

**പതിനഞ്ചാം കേരള നിയമസഭ**

**പതിനാറാം സമ്മേളനം**

**ബുള്ളറ്റിൻ ഭാഗം - II**

**2026 ഫെബ്രുവരി 24**

**നമ്പർ : 711**

2026 ജനുവരി 20 -ാം തീയതി ബഹുമാനപ്പെട്ട ഗവർണ്ണർ സഭയിൽ നടത്തിയ പ്രസംഗത്തിൽ ചില ഭാഗങ്ങൾ ഒഴിവാക്കിയതും ചില ഭാഗങ്ങൾ കൂട്ടിച്ചേർത്തതും സംബന്ധിച്ച് ബഹു. ഗവർണ്ണർ ബഹു. സ്പീക്കർക്ക് അയച്ച കത്തുകളും അതിന് ബഹു. സ്പീക്കർ നൽകിയ മറുപടിയും അംഗങ്ങളുടെ അറിവിലേയ്ക്കായി പ്രസിദ്ധീകരിക്കുന്നു.

**(1) Letter No. TG-0041/2026**

dated January 26, 2026.

Hon'ble Speaker,

Sub: - Governor's address under Article 176 (1) of the Constitution of India on 20.1.2026- message of the Governor under Article 175(2) of the Constitution of India -reg

Ref:- nil

I addressed the Kerala Legislative Assembly on 20.1.2026 as contemplated under Article 176(1) of the Constitution of India. Article 176(1) of the Constitution of India mandates an address by the Governor of the State in the Legislative Assembly in its first meeting after a general election or in the first meeting in every year to inform the legislature the cause of its summons.

Consequent to my address to the assembly on 20.1.2026, it was learned that certain additions were made to the speech I read out in the house. In the said backdrop this message is conveyed to you exercising my right under Article 175(2) of the

Constitution of India, which is to be dealt with under Rule 18 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

An address by the Governor under Article 176(1) of the Constitution of India is a policy statement of the government before the house. The Constitutional provision itself defines its scope as to convey the cause of summoning the house to the members. Though discretion is vested on the Governor in choosing the content of his speech, i do not intend to elaborate upon the issue.

At the same time, I want to convey the message to the house, that it is not proper and legal to add to my speech, something which I **DID NOT SPEAK** in the assembly at all. As Article 176(1) stresses the word 'ADDRESS', only what contained in the address of the Governor shall be a part of the records of the Assembly.

Anticipating the address before the house on 20.1.2026, I personally initiated actions well in advance to get my speech prepared. The Chief Secretary of the State was informed of the same in person on 14.1.2026 and he agreed to do the needful.

Occupying the Constitutional post, I am bound uphold the Constitution of India and to act in such a manner that the State Government works in harmony with the Central Government to achieve development and prosperity in my State.

The draft speech was submitted to me for final vetting and approval only on 16.1.2026 from the office of the Chief Secretary. On 17.1.2026 itself, the necessary corrections in the draft were made and the draft was sent back to the office of the Chief Secretary by 6 pm.

In the draft speech prepared and forwarded to me, three modifications were made at my end. Those were in paragraphs 12, 15 and 16 of the draft speech. I wanted my speech under Article 176(1) in the Assembly to be in tune with the intentions expressed in the Constitution of India. The modifications were suggested to the draft speech to achieve the said aim.

In paragraph 12, the opening sentence was: "***Kerala continues to face severe fiscal stress arising from a series of adverse Union Government actions that undermine the constitutional principles of fiscal federalism.***"

The statement sounded like an allegation against the Union Government. An address in the assembly needs to contain only those statements which are true, clear, specific and unambiguous. A general statement, which is nothing but an allegation against the Central Government cannot be a part of an address under Article 176 (1), as it does not form part of the information intended to be conveyed through such an address to the legislature. The truth of the statement was also not convincing for me.

As a result, I suggested the substitution of the above sentences by "***My Government faces fiscal stress due to the curtailment of advances by Union Government.***"

In paragraph 15, the second sentence read as follows: "***Tax devolution and Finance Commission grants are constitutional entitlements of states and not acts of charity.***"

As the Governor of Kerala, I felt it is demeaning to picture my state and my people as waiting for an act of charity. It is also not proper to describe the functioning of the Central Government as acts of charity or likewise. In an august assembly, words need to be chosen cautiously, especially when used to describe constitutional and statutory functions. Charity is a word alien while describing statutory and constitutional functions. The said expression in the draft speech was too colloquial, that it did not suit the occasion.

