

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

(As on 25th May , 2022)

**Department Name: DEPARTMENT OF PARLIAMENTARY AFFAIRS AND
LEGISLATION**

PART I: PENDING PROPOSAL WITH GOVERNMENT OF INDIA

Subject: (1) The Criminal Law Amendment Ordinance, 1944 (Karnataka Amendment) Bill, 2022

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

UID Number:

Proposal Classification A Proposal Code DPAL

Reference Date	Reference Number	Ministry
17.03.2022	DPAL 57 Shasana 2021	The Joint Secretary Ministry of Home Affairs (Judicial and PP Section)
25.04.2022	DPAL 57 Shasana 2021	The Joint Secretary Ministry of Home Affairs (Judicial and PP Section)

It is considered necessary to amend the Criminal Law Amendment Ordinance, 1944 (Ordinance No.XXXVIII of 1944), in its application to the State of Karnataka to make provision regarding,-

- (i) redefining the words “District Judge” to include “Principal District and Session judge or Trial Court including Committal Court”;
- (ii) application of order XXXVIII of the first schedule to the Code of Civil Procedure, 1908 for attachment of the property of the accused persons;
and
- (iii) matters connected in this regard

Under the Prevention of Money Laundering Act, 2002 (PMLA) the State Government has no role in the investigation of proceedings. Only agency authorized to investigate and attach the proceeds of crime is the Enforcement

Directorate. The Enforcement Directorate takes cases from the State Government on selective basis as per their own will.

Very large number of cases of Economic Offences registered every year and are helpless as provisions of attachment are absent in presently available laws.

Application of the Criminal Law Amendment Ordinance, 1944 after required amendment as proposed will help in restoring the properties (Non-public) of the victims of Economic Offences.

Accordingly, the Criminal Law Amendment Ordinance, 1944 (Karnataka Amendment) Bill, 2022 was introduced in the Karnataka Legislative Assembly on 16.02.2022. The said Bill was passed in the Legislative Assembly on 21.02.2022 and in the Legislative Council on 22.02.2021.

The subject matter of the Bill falls under entry 1 of List III of the Seventh Schedule to the Constitution of India. The provisions of the Bill are repugnant to the provisions of the Criminal Law Amendment Ordinance, 1944 (Ordinance No. XXXVIII of 1944), which is a Central Law. Therefore, it is required to be reserved for the assent of the Hon'ble 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 Criminal Law Amendment Ordinance, 1944(Karnataka Amendment) Bill, 2022 under Article 200 of the Constitution of India for the consideration of the Hon'ble President by affixing his signature with date in the appropriate place on three copies of the Bill as required by clause (2) of Article 254 of the Constitution of India.

Six copies of the following documents are enclosed.

- (1) The Bill as introduced in and as passed by the Legislative Assembly.
- (2) The Bill as passed by both Houses of the State Legislature.
- (3) Three authentic copies of the said Bill in English language printed on the parchment paper each endorsed by the Governor reserving the legislation for the consideration of the Hon'ble President.
- (4) The Legislation is an amending one, one up to date copy of the Principal Act and comparative statement showing relevant clause as it exists and as it would read after the proposed amendment.

And a certificate in the proforma as required in letter No. 19/23/17/Jud1, dated: 3.8.1972 from the Ministry of Home Affairs and sent to Government of India vide letter dated 17.03.2022.

PRESENT STATUS: In the circumstances stated above, it has been requested to the Joint Secretary, Ministry of Home Affairs (Judicial and PP Section) in the letter dated: 17.03.2022 and 25.04.2022 that the assent of His Excellency the President of India, may kindly be obtained to the Bill and communicated to us early.

Subject: (2) The Code of Criminal Procedure (Karnataka Amendment) Bill, 2021.

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

UID Number:

Proposal Classification A Proposal Code DPAL

Reference Date	Reference Number	Ministry
12.10.2021	DPAL 23 Shasana 2021	The Joint Secretary Ministry of Home Affairs (Judicial and PP Section)
18.11.2021	DPAL 23 Shasana 2021	The Joint Secretary Ministry of Home Affairs (Judicial and PP Section)
20.01.2022	DPAL 23 Shasana 2021	The Joint Secretary Ministry of Home Affairs (Judicial and PP Section)
07.03.2022	DPAL 23 Shasana 2021	The Joint Secretary Ministry of Home Affairs (Judicial and PP Section)
25.04.2022	DPAL 23 Shasana 2021	The Joint Secretary Ministry of Home Affairs (Judicial and PP Section)

It is considered necessary to amend the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), provide for record the evidence of the witness by audio-video-electronic means, in the presence of the Advocate of the person accused of the offence.

