



കേരള ഗസറ്റ് KERALA GAZETTE

അസാധാരണം EXTRAORDINARY

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GOVERNMENT OF KERALA General Administration (SS) Department NOTIFICATION

G.O.(Ms.)No.26/2024/GAD.

Dated, Thiruvananthapuram, 24th February, 2024.

S. R. O. No. 199/2024

In exercise of the powers conferred by clauses (2) and (3) of Article 166 of the Constitution of India, the Governor of Kerala hereby makes the following rules further to amend the Rules of Business of the Government of Kerala, namely:-



RULES

1. *Short title and commencement.*— (1) These rules may be called the Rules of Business of the Government of Kerala (2nd Amendment) Rules, 2024.

(2) They shall come into force at once.

2. *Amendment of the Rules.*— In the Rules of Business of the Government of Kerala, in Part I, in the SECOND SCHEDULE, under the heading “Cases to be brought before the Council”, after serial number 48, the following serial number and entry shall be added, namely:-

“49. Proposals for the grant of pardons, reprieves, respites or remissions of punishment or the suspension, remission or commutation of a sentence in pursuance of Article 161 of the Constitution or for the suspension or remission of a sentence under section 432 or commutation of sentence under section 433 of the Code of Criminal Procedure, 1973.”

By order of the Governor,

K.R. JYOTHILAL,
Additional Chief Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

The Hon'ble High Court of Kerala, in its judgment dated 5th August, 2010 in WP(C) No. 9401/2007(T) has observed that the procedure as per rule 34(1) (i) and 34 (2) (i) of the Rules of Business of the Government of Kerala in relation to proposals for the grant of pardons, reprieves, respites or remissions of punishment or the suspension, remission or commutation of a sentence in pursuance of Article 161 of the Constitution of India, or for the suspension or remission of a sentence under section 432 or commutation of sentence under section 433 of the Code of Criminal Procedure is shortcircuiting the cabinet and circulating the file to the Governor without the aid and advice of the Council of Ministers is unconstitutional, calling for immediate amendment of the Rules of Business. Hence, the Government have decided to amend the Rules of Business of the Government of Kerala, for the said purposes.

The notification is intended to achieve the object.