Hence the sentence was modified as "***My government feels that Tax devolution and Finance Commission Grants are constitutional entitlements of states.***" The modification conveyed the feelings of my government and my state, not in any lesser degree, and at the same time, the pride of my state and its people were not put to peril.

In paragraph 16 the draft address read as follows: "***Bills passed by State Legislature have remained pending for prolonged periods. My government has approached the Supreme Court on these issues, which have been referred to the Constitution Bench.***"

I deleted the sentences as the statements made were not true. To the best of my knowledge, none of the petitions filed before the Hon'ble Supreme Court was referred

to the Constitution Bench by the Hon'ble Apex Court. Writ Petition (civil) 1264 of 2023 was filed by the State of Kerala seeking directions from the Hon'ble Supreme Court to get the bills presented for assent to be considered and decision taken on them by the Governor within a time limit.

The said case was listed before the Hon'ble Supreme Court many times and finally the State Government sought permission to withdraw the case on 25.7.2025. The permission was granted and the writ petition was withdrawn. The said case was never referred to a Constitution Bench as stated in the draft speech.

The time, effort and money spent on the issue would have been justified if the petitioner succeeded in getting the law declared on the issue by the Hon'ble Apex Court. But the petitioner gave up all the contentions on the issue before the Hon'ble Court, when the writ petition was withdrawn. After giving up the said contentions, inclusion of a statement about the non existing grievance, that too not in the factually correct perspective, in my speech under Article 176 (1) of the Constitution of India did not seem justifiable or proper.

Another petition filed by the State of Kerala in relation to the assent of the bills is Writ Petition (civil) 211 of 2024. This was filed challenging the withholding of the assent by the Hon'ble President of India in respect of certain bills. The said case was also not referred to the Constitution Bench. It is still pending before the court.

The statement relating to the long pendency of the bills awaiting assent from the Governor is also not correct. In fact, the Bills after being passed by the Assembly are not being submitted to the Governor as contemplated in the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly. Lok Bhavan has started steps to make the procedures laid down in the rules followed in every aspect.

It is also brought to your notice that the Constitution Bench of the Hon'ble Apex Court, in the Presidential Reference regarding fixing of timelines for the Hon'ble President of India and Governors in the matter of granting or withholding assent has expressed the opinion that no such directions could be issued. In this light also the sentences mentioned above were not to be included in the address to the assembly. **The**

**inclusion of the sentences that occurred in paragraph 16 of the draft speech, as mentioned above, would have resulted in placing wrong and misleading statement before the House.** So, I decided to omit the sentences.

On 18.1.2026, I, through my Secretary, sought confirmation regarding the incorporation of the modifications in my speech suggested as above. The Office of the Chief Secretary conformed that the modifications suggested would be incorporated in the final version.

The final version of the Governor's speech in the Assembly, was not forwarded to me till midnight of 19.01.2026. The Lok Bhavan prepared the final version with the modifications incorporated and the same was forwarded the office of the Chief Secretary.

I was expected to address the Assembly at 9 am on 20.1.2026 and on the early hours of 20.1.2026, ie, 12.50 am, to be specific, the final version of the address to the assembly was delivered at Lok Bhavan. The said version did not carry the modifications as suggested and agreed to.

In the house, for the reasons mentioned in the foregoing paragraphs, I read the speech with the modifications in paragraphs 12, 15 and 16. The speech I delivered in the house is the authoritative version of my address and the same cannot be amended or changed.

But it has come to my notice that after I left the assembly, the Hon'ble Chief Minister read out the sentences in paragraph 12, 15 and 16 of the draft speech and sought the inclusion of the same in my address to the Assembly. It is also reported in the media that the Hon'ble Speaker allowed the additions to my speech as requested.

The rules of procedure for the assembly under Chapter V permits discussion of the matters referred to in the address made by the Governor. Such a discussion is to happen on a Motion of Thanks to be moved by the leader of the House or any other member authorised to do so. No provision is available to amend the speech made by the Governor in the house. The amendment motions contemplated in Rule 15(3) relates to

the amendments suggested to the Motion of Thanks. The address made by the Governor in the House is not to be equated a motion moved in the House.

Thus, the addition of the lines to my address to the assembly on 20.1.2026. by reading out some lines in the house from the draft speech prepared, by the Hon'ble Chief Minister is contrary to the Constitutional Mandate and the Rules laid down through Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Hence the additions, if any, made to my address in the Assembly on 20.1.2026 be removed from the official documents of the legislative Assembly. Only the speech I read out in the House shall be treated as the official version of the Governor's address to the Kerala Legislative Assembly on 20.1.2026.

