

Thirteenth Kerala Legislative Assembly  
Bill No. 248

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**THE KERALA STATE YOUTH COMMISSION BILL, 2013**

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**Thirteenth Kerala Legislative Assembly**  
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[Translation in English of “2013-ലെ കേരള സംസ്ഥാന യുവജന കമ്മീഷൻ ബിൽ” published under the authority of the Governor.]

THE KERALA STATE YOUTH COMMISSION BILL, 2013

A

*BILL*

*to constitute a Youth Commission for the purpose of evolving and implementing programmes for educating and empowering the youths and to function as protector of the rights of youths and to provide for matters connected therewith or incidental thereto.*

*Preamble.*—WHEREAS, it is expedient to constitute a Youth Commission for the purpose of evolving and implementing programmes for educating and empowering the youths and to function as a protector of the rights of youths and to provide for matters connected therewith and incidental thereto;

BE it enacted in the Sixty-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Kerala State Youth Commission Act, 2013.

(2) It shall be deemed to have come into force on the 1st day of November, 2012.

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

(a) “Chairperson” means the Chairperson of the Commission;

(b) “Commission” means the Kerala State Youth Commission constituted under section 3;

(c) “Government” means the Government of Kerala;

(d) “member” means a member of the Commission;

(e) “prescribed” means prescribed by rules made under this Act;

(f) “youth” means a person who has completed his eighteen years of age but has not completed his fortieth years of age.

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## CHAPTER II

## CONSTITUTION OF THE COMMISSION

3. *Constitution of the Commission.*—(1) The Government shall, as soon as may be after the commencement of this Act, by notification in the Gazette, constitute a body by name the Kerala State Youth Commission to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.

(2) The Commission shall consist of,—

(a) a Chairperson; and

(b) such number of members not more than ten, out of which one shall be a woman and one shall be a person belonging to the Scheduled Caste or Scheduled Tribe and one shall be a qualified legal practitioner.

(3) The Chairperson and the members appointed to the Commission shall be youths.

(4) The Chairperson and the members shall be appointed by the Government.

(5) The Government shall appoint a person who holds, or has held, a post not below the rank of an Additional Secretary to Government as the Secretary of the Commission.

(6) The headquarters of the Commission shall be at Thiruvananthapuram.

4. *Term of office and conditions of service of the Chairperson and the members.*—(1) The Chairperson and members may hold office for a period of three years from the date on which they assume office:

Provided that the Chairperson shall continue to hold such office until his successor is appointed in accordance, with the provisions of section 3 and assumes office, or for six months, whichever is earlier.

(2) The Chairperson or member may, at any time, by writing under his hand addressed to the Government, resign his office.

(3) A casual vacancy in the office of the Chairperson or member, caused by reason of death, removal or resignation or otherwise, shall be filled by fresh appointment and the person so appointed shall hold office for the remaining period of the term of the person in whose place he is appointed.

(4) The Government may, by order, remove the Chairperson or any member from his office if he,—

(a) is adjudged as an insolvent; or

(b) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Government, involves moral turpitude; or

(c) becomes of unsound mind and stands so declared by a competent Court; or

(d) without obtaining leave of absence from the Commission, is absent from three consecutive meetings of the Commission; or

(e) is in the opinion of the Government, abused his official position so as to render his continuance in office prejudicial to the interest of the youth or to the public interest:

Provided that no person shall be removed under this clause unless he has been given a reasonable opportunity of being heard.

(5) Where the Chairperson or a member cease to be a youth he shall cease to hold the office.

(6) The Chairperson or a member shall not be eligible to hold office for more than two terms.

(7) The general superintendence, direction and administration of the day-to-day affairs of the Commission shall vest in the Chairperson and he shall be assisted by the other members.

(8) The Chairperson shall be a full-time officer having the rank of Secretary to Government and shall be paid with such salary and allowances, as may be prescribed.

(9) The members shall be paid with such allowances or sitting fees, as may be prescribed, for attending the meetings of the Commission.

5. *Staff of the Commission.*—(1) The Government shall provide the Commission with such officers and other employees as may be required for the proper functioning of the Commission.

