

Thirteenth Kerala Legislative Assembly

Bill No. 112

**THE KERALA PUBLIC SERVICE COMMISSION (ADDITIONAL
FUNCTIONS AS RESPECTS LIBRARY COUNCILS) BILL, 2012**

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THE KERALA PUBLIC SERVICE COMMISSION (ADDITIONAL FUNCTIONS AS RESPECTS LIBRARY COUNCILS) BILL, 2012

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

BE it enacted in the Sixty-third 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 Library Councils) Act, 2012.

(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) ‘Library Councils’ means the State Library Council, the District Library Councils and the Taluk Library Councils constituted under section 3, section 10 and section 18 respectively, of the Kerala Public Libraries (Kerala Granthasala Sangham) Act, 1989 (15 of 1989);

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

(c) ‘Services’ means the services under the Library Councils.

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

(a) on all matters relating to the method of recruitment of the officers and employees of the Library Councils;

(b) on the principles to be followed in making appointments by direct recruitment to the posts under the Library Councils and the suitability of candidates for such appointments.

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

(3) In the case of any difference of opinion between the Public Service Commission and the State Library Council on a matter under sub-section (1), the State Library Council 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 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 Library 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 Library 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.

STATEMENT OF OBJECTS AND REASONS

Government have decided that the appointments of the officers and employees of the State Library Council, District Library Councils and Taluk Library Councils shall be made in consultation with the Public Service Commission. The services of the Library 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 Library Councils by appropriate legislation 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 Library Councils will be possible only if the posts in the services of the Library 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.

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 Library 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.

P. K. ABDU RABB.