



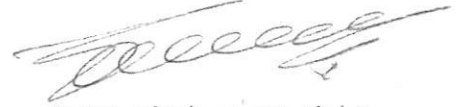
ಕರ್ನಾಟಕ ವಿಧಾನ ಪರಿಷತ್ತು

ಚುಕ್ಕೆ ಗುರುತಿನ ಪ್ರಶ್ನೆ ಸಂಖ್ಯೆ : 11 (30)
ಸದಸ್ಯರ ಹೆಸರು : ಶ್ರೀ ಯು.ಬಿ.ವೆಂಕಟೇಶ್ (ನಾಮನಿದೇಶನ ಹೊಂದಿದವರು)
ಉತ್ತರಿಸಬೇಕಾದ ದಿನಾಂಕ : 04.12.2023
ಉತ್ತರಿಸಬೇಕಾದ ಸಚಿವರು : ಶಾಲಾ ಶಿಕ್ಷಣ ಮತ್ತು ಸಾಕ್ಷರತಾ ಸಚಿವರು

ಕ್ರ. ಸಂ	ಪ್ರಶ್ನೆ	ಉತ್ತರ
ಅ)	2015ರಲ್ಲಿ ಕರ್ನಾಟಕ ವಿಧಾನ ಮಂಡಲದ ಉಭಯ ಸದನಗಳಲ್ಲಿ ಅಂಗೀಕಾರವಾಗಿರುವ ರಾಜ್ಯದ ಎಲ್ಲಾ ಶಾಲೆಗಳಲ್ಲಿ 1 ರಿಂದ 5ನೇ ತರಗತಿಯವರೆಗೆ ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ಮಾತೃಭಾಷೆ ಅಥವಾ ರಾಜ್ಯ ಭಾಷೆಯನ್ನು ಶಿಕ್ಷಣ ಮಾಧ್ಯಮವಾಗಿ ಕಡ್ಡಾಯಗೊಳಿಸಿ ಅಂಗೀಕರಿಸಿರುವ ಮಸೂದೆಗೆ ಕೇಂದ್ರ ಸರ್ಕಾರದ ಅನುಮೋದನೆ ದೊರೆತಿದೆಯೇ;	ಇಲ್ಲ
ಆ)	ದೊರೆಯದಿದ್ದಲ್ಲಿ ಕಾರಣಗಳೇನು; (ಸಂಪೂರ್ಣ ವಿವರವನ್ನು ಒದಗಿಸುವುದು)	<p>ತಿದ್ದುಪಡಿ ಮಸೂದೆಯನ್ನು ಕೇಂದ್ರ ಮಾನವ ಸಂಪನ್ಮೂಲ ಅಭಿವೃದ್ಧಿ ಮತ್ತು ತ್ರಾಲಯವು ಕರ್ನಾಟಕದ ಮೇಲಿನ ಪ್ರಕರಣದಲ್ಲಿ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯವು ನೀಡಿದ ತೀರ್ಪನ್ನು ಆಧರಿಸಿ ಸದರಿ ಮಸೂದೆಯು ಮೂಲಭೂತ ಹಕ್ಕುಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿರುವುದಾಗಿ ತಿಳಿಸಿ, ನಿರ್ದಿಷ್ಟವಾಗಿ ಈ ಕೆಳಗಿನಂತೆ ಅಭಿಪ್ರಾಯವನ್ನು ನೀಡಿರುತ್ತದೆ.</p> <p>i. The imposition of mother tongue affects the Fundamental Rights under Article 19, 29 and 30 of the Constitution.</p> <p>ii. A child, and on his behalf his parent or guardian, has the right to choose the medium of instruction at primary school stage under Article 19(1)(a) and not under Article 21 or 21A of the Constitution.</p> <p>iii. RTE Act and RTE (Karnataka Amendment) Bill are in conflict with each other.</p> <p>IV. Since the mother tongue varies from region to region even in the same state and is not essentially Kannada for all the children studying in the State of Karnataka, it would not be appropriate to make it mandatory as a medium of instruction. Children also move from one State to another during the course of primary education and a State wise compulsory medium of instructions would not be practicable.</p> <p>v. As the Supreme Court has held in its judgment, imposing the medium of instructions at primary level infringes the Fundamental Rights under the Indian Constitution. So this (conflict between Central Act and State Amendment) may not be permitted consciously.</p>

