

Thirteenth Kerala Legislative Assembly
Bill No. 307

**THE KERALA PUBLIC SERVICE COMMISSION
(ADDITIONAL FUNCTIONS AS RESPECTS
THE LIBRARY COUNCILS) BILL, 2014**

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[Translation in English of “2014-ലെ കേരള പബ്ലിക് സർവ്വീസ് കമ്മീഷൻ (ലൈബ്രറി കൗൺസിലുകളെ സംബന്ധിച്ച കൂടുതൽ ചുമതലകൾ) ബിൽ” published under the authority of the Governor.]

THE KERALA PUBLIC SERVICE COMMISSION (ADDITIONAL FUNCTIONS AS RESPECTS THE LIBRARY COUNCILS) BILL, 2014

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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 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-fifth 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 Library Councils) Act, 2014.

(2) It shall be deemed to have come into force on the 20th day of July, 2014.

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

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

(b) “Library Councils” means the Kerala 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 Sanghom) Act, 1989 (15 of 1989);

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

(d) “Public Service Commission” means the Kerala Public Service Commission;

(e) “services” means the services under the Library Councils. .

3. *Functions of the Public Service Commission.*—(1) The State Library Council shall 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 Kerala State Library Council on a matter under sub-section (1), the Kerala State Library Council shall refer the matter to the Government and the decision of the Government thereon shall be final:

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

4. *Power to make rules.*—(1) The Government may, by notification in the Gazette, in consultation with the Public Service Commission and the Kerala State Library Council, by notification in the Gazette, 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.

5. *Repeal and saving.*—(1) The Kerala Public Service Commission (Additional Functions as Respects the Library Councils) Ordinance, 2014 (19 of 2014) 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 under this Act.

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. Accordingly, an Order was issued as G.O. (Ms.) No. 124/2011/H.Edn. dated 9th August, 2011. But, it could not be implemented in the absence of a legislation for the purpose. 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. The Government may make rules relating to the appointment and other conditions of service of the officers and employees of the Library Councils in consultation with the Commission only under a legislation empowering the Commission to do so. Hence, the Government have decided to bring in a special legislation for the said purpose.

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 Public Service Commission (Additional Functions as Respects the Library Councils) Ordinance, 2014 was promulgated by the Governor on the 20th day of July, 2014 and the same was published in the Kerala Gazette Extraordinary No. 1857 as Ordinance No. 19 of 2014.

3. The Bill seeks to replace Ordinance No. 19 of 2014 by an Act of the State Legislature.

FINANCIAL MEMORANDUM

The Kerala Public Service Commission (Additional Functions as respects the Library Councils) Bill, 2014, if enacted and brought into operation, would not involve any additional expenditure from the Consolidated Fund of the State.

But, in order to conduct examinations and to prepare rank list for appointment of officers and employees to the Library Councils by direct recruitment, the Public Service Commission will have to incur an approximate expenditure of rupees 5 lakhs. Moreover, for conducting examinations from time to time for recruitment and to prepare rank list for appointment to various posts in the Library Councils as and when vacancy arises, there will be recurring expenditure and that cannot be estimated now.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill provides to empower the Government to make rules, by notification in the Gazette, 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.