerala Act 34 of 2007. This Bill is on anvil.

Subject (3): The Right of Children to Free and compulsory Education (Karnataka Amendment) Bill, 2015

Category For obtaining Assent of the Honorable President of India to the Bill

UID Number: CSC/KN/190

Proposal Classification A Proposal Code DPAL

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

21.10.2017	DPAL 05 Shasana 2015	Education Department (Primary and Secondary)
18.12.2017	DPAL 05 Shasana 2015	Education Department (Primary and Secondary)
19.03.2018	DPAL 05 Shasana 2015	Education Department (Primary and Secondary)
02.07.2018	DPAL 05 Shasana 2015	Education Department (Primary and Secondary)
21.07.2018	DPAL 05 Shasana 2015	Education Department (Primary and Secondary)
09.01.2019	DPAL 05 Shasana 2015	Education Department (Primary and Secondary)
29.03.2019	DPAL 05 Shasana 2015	Education Department (Primary and Secondary)
08.05.2019	DPAL 05 Shasana 2015	Education Department (Primary and Secondary)
24.06.2019	DPAL 05 Shasana 2015	Education Department (Primary and Secondary)
13.08.2019	DPAL 05 Shasana 2015	Education Department (Primary and Secondary)
06.11.2019	DPAL 05 Shasana 2015	Education Department (Primary and Secondary)
09.12.2019	DPAL 05 Shasana 2015	Education Department (Primary and Secondary)
22.01.2020	DPAL 05 Shasana 2015	Education Department (Primary and Secondary)
12.05.2020	DPAL 05 Shasana 2015	Education Department (Primary and Secondary)
23.07.2020	DPAL 05 Shasana 2015	Education Department (Primary and Secondary)
31.08.2020	DPAL 05 Shasana 2015	Ministry of Home Affairs
05.11.2020	No. 17/26/2015-judl & PP	Ministry of Home Affairs
23.11.2020	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.

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

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

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

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

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

The MHA is awaiting comments from Department of School Education in the Ministry of HRD to ascertain the legality of invoking

article 350A of the Indian Constitution. Once we obtain the comments from MHA, we may have to take internal view.

The Ministry of Home Affairs vide letter dated: 13.12.2018 has asked the State Government to furnish clarifications on views of HRD (Department of School Education and Literacy) and Ministry of Law and Justice (Department of Legal Affairs.)

The Ministry of Home Affairs vide letter dated: 13.12.2018 has asked the State Government to furnish clarifications on view of HRD (Department of School Education and Literacy) and Ministry of Law and Justice (Department of Legal Affairs.)

PRESENT STATUS: The Ministry of Home Affairs vide letter dated 05.11.2020 has once again requested the State Government “to send clarification on the comments of Department of School Education and Literacy regarding three language policy and supreme court judgment in State of Karnataka v/s A .M English medium (204) 9 SCC 485. Alternatively, to consider withdrawing the bill from Ministry of Home Affairs”

Therefore, It is requested in vide letter dated 23.11.2020 to the Department of Primary and Secondary Education to kindly furnish the clarifications on the comments or to take decision to withdraw the said Bill, thereby enabling this Department to communicate an early reply to the Government of India.