(2) The salaries and allowances payable to and other terms and conditions of service of the officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed.

6. *Salary, allowances and administrative expenses to be paid out of grants.*— The salary and allowances payable to the Chairperson and the allowances or sitting fees payable to the members and the administrative expenses including the salary, allowances and pension payable to the officers and other employees referred to in section 5 shall be paid out of the grants referred to in sub-section (1) of section 12.

7. *Vacancies etc. not to invalidate the proceedings of the Commission.*— No act or proceedings of the Commission shall be invalid on the ground merely of the existence of any vacancy in the Commission or any defect in its constitution.

8. *Meetings of the Commission.*—(1) The Commission shall meet at such places and at such time as the Chairperson may think fit and the Commission shall have the power to regulate its own procedure.

(2) All orders and decisions of the Commission shall be authenticated by the signature of the Chairperson or any other member authorised by the Commission in this behalf and other instruments executed by the Commission shall be authenticated by the signature of the Secretary or any other officer of the Commission authorised by the Chairperson in this behalf.

(3) The Commission may, for the purpose of transacting any business before it or for considering any special issue, invite persons not exceeding two, having specialized knowledge in the matter, but they shall have no right to vote in the meetings of the Commission.

### CHAPTER III

#### POWERS AND FUNCTIONS OF THE COMMISSION

9. *Functions of the Commission.*—(1) Subject to the provisions of this Act, it shall be the duty of the Commission to guide, assist, promote and develop, for the welfare of the youth and to perform such functions as the Government may, from time to time, assign to it.

(2) The Commission may, in furtherance of its object, perform the following functions, namely:—

(a) to function as the protector of youth affairs in the State;

(b) to inculcate and educate among the youth the dignity of labour;

(c) to co-ordinate the Government departments for better education and securing employment opportunities to youths;

(d) to develop and harness the potential of the youth in order to attain total empowerment and excellence;

(e) to undertake promotional and educational research so as to submit for the consideration of the Government the better ways of ensuing employment opportunities to the youth;

(f) to advise the Government in the planning process for the socio-economic development of the youth, especially those who belong to the weaker section and tribal section;

(g) to explore the scope and potential of the youth in all levels of activities so as to make them attain high degree of accomplishment by developing their creativity and skills;

(h) to monitor and report the occupational hazards faced by the youth in the unorganised sector;

(i) to inquire into complaints with respect to deprivation of the rights of youth and to recommend to the Government as to the action to be taken in that matter; and

(j) to advise the Government in other matters as may be referred for its consideration from time to time.

10. *Powers of the Commission.*—(1) The Commission may, for the purpose of carrying out its functions, utilise the services of,—

(a) any officer of the Government with the permission of the Government; or

(b) any officer of the Government-owned Corporations or of the Local Authorities with the consent of such Corporation or Local Authority and with the concurrence of the Government.

(2) The Commission shall, while performing its functions under section 9, have all the powers of a Civil Court trying a suit under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

(e) appointing commissions for the examination of witnesses or documents; and

(f) for any other matter, as may be prescribed.

(3) The Commission shall, while conducting the enquiry under section 9, afford opportunity to all parties to present their views by themselves or through authorised representative.

(4) The findings of the Commission on any enquiry conducted under this Act shall be communicated to the Government with its recommendation for appropriate action or relief to the parties to the dispute.

11. *Donations, contributions etc. to the Commission.*—The Commission may, with the previous sanction of the Government, and subject to such terms and conditions as may be required by the Government in this matter, receive money from any organization or person by way of donation, contribution or in any other name, for creating endowments and for providing prizes to encourage the youth in various literary, cultural and sports activities.

#### CHAPTER IV

#### FINANCE, ACCOUNTS AND AUDIT

12. *Grants by the Government.*—(1) The Government shall after due appropriation made by the Legislature by law in this behalf, pay to the Commission by way of grant, such sums of money as the Government may think fit for being utilised for the purpose of this Act.

(2) The Commission may spend such sums out of the grants as it may deem fit for performing the functions under this Act and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

13. *Accounts and Audit.*—(1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed in consultation with the Accountant General.