ಇ)	ಈ ಸಂಬಂಧ ಕೇಂದ್ರದ ಉನ್ನತ ಶಿಕ್ಷಣ ಇಲಾಖೆಯ ಮಾನವ ಸಂಪನ್ಮೂಲ ಸಚಿವಾಲಯವು ಅಸಂಬದ್ಧ ಆಕ್ಷೇಪಣೆ ಮೂಲಕ ರಾಜ್ಯ ಸರ್ಕಾರಕ್ಕೆ ಮಸೂದೆಯನ್ನು ಹಿಂಪಡೆಯುವಂತೆ ಒತ್ತಡವನ್ನು ಹಾಕಿರುವುದು ನಿಜವೇ; (ಕೇಂದ್ರ ಸರ್ಕಾರದ ಎಲ್ಲಾ ಪತ್ರ ವ್ಯವಹಾರಗಳ ಸಂಪೂರ್ಣ ಮಾಹಿತಿಯನ್ನು ನೀಡುವುದು)	ಇಲ್ಲ. (ಪ್ರತಿಯನ್ನು ಅನುಬಂಧದಲ್ಲಿರಿಸಿದೆ)
ಈ)	ಹಾಗಿದ್ದಲ್ಲಿ, ಕೇಂದ್ರ ಸರ್ಕಾರವು ಪ್ರಾದೇಶಿಕ ಭಾಷೆಗಳನ್ನು ದಮನ ಮಾಡಿ, ಉತ್ತರ ಭಾರತದ ಹಿಂದಿ ಭಾಷೆಯನ್ನು ರಾಜ್ಯದಲ್ಲಿ ಬಲವಂತವಾಗಿ ಏರಿಕೆ ಮಾಡುತ್ತಿರುವ ಕುರಿತು ರಾಜ್ಯ ಸರ್ಕಾರದ ಸ್ಪಷ್ಟ ನಿಲುವೇನು?	ಇಲ್ಲ.

ಸಂಖ್ಯೆ: ಇಪಿ 356 ಪಿಜಿಸಿ 2023.



(ಎಸ್. ಮಧು ಬಂಗಾರಪ್ಪ)
ಶಾಲಾ ಶಿಕ್ಷಣ ಮತ್ತು ಸಾಕ್ಷರತಾ ಸಚಿವರು

SL No. 6(R)

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F. No. 1-3/2015-EE-4(Pl.)
Government of India
Ministry of Human Resource Development
Department of School Education & Literacy
EE-4 Section

Room No. 130-C, Shastri Bhawan,
New Delhi, dated the 2nd July, 2015.

OFFICE MEMORANDUM

Subject: The Right of Children to Free and Compulsory Education (Karnataka Amendment) Bill, 2015- regarding.

The undersigned is directed to refer to Ministry of Home Affairs' O.M. No. 17/26/2015-
Judl.&PP dated 12th June, 2015 on the subject cited above and to enclose herewith the comments
of Ministry of Human Resource Development on the current issue.

2. This issues with the approval of competent authority.

Encl.: as above.



(Surbhi Jain)

Director

Tele: 01123387211

Joint Secretary (Judicial),
Ministry of Home Affairs,
4th Floor, NDCC-II Building,
Jai Singh Road, New Delhi-01.

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MOST IMMEDIATE
STATE LEGISLATION

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No.17/26/2015 -Judl. & PP
Government of India/Bharat Sarkar
Ministry of Home Affairs/GrihMantralaya
(Judicial and Political Pensions Section)

4th Floor, NDCC-II Building,
Jai Singh Road, New Delhi-1
Dated the 07th July, 2015.

To
✓ The Secretary,
Department of Parliamentary-
Affairs and Legislation,
Karnataka Government Secretariat,
Vidhana Soudha,
Bangalore - 560001.

Subject: - The Right of Children to Free and Compulsory Education (Karnataka
Amendment) Bill, 2015 - regarding.

Sir,

I am to refer to the State Government of Karnataka's letter No. SAMVYASHAE 05 SHASANA 2015 dated 22.05.2015 on the subject mentioned above and to forward herewith the comments of the Ministry of Human Resource Development (Department of School Education & Literacy) vide their OM No. 1-3/2015-EE-4(Pt.) dated 02.07.2015 for clarifications/views of the State Government of Karnataka (copy enclosed).

2. It is requested that the clarifications/views may please be expedited to this Ministry urgently. It is further stated that till a reply from the State Government is received, the Bill will be deemed to be pending with the State Government of Karnataka.