Accordingly, the Code of Criminal Procedure (Karnataka Amendment) Bill, 2021 was introduced in the Karnataka Legislative Assembly on 14.09.2021. The said Bill was passed in the Legislative Assembly on 17.09.2021 and in the Legislative Council on 20.09.2021.

The subject matter of the Bill falls under entry 2 of List III of the Seventh Schedule to the Constitution of India. The provisions of the Bill are repugnant to the provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), which is Central Law. 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 Code of Criminal Procedure (Karnataka Amendment) Bill, 2021 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.

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

- (1) The Bill as introduced in and as passed by the Legislative Assembly.
- (2) The Bill as passed by both Houses of the State Legislature.
- (3) Authentic copies of the said Bill printed on the parchment paper (two in English and two in Kannada language) each endorsed by the Governor reserving the legislation for the consideration of the President.
- (4) The Legislation is an amending one, one up to date copy of the Principal Act and comparative statement showing relevant 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/JudI, dated: 3.8.1972 from the Ministry of Home Affairs was sent to Government of India vide letter dated 12.10.2021.

PRESENT STATUS: In the circumstances stated above, it has been requested to the Joint Secretary Ministry of Home Affairs (Judicial and PP Section) in the letter dated: 12.10.2021, 18.11.2021, 20.01.2022, 07.03.2022 and 25.04.2022 that the assent of His Excellency the President of India, may kindly be obtained to the Bill and communicated to us early.

Subject: (3) 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
01.02.2021	DPAL 42 Shasana 2015	Agriculture Department
01.04.2021	DPAL 42 Shasana 2015	Agriculture Department
17.06.2021	DPAL 42 Shasana 2015	Agriculture Department
16.08.2021	DPAL 42 Shasana 2015	Ministry of Home Affairs
27.09.2021	DPAL 42 Shasana 2015	Agriculture Department
01.12.2021	DPAL 42 Shasana 2015	Ministry of Home Affairs
06.01.2022	DPAL 42 Shasana 2015	Ministry of Home Affairs
11.02.2022	DPAL 42 Shasana 2015	Ministry of Home Affairs
17.03.2022	DPAL 42 Shasana 2015	Ministry of Home Affairs
22.04.2022	DPAL 42 Shasana 2015	Ministry of Home Affairs

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

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

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

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

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

The subject matter of the Bill falls under entry 14 and 26 of list II and entry 33 of list III of the Seventh Schedule to the Constitution of India. The provisions of the Bill are repugnant to the Essential Commodities Act, 1955 and the Seed (Control) Order, 1983 and the Seed Act, 1966 (Central Act 54 of 1966) which are Central laws in force. Therefore, it is required to be reserved for the assent of 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, 29.10.2010, 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: It is requested in vide letter DPAL 42 SHASANA 2015 dated: 01.12.2021, 06.01.2022, 11.02.2022, 17.03.2022 and 22.04.2022 to Ministry of Home Affairs (Judicial & PP Section), Government of India that this Government would like to pursue the Bill further. The ministry of Agriculture, Government of India may be requested to convene another meeting at the earliest. Therefore the matter may considered on priority to resolve the issue at the earliest.

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

(1) Identification of Prisoners (Karnataka Amendment) Bill, 2021.

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

UID Number:

Proposal Classification

A

Proposal Code DPAL

Reference Date	Reference Number	Ministry
12.10.2021	DPAL 22 Shasana 2021	The Joint Secretary Ministry of Home Affairs (Judicial and PP Section)
18.11.2021	DPAL 22 Shasana 2021	The Joint Secretary Ministry of Home Affairs (Judicial and PP Section)
27.01.2022	DPAL 22 Shasana 2021	The Joint Secretary Ministry of Home Affairs (Judicial and PP Section)
07.03.2022	DPAL 22 Shasana 2021	The Joint Secretary Ministry of Home Affairs (Judicial and PP Section)
09.05.2022	DPAL 22 Shasana 2021	The Additional Chief Secretary to Government, Home Department, Vidhana Soudha, Bengaluru.

