

THE KERALA PUBLIC SERVICE COMMISSION (ADDITIONAL
FUNCTIONS AS RESPECTS THE ADMINISTRATIVE
SERVICES UNDER THE MALABAR
DEVASWOM BOARD) Bill, 2009

A

BILL

to provide for the exercise of certain additional functions by the Kerala Public Service Commission as respects the administrative services under the Malabar Devaswom Board.

Preamble.—WHEREAS, it is expedient to provide for the exercise of certain additional functions by the Kerala Public Service Commission as respects the appointments of officers and servants in the administrative services under the Malabar Devaswom Board and their conditions of service;

BE it enacted in the Sixtieth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Kerala Public Service Commission (Additional Functions as Respects the Administrative Services under the Malabar Devaswom Board) Act, 2009.

(2) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) “Malabar Devaswom Board” means the Malabar Devaswom Board referred to in sub-section (1) of section 7 of the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951);

(b) “Public Service Commission” means the Kerala Public Service Commission.

3. *Functions of the Public Service Commission in respect of administrative services under the Malabar Devaswom Board.*— (1) It shall be the duty of the Public Service Commission to prepare select list of candidates

belonging to Hindu Religion for appointment by direct recruitment of all officers and employees except the Commissioner, in the Administrative Services of the Malabar Devaswom Board.

(2) The Malabar Devaswom Board shall consult the Public Service Commission,—

(a) as respects matters relating to direct recruitment to the posts under the administrative services of the Malabar Devaswom Board, except the Commissioner ;

(b) on the principles to be followed in making appointments by direct recruitment to the posts under the administrative services under the Malabar Devaswom Board, except the Commissioner and on the suitability of candidates for such appointments; and it shall be the duty of the Public Service Commission to advise on any matter so referred to them :

Provided that the Government may make rules specifying the matters in which, either generally, or in any particular case or class of cases or in any particular circumstances, it shall not be necessary for the Public Service Commission to be consulted.

(3) In the case of any difference of opinion between Public Service Commission and the Malabar Devaswom Board on any matter, the Devaswom Board shall refer the matter to the Government and the decision of the Government thereon shall be final :

Provided that the Government, before taking a decision against the advice of the Public Service commission, shall refer the matter to the Public Service Commission.

4. *Power to make rules.*—(1) The Government may, in consultation with the Public Service Commission and the Malabar Devaswom Board make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the forgoing power, such rules may provide for,—

(a) the procedure to be followed by the Malabar Devaswom Board for consultation with the Public Service Commission.

(b) any matter which is incidental to, or necessary for, the purpose of consultation with the Public Service Commission.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two

successive sessions and if, before the expiry of the session in which it is so laid, or the session immediately following the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

As per sections 80 of the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951), all appointments of officers and employees of the Board, except the Commissioner, for which direct recruitment is resorted to, shall be made from a select list of candidates belonging to Hindu religion furnished by the Kerala Public Service Commission in accordance with the law made for the exercise of this additional function by the Kerala Public Service Commission. Hence the Kerala Public Service Commission has to be authorised to exercise additional functions as respects the administrative services of Malabar Devaswom Board by appropriate Legislative measures under article 321 of the Constitution of India. Hence Government consider it necessary to bring a new legislation for the said purpose.

2. The Bill seeks to achieve the above object.

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

The proviso to sub-clause (2) of clause 3 of the Bill seeks to empower the Government to make rules specifying the matters in which, either generally or in any particular case or class of cases in any particular circumstances, it shall not be necessary for the Public Service Commission to be consulted.

2. Clause 4 of the Bill seeks to empower the Government to make rules in consultation with the Public Service Commission and the Malabar Devaswom Board for carrying out the purpose of the Act.

3. The above are matters of procedure and are of routine or administrative nature. The delegation of legislative power is, thus, of a normal character.

G. SUDHAKARAN.