(2) The accounts of the Commission shall be audited annually by the Accountant General and any expenditure incurred in respect of such audit shall be paid by the Commission to the Accountant General.

(3) The Accountant General and any person appointed by him in connection with the audit of accounts of the Commission under this Act shall have the same rights and privileges as usually the Accountant General has in connection with the audit of Government accounts and, in particular shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any office of the Commission.

(4) The accounts of the Commission as certified by the Accountant General or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Government by the Commission and the Government shall, within a period of six months from the date of its receipt, cause the report to be laid before the Legislative Assembly.



14. *Annual report of the Commission.*—(1) The Commission shall, as soon as may be after the end of each financial year, submit to the Government an annual report giving a full account of the activities and programmes undertaken during the previous financial year, together with a status statement of the youth, in such form and on such date, as may be prescribed.

(2) A copy of the report received under sub-section (1) shall be laid before the Legislative Assembly within six months after it is received by the Government.

#### CHAPTER V

#### MISCELLANEOUS

15. *Protection of action taken in good faith.*—No suit, or prosecution or other legal proceeding shall lie against the Commission, the Chairperson or any member or Secretary or any officer or any other employee of the Commission acting under the direction of the Commission in respect of anything which is done or purported to be done in good faith under this Act.

16. *Chairperson, members, Secretary and officers of the Commission to be public servant.*—The Chairperson, members, Secretary, officers and employees of the Commission shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

17. *Application of other laws not barred.*—The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

18. *Power to make rules.*—(1) The Government may, by notification in the Gazette, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) salary and allowances payable to, and other terms and conditions of service of, the Chairperson, allowances and sitting fees payable to the members;

(b) allowances and other benefits payable to other officers engaged for duties under clauses (a) and (b) of sub-section (1) of section 10;

(c) the summoning and holding of the meetings of the Commission and the quorum for the meeting;

(d) the powers and functions of the Secretary of the Commission;

(e) the form of annual statement of accounts to be maintained;

(f) the form of annual report to be prepared; and

(g) any other matter which is required to be, or may be, prescribed.

(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.

19. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient, for removing the difficulty:

Provided that no such order shall be issued after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the Legislative Assembly.

20. *Repeal and saving.*—(1) The Kerala State Youth Commission Ordinance, 2013 (45 of 2013) is hereby repealed.

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

#### STATEMENT OF OBJECTS AND REASONS

Since the youth resource is an integral factor to transform India into a developed country, the National Youth Commission constituted to overcome the problems faced by the youths and to bring a new prospective to the problems involved therein, has recommended certain measures for the welfare and development of the youth in the country. One of the major recommendations in it is the setting up of Youth Commissions through legislation in each State. Hon'ble Governor of Kerala in his address for 2012, announced the constitution of a Youth Commission in the State. At present, there is no mechanism in the State to co-ordinate the Government Departments for securing better education and employment opportunities for the youth, to recommend for better measures to the Government for the purpose and to develop their skills, to advise Government in

the planning process for their socio-economic development or to inquire into any complaints with respect to the deprivation of their rights and to recommend to the Government on the measures to be taken. Therefore, the Government consider that a legislation is necessary to constitute a Youth Commission for the purpose of evolving and implementing programmes for educating and empowering the youths in the State and to perform the function as a protector of their rights.

2. As the Legislative Assembly of the State of Kerala was not in session and the above proposals had to be given effect to immediately, the Kerala State Youth Commission Ordinance, 2012 was promulgated by the Governor of Kerala on the 18th day of August, 2012 and the same was published as Ordinance No. 49 of 2012 in the Kerala Gazette Extraordinary No. 1728 dated 21st August, 2012.

3. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly during its session which commenced on the 10th day of December, 2012 and ended on the 21st day of December, 2012.

4. As the Legislative Assembly of the State of Kerala was not in session and the provisions of the said Ordinance had to be kept alive, the Kerala State Youth Commission Ordinance, 2013 was promulgated by the Governor of Kerala on the 14th day of January, 2013 and the same was published as Ordinance No. 18 of 2013 in the Kerala Gazette Extraordinary No. 126 dated 15th day of January, 2013.

5. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly during its session which commenced on the 1st day of February, 2013 and ended on the 19th day of February, 2013.