It is considered necessary to amend the Identification of Prisoners Act, 1920 (Central Act 33 of 1920), in its application to the State of Karnataka to provide for,-

- (i) inclusion of collection of Blood sample, DNA sample, voice sample and Iris scan sample within the definition of the word measurements of offender for effective surveillance and prevention of breach of peace and crime;
- (ii) empowerment of the Superintendent of Police or Deputy Commissioner of Police to order for collection of measurement in addition to magistrate of first class so that avoidable delay are removed and the workload of the judiciary as well as the police

is reduced, which can be utilized for more productive and processing responsibilities;

- (iii) empowerment of the Superintendent of Police or Deputy Commissioner of Police to order for destruction of measurement after a period of ten years unless otherwise directed by the Court or District Magistrate or superintendent of Police or Sub Divisional Magistrate or Deputy Commissioner of Police.

Accordingly, the Identification of Prisoners (Karnataka Amendment) Bill, 2021 was introduced in the Karnataka Legislative Assembly on 14.09.2021. The said Bill was passed in the Legislative Assembly on 17.09.2021 and in the Legislative Council on 20.09.2021.

The subject matter of the Bill falls under entry 3 and 4 of List III of the Seventh Schedule to the Constitution of India. The provisions of the Bill are repugnant to the provisions of the Identification of Prisoners Act, 1920 (Central Act 33 of 1920), which is Central Law. Therefore, it is required to be reserved for consideration of the President.

Therefore, the Honourable Governor has been pleased to reserve the Identification of Prisoners (Karnataka Amendment) Bill, 2021 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.

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

- (1) The Bill as introduced in and as passed by the Legislative Assembly.
- (2) The Bill as passed by both Houses of the State Legislature.
- (3) Authentic copies of the said Bill printed on the parchment paper (two in English and two in Kannada language) each endorsed by the Governor reserving the legislation for the consideration of the President.
- (4) The Legislation is an amending one, one up to date copy of the Principal Act and comparative statement showing relevant 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/JudI, dated:3.8.1972 from the Ministry of Home Affairs and sent to Government of India vide letter dated 12.10.2021.

PRESENT STATUS: In the circumstances stated above, it has been requested to The Joint Secretary Ministry of Home Affairs (Judicial and PP

Section) in the vide letter dated: 12.10.2021, 18.11.2021, 27.01.2022 and 07.03.2022 that the assent of His Excellency the President of India, may kindly be obtained to the Bill and communicated to us early.

The Central Government has enacted the Criminal Procedure (Identification) Act, 2022 (No.11 of 2022) Hence,it has been requested to the Additional Chief Secretary to Government, Home Department, Vidhana Soudha, Bengaluru in the letter dated: 09.05.2022 to inform whether the Administrative Department intends to withdraw the said Bill.

Subject (2): 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)
29.12.2020	ED 137 PGC 2014	Under Secretary to Government (Primary and Secondary) Education Department
26.02.2021	DPAL 05 Shasana 2015	Education Department (Primary and Secondary)
06.07.2021	DPAL 05 Shasana 2015	Education Department (Primary and Secondary)
16.08.2021	DPAL 05 Shasana 2015	Education Department (Primary and Secondary)
05.10.2021	DPAL 05 Shasana 2015	Education Department (Primary and Secondary)

11.11.2021	DPAL 05 Shasana 2015	Education Department (Primary and Secondary)
06.12.2021	DPAL 05 Shasana 2015	Education Department (Primary and Secondary)
06.01.2022	DPAL 05 Shasana 2015	Education Department (Primary and Secondary)
08.02.2022	DPAL 05 Shasana 2015	Education Department (Primary and Secondary)
16.03.2022	DPAL 05 Shasana 2015	Education Department (Primary and Secondary)
22.04.2022	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: 03.02.2021 has once again requested the State Government to send clarifications on the comments of Department of School Education and Literacy.

Therefore, it is requested in vide letter dated:26.02.2021 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 a this Department to communicate an early reply to the Government of India. A reminder has been issued on 26.02.2021,

06.07.2021, 16.08.2021, 05.10.2021, 11.11.2021, 06.12.2021, 06.01.2022, 08.02.2022, 16.03.2022 and 22.04.2022

Subject: (3) the Karnataka Societies Registration (Amendment) Bill, 2021.