Regards,

Thanking you,

Rajendra Vishwanath Arlekar.

(2) Letter No. GS5-50/2026

dated 03/02/2026.

The Hon'ble Speaker,  
Kerala Legislative Assembly.

Sub:- Motion of Thanks on my Address to the Kerala Legislative  
Assembly on 20.1.2026. - Message to the Kerala Legislative  
Assembly under Article 175 (2) of the Constitution of India-Reg.

Ref:- 1. My letter dated 25.1.2026 addressed to the Hon'ble Speaker  
2. My letter dated 26.1.2026 addressed to the Hon'ble Speaker  
3. Your Letter dated 28.1.2026

In response to the 3<sup>rd</sup> referred letter addressed to me I am bound to say "Grateful" out of my respect to the august body and my conviction to the constitutional principles. With all humility at my command, I do so.

At the same time my constitutional obligations compel me to convey this message to the Kerala Legislative Assembly exercising my right under Article 175 (2) of the Constitution of India.

I am fully aware that I exercised the same right when I wrote the 2<sup>nd</sup> referred letter to the Hon'ble Speaker, the Hon'ble Speaker refused to discharge his obligation of placing the same before the Kerala Legislative Assembly as mandated under the Article 175 (2) of the Constitution of India as well as the Rules of Procedure adopted for the functioning of the Kerala Legislative Assembly.

I am forced to remind the Hon'ble Speaker that the office of the Hon'ble Speaker or the Hon'ble Speaker himself is not above the Constitution. Article 175 of the Constitution of India confers power on the Governor to summon the assembly to address them or to convey a message to the Assembly, which is to be placed before the House. The failure in respecting this power conferred on the Governor of the State tantamount to "Violation of the Constitution". With all respect, I may point out that the Hon'ble Speaker is not a substitute to the Kerala Legislative Assembly and the message intended to the House should reach the House itself in terms of the Constitutional provision.

As the Rules of Procedure prescribe that the communications between the Governor need to be sent to the Hon'ble Speaker, my 2<sup>nd</sup> referred message was addressed to you. But till this date I am not informed whether my message, which was in relation to my address in the Assembly under Article 176, was placed before the Assembly or not.

I sent the 2<sup>nd</sup> referred message, primarily with the intention to prevent addition to my speech in the Kerala Legislative Assembly. I avoided certain lines in the speech, as the same were in deviation of the final version of the speech approved by me. Those deviations, depicted false statements and reflected opinions on constitutional

authorities. Such statements cannot be the part of an address under Article 176 of the Constitution of India.

As the Hon'ble Speaker of the Kerala Legislative Assembly, you are bound by the mandate of the Constitution of India, the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly and the Oath of Office taken by you to place my message before the House. No discretion is vested upon you to take a decision to decide otherwise. The actions to the contrary violate all the above binding authorities.

My 2<sup>nd</sup> referred message being related to my address in the Assembly on 20.1.2026, the same should have been placed in the assembly while the matters related to my speech was discussed under Rule 15 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly. To the best of my information the same has not been placed before the House. By not placing my message to the Assembly before the House, you have also curtailed the right of the House to hear my message.

I insist that, the speech I made on 20.1.2026 in the Kerala Legislative Assembly, under Article 176 shall be retained in the records of the House, without any additions or modifications effected through the statements made by the Hon'ble Chief Minister in the House, after I left the Assembly.

In the given circumstances I convey this message to the Kerala Legislative Assembly, and I require you to place my messages under Article 175(2) before the Assembly as per Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Thanking You,

Rajendra Viswanath Arlekar.

Hon'ble Governor,

Sub:- Governor's Address - Motion of Thanks - Message to Kerala  
Legislative Assembly - Clarification Reg:-

Ref:- Your letters dated 25.01.2026, 26.01.2026 & 03.02.2026 addressed  
to me

I write this communication with profound respect and with particular reference to your letter No. GSS-50/2026 dated 03 February 2026, addressed to me, purporting to convey a message to the House under Article, 175(2) of the Constitution of India. In the said communication, it has, inter alia, expressed your insistence that your earlier messages concerning your Address to the Assembly on 20th January, 2026 be placed before the House and retained in the records without additions or modifications.

At the very outset, I deem it my solemn constitutional duty to submit that the Governor, though occupying a position of eminent dignity, is nevertheless bound by the foundational principle of responsible government, which constitutes the bedrock of our constitutional order. This principle, unequivocally embodied in Article 163 of the Constitution of India, mandates that the Governor shall, save in matters expressly provided otherwise, act in accordance with the aid and advice of the Council of Ministers.

