

**Twelfth Kerala Legislative Assembly**  
**Bill No. 94**

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**THE KERALA PUBLIC SERVICE COMMISSION (ADDITIONAL  
FUNCTIONS AS RESPECTS THE SERVICES UNDER LOCAL  
AUTHORITIES) SECOND AMENDMENT BILL, 2007**

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THE KERALA PUBLIC SERVICE COMMISSION (ADDITIONAL  
FUNCTIONS AS RESPECTS THE SERVICES UNDER LOCAL  
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*BILL*

*further to amend the Kerala Public Service Commission (Additional Functions as Respects the Services under Local authorities) Act, 1973.*

*Preamble.*—WHEREAS, it is expedient further to amend the Kerala Public Service Commission (Additional Functions as Respects the Services under Local Authorities) Act, 1973, for the purposes hereinafter appearing ;

BE it enacted in the Fifty-eighth 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 Services under Local Authorities) Second Amendment Act, 2007.

(2) It shall come into force at once.

2. *Amendment of Section 2.*—In section 2 of the the Kerala Public Service Commission (Additional Functions as Respects the Services under Local Authorities) Act, 1973 (23 of 1973) (hereinafter referred to as the Principal Act), clause (a) shall be omitted.

3. *Amendment of Section 3.*—In section 3 of the Principal Act,—

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Consultation with the Public Service Commission as required by sub-section (1) shall be made by the Government or by such officer or authority not below the rank of the Head of the Department, as may be specified by the Government by notification in the Gazette and different officers or authorities may be specified for different matters mentioned in that sub-section.”;

(b) for sub-section (2), the following sub-sections shall be substituted, namely:—

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“(2) In the case of any difference of opinion between the Public Service Commission and any officer or authority specified under sub-section (1A), on any matter which such officer or authority is competent to consult the Public Service Commission under this Act or any notification issued thereunder, such officer or authority shall refer the matter to the Government and the decision of the Government thereon shall be final.

(3) In the case of any difference of opinion between the Public Service Commission and the Government on any matter on which consultation with the Public Service Commission was made by them under this Act, the matter shall be decided by the Government and the decision of the Government thereon shall be final.

(4) Before taking a decision under sub-section (2) or sub-section (3) against the advice of the Public Service Commission, the Government shall refer the matter to Public Service Commission.”.

4. *Amendment of Section 4.*—In section 4 of the Principal Act, in sub-section (2), in clause (a), the words “by an appointing authority” shall be omitted.

#### STATEMENT OF OBJECTS AND REASONS

According to the Kerala Public Service Commission (Additional Functions as Respects the Services under Local Authorities) Act, 1973 and the rules made thereunder, the appointing authorities in respect of various posts in local bodies have to seek the advice of Public Service Commission, for advising candidates on recruitment and on other matters like fixing of the methods of recruitment and qualifications. But the Public Service Commission is of opinion that it is not proper and correct for the Municipal/Corporations Commissioners, Director of Panchayats and Director of Municipalities to seek the advice of the Commission on matters other than recruitment of candidates. The Commission has therefore, suggested to amend the Act and also the rules made thereunder. As it is not desirable to empower more than one authority to address the Public Service Commission on such matters it has been decided to amend the Act as suggested by the Public Service Commission.

2. The Bill seeks to amend the Kerala Public Service Commission (Additional Functions as Respects the Services under Local Authorities) Act, 1973 for the above purpose.

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 (1A) proposed to be inserted by clause 3 of the Bill seeks to empower the Government by notification in the Gazette, to specify such officer or authority to consult with the Public Service Commission as required by sub-section (1) of section 3 of the Act.

2. The above delegation is of a routine and administrative character. The delegation of Legislative power is, therefore, of a normal character.

PALOLI MOHAMMED KUTTY

EXTRACT FROM THE KERALA PUBLIC SERVICE COMMISSION  
(ADDITIONAL FUNCTIONS AS RESPECTS THE SERVICES  
UNDER LOCAL AUTHORITIES) ACT, 1973

(ACT 23 OF 1973)

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

(a) “appointing authority” means the officer or authority empowered to make appointments to services and posts under a local authority;

(b) \*\*

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(c) \*\*

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3. *Functions of the Public Service Commission in respect of services under local authorities.*—(1) Notwithstanding anything contained in any law relating to the recruitment and conditions of service of officers and servants of local authorities or any rule, bye-law or regulation made under any such law, the Public Service Commission shall be consulted.

(a) on all matters relating to methods of recruitment to services and posts under a local authority;

(b) on the principles to be followed in making appointments to services and posts under a local authority and in making promotions and transfers from one service to another and on the suitability of candidates for such appointments, promotions or transfers; 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 class of case or in any particular circumstances, it shall not be necessary for the Public Service Commission to be consulted.

(2) In the case of any difference of opinion between the Public Service Commission and an appointing authority on any matter, the appointing authority 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 be refer the matter to the Public Service Commission.

4. Power to make rules,—(1) \*\* \*\*

(2) \*\* \*\*

(a) the procedure to be followed by an appointing authority for consultation with the Public Service Commission;

(b) \*\* \*\*

(c) \*\* \*\*

(3) \*\* \*\*

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