6. As the Legislative Assembly of the State of Kerala was not in session and the provisions of the said Ordinance had to be kept alive, the Kerala State Youth Commission Ordinance, 2013 was promulgated by the Governor of Kerala on the 26th day of February, 2013 and the same was published as Ordinance No. 29 of 2013 in the Kerala Gazette Extraordinary No. 568 dated 27th day of February, 2013.

7. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly during its session which commenced on the 15th day of March, 2013 and ended on the 10th day of April, 2013.

8. As the Legislative Assembly of the State of Kerala was not in session and the provisions of the said Ordinance had to be kept alive, the Kerala State  
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Youth Commission Ordinance, 2013 was promulgated by the Governor of Kerala on the 25th day of April, 2013 and the same was published as Ordinance No. 36 of 2013 in the Kerala Gazette Extraordinary No. 1175 dated 26th day of April, 2013.

9. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly during its session which commenced on the 10th day of June, 2013 and ended on the 9th day of July, 2013.

10. As the Legislative Assembly of the State of Kerala was not in session and the provisions of the said Ordinance had to be kept alive, the Kerala State Youth Commission Ordinance, 2013 was promulgated by the Governor of Kerala on the 18th day of July, 2013 and the same was published as Ordinance No. 45 of 2013 in the Kerala Gazette Extraordinary No. 2106 dated 19th day of July, 2013.

11. The Bill seeks to replace the said Ordinance by an Act of the State Legislature.

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to provide for the constitution of the Kerala State Youth Commission by including a Chairperson and members not exceeding ten. Clause 6 of the Bill seeks to provide that salary and allowances payable to Chairperson, allowances and sitting fees payable to members and the administrative expenses including salary, allowances and pension payable to the officers and other employees appointed in the Commission shall be paid out of the grants referred to in sub-clause (1) of clause 12. Sub-clause (1) of clause 12 of the Bill seeks to provide for the grant, as the Government thinks fit to be paid to the Commission. Hence, an amount of about 60 lakhs rupees is expected to be incurred as non-recurring expenditure for setting up of the Commission and for its initial expenses and an amount of about 90 lakhs rupees per year is expected to be incurred as recurring expenditure. However, the expenditure that may have to be incurred from the Consolidated Fund of the State cannot be estimated with any reasonable degree of accuracy at this stage.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (1) of clause 3 of the Bill seeks to empower the Government to constitute the Kerala State Youth Commission, by notification in the Gazette.

2. Sub-clause (8) of clause 4 of the Bill seeks to empower the Government to prescribe the salary and allowances of the Chairperson of the Kerala State Youth Commission.

3. Sub-clause (9) of clause 4 of the Bill seeks to empower the Government to prescribe the allowances or sitting fees payable to the members for attending the meetings of the Kerala State Youth Commission.

4. Sub-clause (2) of clause 5 of the Bill seeks to empower the Government to prescribe the salary, allowances and other terms and conditions of service of officers and other employees of the Commission.

5. Item (f) of sub-clause (2) of clause 10 seeks to empower the Government to prescribe any other purposes for which the power of a Civil Court can be exercised by the Commission, other than those enumerated in items (a) to (e) of sub-clause (2) of clause 10 of the Bill.

6. Sub-clause (1) of clause 13 of the Bill seeks to empower the Government to prescribe the form in which the annual statement of the accounts of the Commission shall be prepared.

7. Sub-clause (1) of clause 14 of the Bill seeks to empower the Government to prescribe the form in which and time at which the annual report of the Commission shall be submitted to the Government.

8. Clause 18 of the Bill seeks to empower the Government to make rules to carry out the purposes of the Act.

9. Clause 19 of the Bill seeks to empower the Government to make provisions not inconsistent with the provisions of the Act, by order published in the Gazette, to remove any difficulty that may arise in giving effect to the provisions of the Act.

10. The matters in respect of which notifications may be issued or rules may be made are matters of procedure and are routine or administrative in nature. Moreover, the rules, after they are made, are subject to the scrutiny of the Legislative Assembly. Delegation of legislative power is, thus, of a normal character.

P. K. JAYALAKSHMI.