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

UID Number:

Proposal Classification A Proposal Code DPAL

Reference Date	Reference Number	Ministry
15.04.2021	DPAL 08 Shasana 2021	The Joint Secretary Ministry of Home Affairs (Judicial and PP Section)
27.05.2021	DPAL 08 Shasana 2021	The Joint Secretary Ministry of Home Affairs (Judicial and PP Section)
27.07.2021	DPAL 08 Shasana 2021	The Joint Secretary Ministry of Home Affairs (Judicial and PP Section)
31.08.2021	DPAL 08 Shasana 2021	Additional Secretary Ministry of Home Affairs (Judicial and PP Section)
04.01.2022	DPAL 08 Shasana 2021	The Joint Secretary Ministry of Home Affairs (Judicial and PP Section)
04.03.2022	DPAL 08 Shasana 2021	The Joint Secretary Ministry of Home Affairs (Judicial and PP Section)
01.04.2022	DPAL 08 Shasana 2021	The Principal Secretary to Government, Co-operation Department

The Honourable High Court of Karnataka in Writ Petition No. 15753/1986, dated: 03-02-1987 has strucked down section 27A of the Karnataka Societies Registration Act, 1960 for being violative of Article 30(1) of the Constitution of India and for not obtaining the assent of the President of India. Further Writ Appeal No. 357/1987 in this regard was also dismissed on 7-3-1991. Therefore it is considered necessary to amend the Karnataka Societies Registration Act, 1960 (Karnataka Act No. 17 of 1960),-

- (1) to avoid further litigations and safeguard the interest of the Government, members of the society and the general public;
- (2) to remove discrimination between general societies and minority societies; and
- (3) to clarify that societies not only run education institutions but also run other activities, protection of Article 30(1) cannot be extended to all societies. Therefore, it is considered necessary to amend the Karnataka Societies Registration Act, 1960 (Karnataka Act No. 17 of 1960).

Accordingly, the Karnataka Societies Registration (Amendment) Bill, 2021 was introduced in the Karnataka Legislative Assembly on 09/03/2021. The said Bill was passed in the Legislative Assembly on 23/03/2021 with certain amendments and in the Legislative Council on 24/03/2021.

The subject matter of the Bill falls under entry 32 of List II and 42 of the List III of the Seventh Schedule to the Constitution of India. Since it provides for taking over of the management of a society for a limited period, it is required to be reserved for the consideration of the Honourable President of India as required by the first proviso to clause (1) of Article 31A of the Constitution of India.

Therefore, Honourable Governor of Karnataka has been pleased to reserve the Karnataka Societies Registration (Amendment) Bill, 2021 under Article 200 of the Constitution of India for the consideration of the Honourable President as required under the first proviso to clause (1) of Article 31A of the Constitution of India.

Six copies of the following documents were enclosed:-

- (1) The Bill as introduced in the Legislative Assembly.
- (2) The Bill as passed by the Legislative Assembly with amendments.
- (3) The Bill as passed by both Houses of the State Legislature.
- (4) Three authentic copies of the said Bill printed on the parchment paper each endorsed by the Governor reserving the legislation for the consideration of the President.

With a certificate in the proforma as required in letter No. 19/23/17/Judl, dated: 03.08.1972 from the Ministry of Home Affairs and sent to Government of India vide letter dated 15.04.2021.

The Ministry of Home Affairs (J & PP section Judicial wing), Government of India has sought some information vide letter No. F.No 17/16/2021-Judl &PP, dated: 17.05.2021. The same has been furnished in Government Letter dated: 27.05.2021 and it has been requested in letter dated : 31.08.2021 to The Additional Secretary, Ministry of Home Affairs (Judicial and PP Section, Judicial wing), that the assent of His Excellency the President of India, may kindly be obtained to the Bill and communicated early. A reminder at 27.07.2021, 31.08.2021, 04.01.2022 and 04.03.2022 had also been issued.

PRESENT STATUS: The Ministry of Home Affairs vide its letter dated: 15.03.2022 had forwarded the O.M.No.F.No.CDN-11/114/2021-Coord of Ministry of Minority Affairs and has requested to provide comments/clarifications of the State Government to process the said Bill further.

Therefore, it is requested vide letter dated: 01.04.2022 to the Co-operation Department to provide comments/clarifications of the State Government immediately so that a reply as sought by the Ministry of Home Affairs, Government of India may be provided at the earliest.