Hon'ble Governor would kindly appreciate that the Address delivered under Article 176 of the Constitution, as well as any communication intrinsically connected thereto, does not emanate from the personal discretion or independent volition of the Governor, but rather reflects the considered policy, collective responsibility, and constitutional will of the elected Government functioning through the Council of Ministers. The Address of the Governor is, in constitutional contemplation, the voice of the elected Government articulated through the constitutional head of State.

It is, therefore, of paramount constitutional significance that any subsequent communication, clarification, modification, or message pertaining to the said Address must necessarily bear the imprimatur of the Council of Ministers. Any deviation from this settled constitutional position would not only disturb the delicate equilibrium of the constitutional architecture but would also undermine the doctrine of collective responsibility, which lies at the heart of parliamentary democracy.

In this context, I must respectfully bring to your attention that the communication referred to above has not been brought to, deliberated upon, or approved by the Council of Ministers. In the absence of such constitutionally indispensable aid and advice, the said communication cannot acquire the character of a constitutionally valid Governor's message within the meaning and spirit of Article 175(2) of the Constitution.

It is neither within the constitutional competence nor within the procedural propriety of the Speaker to place before the august House any communication which has not been issued in conformity with the mandatory constitutional requirement of ministerial aid and advice. To do so would amount to a departure from the settled conventions of constitutional governance and would risk transgressing the carefully circumscribed limits of constitutional authority.

The office of the Speaker, while being the sentinel of the dignity, autonomy and procedural sanctity of the Legislative Assembly, is equally bound to ensure that the proceedings of the House are conducted strictly in accordance with the Constitution, the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly, and the time-honoured conventions of parliamentary democracy.

It appears that the Hon'ble Governor has not been apprised of the law laid down by the Hon'ble Apex Court regarding the scope of Article 175 in *Nabam Rebia and Bamang Felix v. Deputy Speaker, Arunachal Pradesh Legislative Assembly and others* (2016) 8 SCC 1. In paragraph 176 (forming part of the majority judgment of Justice Jagdish Singh Khehar) (paragraph with regard to SCC citation), it has been held as under:

*In view of the above, we have no hesitation in concluding, that the messages addressed by the Governor to the Assembly, must abide by the mandate contained in Article 163(1), namely, that the same can only be addressed to the State Legislature, on the aid and advice of the Council of Ministers with the Chief Minister as the head.....*

In the preceding paragraph of the said judgment, it has been held as under:

*.....It does not lie within the domain of the Governor, to interfere with the functions of the Speaker. The Governor is not a guide or mentor to the Speaker. The Governor cannot require the Speaker to discharge his functions in the manner he considers constitutionally appropriate. Both the Governor and the Speaker have independent constitutional responsibilities..... The Governor cannot likewise interfere in the activities of the Assembly, ..... The State Legislature does not function under the Governor. In sum and substance, the Governor just cannot act as the Ombudsman of the State Legislature.*

In short, the position of law adumbrated by the Hon'ble Apex Court in *Nabam Rebia* cited *supra*, is to the effect that a message under Article 175(2) can be sent by the Hon'ble Governor to the Legislature, only on the aid and advice of the Council of Ministers headed by the Chief Minister. In view of this, treating the requirement of the Hon'ble Governor in the letter dated 03.02.2026, that the points mentioned in the letter dated 26.01.2026 be treated as a message under Article 175(2) and that procedure of the Legislative Assembly Rules pertinent to the same be followed, will run counter to the position of law holding the field. Further, the address of the State Legislature by the Hon'ble Governor, going by the provisions of our Constitution and law laid down in settled judicial precedents, is also to be based on the aid and advice of the Council of Ministers headed by the Hon'ble Chief Minister.

In these circumstances, I am constrained to state that your aforesaid communication cannot be read, laid, or otherwise brought before the Kerala Legislative Assembly, as the same has not been issued upon, or in accordance with, the aid and advice of the Council of Ministers, which constitutes an indispensable constitutional precondition for the valid exercise of gubernatorial functions in matters of this nature.

I wish to reiterate that this position is not guided by any institutional reluctance, but is compelled solely by an unwavering fidelity to the Constitution of India, which remains the supreme and inviolable charter governing all constitutional authorities alike.

Thanking you,

A. N. Shamseer.

Sri. Rajendra Vishwanath Arlekar,  
Hon'ble Governor of Kerala, Lok Bhavan.

ഷാജി സി. ബേബി,  
സെക്രട്ടറി-ഇൻ-ചാർജ്.