

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:852

ANSWERED ON:02.03.2010

PENDING BILLS FROM STATES

Meghwal Shri Arjun Ram ; Owaisi Shri Asaduddin; Rathwa Shri Ramsinhbhai Patalbhai; Shukla Shri Balkrishna Khanderao Balu Shukla

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the Union Government has received several Bills from various State Governments for approval;
- (b) if so, the names of the Bills received during each of the last three years and the current year, State-wise including Gujarat Motor Vehicle Regulation Bill, Gujarat Educational Institution Services Tribal Bills and APSEZ Bill, 2005 from Andhra Pradesh;
- (c) the details of the Bills approved and pending with the Government separately during the said period, State-wise; and
- (d) the reasons for Pendency and the time by which the pending Bills are likely to be approved?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN)

(a): Yes Madam.

(b) & (c): A Statement containing State-wise list of Bills received for approval or assent of the President since January, 2007 giving status of each Bill is attached at Annexure.

The Gujarat Motor Vehicles (Use of Fuel) Regulation Bill, 2005, seeking the approval of the Government of India before its introduction in the State Legislature, was received in this Ministry on 17-02-2005 and the same has been returned to the State Government in view of the decision taken on 02-06-2009 that the Bills which are referred for obtaining the approval of Government of India for their introduction in the State Legislature, need not be processed by this Ministry as they are not obligatory under the Constitution of India. The Bill has been returned to the State Government on 20-07-2009 with a request that the same may be sent to the Government of India if it is reserved by the Hon'ble Governor for consideration of the President after its passage in the State Legislature.

(d) No Bill by the name of Gujarat Educational Institutions Services Tribal Bills has been received in this Ministry from the State Government. However, a Bill namely the Gujarat Educational Institutions Services Tribunal Bill, 2006 has been received in this Ministry in December, 2006, for seeking legal opinion as to whether the Gujarat Educational Institutions Services Tribunal Bill, 2006, requires the assent of the President in view of differences of opinion given by

(i) Justice Shri Y.V. Chandrachud, Former Chief Justice of India;

(e) (ii) Justice Shri A.M. Ahmadi, Former Chief Justice of India and

(iii) an opinion expressed Shri S.N. Shelat, Former Advocate General of Gujarat and

(iv) the opinion of the Advocate General of Gujarat.

The Andhra Pradesh Special Economic Zones Bill, 2005, as passed by the State Legislature and reserved by the Governor of Andhra Pradesh for the consideration of the President under article 200 read with article 254(2) of the Constitution of India has been received in this Ministry in January, 2006. The Bill is being examined in consultation with other concerned Central Ministries / Departments.

(d): The State Legislations are examined from three angles viz. (a) repugnancy with Central Laws, (b) deviation from National or Central Policy and (c) legal and Constitutional validity. Whenever necessary, the State Government are advised to modify/amend provision of such legislations keeping the above in view. With a view to expeditiously arriving at a decision, discussions are also held with State Governments and Ministries/Departments of the Government of India. Hence no time- frame can be fixed in this behalf.