Encl.:- As stated

Yours faithfully,

(Dr. R. K. Mitra)
Joint Secretary (Judicial)
Telefax-23438111

Copy for information to:

The Resident Commissioner, Government of Karnataka, Karnataka Bhawan,
10, Kautilya Marg, New Delhi 110021.

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Template for Examination by the Line Ministries for 'Bill as introduced and as passed' by the State Legislature and reserved by the Governor

1. Whether the proposed legislation is Constitutionally valid: (No)
- (i) Whether the subject matter of the Bill is *ex-facie* beyond the legislative competence of the State Legislature or not: (No)
- (ii) If yes, how? *Not Applicable*
- (iii) Whether its provisions derogate from the scheme and framework of the Constitution so as to endanger the sovereignty, unity and integrity of the Nation or not: Yes
- (iv) If yes, how? (Pl. explain with details of the provision(s) with counter arguments and with supporting documents)

The Bill proposes to make the mother tongue (or Kannada) compulsory as the medium of instruction at primary level in the State.

Section 29(1) of the RTE Act, 2009 states that the medium of instruction shall, *as far as practicable*, be in the child's mother tongue. The National Policy on Education, 1992 also recognizes the diversity of the back ground of the children. Since the mother tongue varies from region to region even in the same State, it would not be appropriate to make it mandatory as a medium of instruction. Children also move from one State to another during the course of primary education and a State wise compulsory medium of instruction may be divisive.

- (v) Whether the provisions of the Bill clearly violate the Fundamental Rights or transgress into other Constitutional limitations and any other provision relating to its basic structure: (Yes)
- (vi) If yes, how? (Pl. explain with details of the provisions(s) with counter arguments(s) and supporting document (s))

The constitutional bench of the Hon'ble Supreme Court, in the case of State of Karnataka v Associated Management of English medium Primary and Secondary schools [(2014) 9 SCC 485] has considered the scope of Article 19, 21, 21A, 29, 30 and 350A of the Constitution and has concluded that the imposition of mother tongue affects the Fundamental Rights under Articles 19, 29 and 30 of the Constitution. It has also held that a child, and on his behalf his parent or guardian, has the right to choose the medium of instruction at the primary school stage under Article 19(1)(a) and not under Article 21 or 21 A of the Constitution.

Whether there is any conflict with an existing Central Law? Yes

- (i) If yes, whether the conflict may be consciously permitted: *No*
- (ii) Which provision/provisions of the Bill is/are in conflict with an existing Central Law, and to what extent?

Section 29(2)(f) of The Right of Children to Free and Compulsory Education (RTE), 2009 and Section 29(2)(f) of The Right of Children to Free and Compulsory Education (Karnataka Amendment) Bill, 2015 are in conflict with each other.

As per the existing Central Law i.e. RTE Act, 2009, under Section 29(2)(f) medium of instruction shall, "as far as practicable", be in the child's mother tongue. As per the proposed amendment to the Central Law, the State has removed the words "as far as practicable" to make the mother tongue as the compulsory medium of instruction.

Since the mother tongue varies from region to region even in the same State and is not essentially Kannada for all the children studying in the State of Karnataka, it would not be appropriate to make it mandatory as a medium of instruction. Children also move from one State to another during the course of primary education and a State wise compulsory medium of instruction *would not be practicable*.

- (iii) Whether such Central Law has been enacted or is under consideration for enactment?

Central Law [Right of Children to Free and Compulsory Education (RTE)] has been enacted in 2009.

- (iv) Reasons due to which this conflict cannot be permitted consciously

As the Supreme Court has held in its judgment, imposing the medium of instruction at primary level infringes the Fundamental Rights under the Indian Constitution. So this may not be permitted consciously.

3. Whether the proposed State enactment involves any deviation from an existing National or Central policy to its detriment, or would be a hindrance to enactment or uniform laws for the country: Yes

- (i) If yes, which provision(s) of the Bill involve(s) any deviation from any existing National or Central Policy, and to what extent?

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If the proposed amendment of Section 29(2)(f) the Karnataka State is allowed, there cannot be a cohesive education policy applicable to the entire country. In India's multi-cultural and multi-lingual setup, all children in one State do not have the same mother tongue. Children also move from one State to another during the course of primary education and a State wise compulsory medium of instruction would not be advisable.

- (ii) Whether the National or Central Policy has been notified or is still under consideration: *Not applicable*
- (iii) Reasons due to which this deviation cannot be permitted consciously

In India's multi-cultural and multi-lingual setup, all children in one State do not have the same mother tongue. A State wise compulsory medium of instruction would, therefore, not be advisable.