

Twelfth Kerala Legislative Assembly  
Bill No. 308

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**THE KERALA POLICE (AMENDMENT) BILL, 2010**

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*BILL*

*further to amend the Kerala Police Act, 1960.*

*Preamble.*—WHEREAS, it is expedient further to amend the Kerala Police Act, 1960 for the purposes hereinafter appearing ;

BE it enacted in the Sixty-first Year of the Republic of India, as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Police (Amendment) Act, 2010.

(2) It shall be deemed to have come into force on the 18th day of January, 1984.

2. *Amendment of section 69.*—In section 69 of the Kerala Police Act, 1960 (5 of 1961) (hereinafter referred to as the principal Act), in sub-section (1), after the words “make rules”, the words “ either prospectively or retrospectively” shall be inserted.

3. *Repeal and saving.*— (1) The Kerala Police (Amendment) Ordinance, 2010 (5 of 2010), is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Since there was no enabling provision in the Kerala Police Act, 1960 (5 of 1961), empowering the Government to issue Rules retrospectively, Government have therefore, decided to amend sub-section (1) of section 69 of the said Act to empower the Government to issue Rules with retrospective effect.

2. As the Legislative Assembly of the State of Kerala was not in session and as the above proposal had to be given effect to immediately, the Kerala Police (Amendment) Ordinance, 2009 was promulgated by the Governor of Kerala on the 1st day of June, 2009 and the same was published in the Kerala Gazette extraordinary No. 974 dated 1st June, 2009 as Ordinance No.12 of 2009.

3. As a Bill to replace the Ordinance No. 12 of 2009 by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly during its session which commenced on the 22nd day of June, 2009 and ended on the 24th day of July, 2009, the Kerala Police (Amendment) Ordinance, 2009 was promulgated by the Governor of Kerala on the 1st day of August, 2009 and published in the Kerala Gazette extraordinary No. 1410 dated 1st August, 2009 as Ordinance No. 15 of 2009.

4. As a Bill to replace the Ordinance No. 15 of 2009 by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly during its session which commenced on the 8th day of September, 2009 and ended on the 17th day of September, 2009, the Kerala Police (Amendment) Ordinance, 2009 was promulgated by the Governor of Kerala on the 16th day of October, 2009 and published in the Kerala Gazette extraordinary No. 1911 dated 16th October, 2009 as Ordinance No. 21 of 2009.

5. As a Bill to replace the Ordinance No. 21 of 2009 by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly on its session held on the 29th day of December, 2009, the Kerala Police (Amendment) Ordinance, 2010 was promulgated by the Governor of Kerala on the 22nd day of January, 2010 and the same was published in the Kerala Gazette extraordinary No. 167 dated 23rd January, 2010 as Ordinance No. 5 of 2010.

6. The Bill seeks to replace the said Ordinance by an Act of the State Legislature.

#### FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation would not involve any expenditure from the Consolidated Fund of the State.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-section (1) of section 69 proposed to be amended by clause 2 of the Bill seeks to empower the Government to make rules either prospectively or retrospectively.

2. The matters in respect of which notifications may be issued or rules may be made are matters of procedure and are of routine and administrative in nature. Further, the rules are subject to the scrutiny of the Legislative Assembly. The delegation of legislative power, is therefore, of a normal character.

KODIYERI BALAKRISHNAN

EXTRACT FROM THE KERALA POLICE ACT, 1960  
(Act 5 of 1961)

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69. *Power of Government to make rules.*—(1) The Government may, by notification in the Gazette, make rules consistent with this Act to—

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