

ಇಲಾಖೆ / ವಿಷಯ : DEPARTMENT / SUBJECT: Kannataka Legislative Council Session  
 ಪ್ರಕಟಣೆ ಹೆಸರು : NAME OF THE NEWS PAPER: Deccan Herald ದಿನಾಂಕ : DATE 29/9/2024

# Govt to re-promulgate controversial ordinances

## 3 Bills, passed by Legislative Assembly, not ratified by Council

BENGALURU, DHNS

The state government will re-promulgate three controversial ordinances after replacement Bills failed to be ratified by the Legislative Council.

While the Council defeated the Industrial Disputes and Certain Other Laws (Karnataka Amendment) Bill 2020, the Karnataka Land Reforms (Second) Amendment Bill, 2020 and the Karnataka Agriculture Produce Marketing (Regulation and Development) (Amendment) Bill, 2020 were not adopted by the upper house.

Law Minister J C Madhuswamy told *DH* that the matter will come up for discussion in the next Cabinet meeting scheduled Thursday. "We will re-promulgate the ordinances," he said.

The three Bills were passed by the Legislative Assembly. In the Council, the Industri-

29/9/20

al Disputes and Certain Other Laws Bill, which tweaks labour laws, was opposed by BJP MLC Ayanur Manjunath among others, before it was defeated by the Congress-JD(S) combine, which enjoys a majority in the upper house. Before the other two Bills could be adopted, the Council was adjourned sine die at 11 am on the intervening night of Saturday and Sunday.

The ordinances will be re-promulgated as amendments effected by them, if not passed by both Assembly and Council, will lapse six weeks after the adjournment of a legislature session, sources said.

The APMC Bill removes restrictions on the sale of agricultural produce, thereby allowing private individuals to set up trade markets where farmers can sell. The Land Reforms Bill allows non-agriculturists to buy agricultural land and removes the income limit for purchase of land.

**DH** DECIPHERS

## What's an ordinance? How is it different from an act?

The BJP government failed to get three controversial bills – APMC, land reforms and labour laws – passed in the Legislative Council during the recently concluded monsoon session. These bills were to replace the ordinances promulgated during the Covid-19 lockdown. What will happen to those ordinances now?

— Akram Mohammed

### What is an ordinance?

An ordinance is a stopgap arrangement employed by governments to pass a law when there's no session of the legislature. Amendments made through the ordinance have the same effect as an act but must be ratified by the legislature.

### Why are ordinances promulgated?

Ordinances are generally promulgated to make emergency changes in the law. But they are frowned upon for being arbitrary because there's little public discussion around them. Karnataka, for instance, promulgated a record number of ordinances during the lockdown, some of which were based on the central government's directions.

### What's the procedure for promulgating an ordinance?

According to Article 213 of the Constitution, when the houses of the legislature are not in session and if the "Governor is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such ordinance as the circumstances appear to him to require..." Amendments proposed through an ordinance are discussed in the Cabinet before being sent to the Governor for assent.

### What is the validity of an ordinance?

An ordinance is valid for six months, after which it has to be turned into law. An ordinance will also lapse after six weeks once both houses of the legislature are in session.

## Can Karnataka promulgate fresh ordinances on those three bills?

Only three out of the 20-odd ordinances promulgated by the government and tabled as bills were not passed by the Legislative Council. These were: Industrial Disputes and Certain Other Laws (Karnataka Amendment) Bill, 2020; the Karnataka Land Reforms (Second) Amendment Bill, 2020; and the Karnataka Agriculture Produce Marketing (Regulation and Development) Amendment Bill, 2020. While the Assembly cleared all the three bills (the BJP has a majority there), the Council (where the Congress-JD(S) combine is in a majority) defeated the first one. The other two could not be

taken up for discussion and the house was adjourned.

Still, the government can reissue the ordinances, officials say. "It's not clear how many times an ordinance can be promulgated. So the government can issue an ordinance and seek passage again," an official said. Not passing the ordinance will lead to technical complications, especially with regard to the changes made under the Land Reforms Act. Any action taken by citizens after the change in law was enacted – such as purchasing land – has to be protected, officials said.