

Twelfth Kerala Legislative Assembly
Bill No. 354

**THE KERALA PUBLIC SERVICE COMMISSION (ADDITIONAL
FUNCTIONS AS RESPECTS SPORTS COUNCILS) BILL, 2010**

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Kerala Legislature Secretariat
2010

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BILL

to provide for the exercise of certain additional functions by the Kerala Public Service Commission as respects the services under the Sports Councils.

Preamble.—WHEREAS, it is expedient to provide for the exercise of certain additional functions by the Kerala Public Service Commission as respects the services under the Sports Councils and matters connected therewith or incidental thereto.

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 Public Service Commission (Additional Functions as Respects Sports Councils) Act, 2010.

(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) ‘Sports Councils’ means the State Sports Council, the District Sports Councils, the Corporation Sports Councils, the Municipal Sports Councils and the Grama Sports Councils constituted under section 3, section 9 and section 15 of the Kerala Sports Act, 2000 (2 of 2001);

(b) ‘Public Service Commission’ means the Kerala Public Service Commission;

(c) ‘services’ means the services under the Sports Councils.

3. *Functions of the Public Service Commission.*—(1) The State Sports Council may consult the Public Service Commission,—

(a) on all matters relating to the methods of recruitment of the officers and employees of the Sports Councils other than the Secretaries of the State Sports Council and District Sports Councils ;

(b) on the principles to be followed in making appointments by direct recruitment to the posts under the Councils other than the Secretaries of the State Sports Council and District Sports Councils and the suitability of candidates for such appointments :

Provided that it shall not be necessary to consult the Public Service Commission in respect of any of the matters specified in sub-section (1), in so far as it relates to appointment by direct recruitment of persons proficient in sports and games, to such of the vacancies in the posts reserved by the State Sports Council for such appointment.

(2) Where the Public Service Commission is consulted on a matter under sub-section (1), the Commission shall advise the State Sports Council on that matter.

(3) In the case of any difference of opinion between the Public Service Commission and the State Sports Council on a matter under sub-section (1), the State Sports Council shall refer the matter to the Government and the decision of the Government there on shall be final:

Provided that the Government, before taking a decision against the advise 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 State Sports Council, make rules for carrying out the purposes of this Act.

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

(a) the procedure to be followed by the State Sports Council 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;

(c) any matter in respect of which it shall not be necessary to consult 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.

5. *Repeal and Saving.*—(1) The Kerala Public Service Commission (Additional Functions as Respects Sports Councils) Ordinance, 2010 (28 of 2010) is hereby repealed.

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

STATEMENT OF OBJECTS AND REASONS

Government have decided that all appointments by direct recruitment of the staff of the Sports Councils except the posts of Secretaries of State Sports Council and District Sports Councils shall be made in consultation with the Public Service Commission. The services of the Sports Councils do not form part of the public services of the State. Hence the Public Service Commission has to be empowered to exercise additional functions as respects the Sports Councils by appropriate legislative measure under Article 321 of the Constitution of India. Moreover, consultation with Public Service Commission on the draft rules relating to the appointment and other conditions of service of the officers and employees of the Sports Councils will be possible only if the posts in the services of the Sports Councils are brought within the purview of the Kerala Public Service Commission. Hence the Government have decided to bring in a special legislation for the said purpose.

2. As the Kerala Legislative Assembly was not in session and circumstances existed for making immediate legislation for implementing the above said decision, the Kerala Public Service Commission (Additional Functions as respects sports councils) ordinance, 2010 (28 of 2010) was promulgated by the Governor of Kerala on the 12th day of June 2010 and published in the Kerala Gazette Extraordinary No. 1341 dated 14th June 2010.

3. The Bill seeks to replace the above 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

Clause 4 of the Bill seeks to empower the Government to make rules, in consultation with the Public Service Commission and the State Sports Council, for carrying out the purposes of the Act.

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

M. VIJAYAKUMAR