

Fourteenth Kerala Legislative Assembly

Bill No. 186

**THE KERALA PUBLIC SERVICE COMMISSION
(ADDITIONAL FUNCTIONS AS RESPECTS
THE TRAVANCORE-COCHIN MEDICAL
COUNCILS) BILL, 2019**

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THE KERALA PUBLIC SERVICE COMMISSION (ADDITIONAL
FUNCTIONS AS RESPECTS THE TRAVANCORE-COCHIN
MEDICAL COUNCILS) BILL, 2019

A

BILL

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

BE it enacted in the Seventieth year of 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 Travancore-Cochin Medical Councils) Act, 2019.

(2) It shall come into force at once.

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

(a) “Government” means Government of Kerala;

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

(c) “services” means the services under the Travancore-Cochin Medical Councils;

(d) "rules" means rules made under section 4;

(e) "Travancore-Cochin Medical Councils" means the Travancore-Cochin Medical Councils constituted under the Travancore-Cochin Medical Practitioners Act, 1953 (Act IX of 1953) consisting of the Council of Modern Medicine, Council of Indian Systems of Medicine consisting of Ayurveda, Sidha, Unani Tibb and the Council of Homeopathic Medicine.

3. *Functions of the Public Service Commission in respect of services under the Travancore-Cochin Medical Councils.*—(1) Notwithstanding anything contained in the Travancore-Cochin Medical Practitioners Act, 1953 (IX of 1953) or the rules made thereunder in respect of the appointment and conditions of services of officers and employees of the Travancore-Cochin Medical Councils, it shall be the duty of the Public Service Commission to prepare select list, for appointment of officers and employees of the Travancore-Cochin Medical Councils by direct recruitment except that of Registrar and Deputy Registrar.

(2) The Travancore-Cochin Medical Councils shall consult the Public Service Commission.—

(a) on matters relating to direct recruitment to the posts under the administrative services of the Travancore-Cochin Medical Councils;

(b) on the principles to be followed in making appointments by direct recruitment to the posts under services of Travancore-Cochin Medical Councils and on the suitability of candidates for such appointments,

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 case or in particular class of cases or in any particular circumstances, it shall not be necessary to consult the Public Service Commission.

(3) In case of any difference of opinion between the Public Service Commission and the Travancore-Cochin Medical Councils on a matter consulting under sub-section (2), the Travancore-Cochin Medical Councils shall refer the matter to the Government and the decision of the Government thereon shall be final:

Provided that before taking a decision by the Government against the advice of the Public Service Commission, the matter shall be referred to the Public Service Commission.

4. *Power to make rules.*—(1) The Government may, in consultation with the Public Service Commission and the Travancore-Cochin Medical Councils make rules by notification in the Gazette for carrying out the purposes of this Act.

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

(a) the procedure to be followed by the Travancore-Cochin Medical Councils for consultation with the Public Service Commission;

(b) any special matters or under any special circumstances which, it shall not necessary for the Public Service Commission to be consulted;

(c) any matter which is incidental to, or necessary for, the purpose of consultation with the Public Service Commission.

(3) Any 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

As per sub-sections (3) and (4) of section 19 of the Travancore-Cochin Medical Practitioners Act, 1953, it is specifically stated that the Council may appoint or employ such other officers and employees as it may deem necessary, for the purpose of the Act and that their qualification, method of appointment and scale of pay shall be governed by the rules applicable to the Government officers and employees of similar category. But the practice being followed is to regularise the employees who are engaged on daily wages or appointed through employment exchange on a later stage. As it adversely affects the smooth functioning of the Council, the Council requested the Government to take appropriate measures facilitating the recruitment to the Council except Registrar and Deputy Registrar through Public Service Commission and the Government has decided to make appointments to the said posts through Public Service Commission. Hence the Government finds its necessary to enact law for the above purpose.

The Bill seeks to achieve the above objects.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any additional expenditure from the consolidated fund of the State.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill empowers the Government to make rules in consultation with the Kerala Public Service Commission and Travancore-Cochin Medical Councils for the purposes of the Act.

The matters in respect of which the notifications or orders are to be issued or rules or regulations are to be made are matters of procedure or routine matters or matters of administrative in nature. Further, such rules are subject to the scrutiny of the Legislative Assembly. Hence, the delegation of the legislative powers is of a normal character.

K. K. SHAILAJA TEACHER.