

Fifteenth Kerala Legislative Assembly

Bill No. 90

**THE KERALA PUBLIC SERVICE COMMISSION
(ADDITIONAL FUNCTIONS AS RESPECTS
CERTAIN CORPORATIONS AND COMPANIES)
AMENDMENT BILL, 2022**

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further to amend the Kerala Public Service Commission (Additional Functions as respects certain Corporations and Companies) Act, 1970.

Preamble.—WHEREAS, it is expedient further to amend the Kerala Public Service Commission (Additional Functions as respects certain Corporations and Companies) Act, 1970 (19 of 1970) for the purposes hereinafter appearing;

BE it enacted in the Seventy-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 certain Corporations and Companies) Amendment Act, 2022.

(2) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Amendment of section 2.*—In section 2 of the Kerala Public Service Commission (Additional Functions as respects certain Corporations and Companies) Act, 1970 (19 of 1970) (hereinafter referred to as the principal Act), in clause (a), the words, figures and brackets “ or the Kerala Non-Resident Keralites' Welfare Board constituted under section 9 of the Non-Resident Keralites' Welfare Act, 2008 (10 of 2009)” shall be inserted at the end, before the symbol “ ;” .

3. *Repeal and saving.*—(1) The Kerala Public Service Commission (Additional Functions as respects certain Corporations and Companies) Amendment Ordinance, 2021 (141 of 2021) is hereby repealed.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 principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The Kerala Non-Resident Keralites' Welfare Board was constituted on 2009 in accordance with the Non-Resident Keralites' Welfare Act, 2008 (10 of 2009). In exercise of the powers conferred by section 12 of the said Act, 23 posts were created in the Kerala Non-Resident Keralites' Welfare Board as per G.O. (Ms.)No.4/2010/NORKA, dated 20-12-2010. As per sub-section (3) of section 12 of the Act, the Kerala Service Rules (Part I & II) is applicable to the existing posts of the Board. Subject to these provisions, Government may, as per sub-section (2) of section 12 of the Act, determine the method of appointment, salary, other benefits and other terms of service of the Chief Executive Officer and other Officers. Thus the draft Special Rules were formulated and the Subject Committee approved the draft Rules with the suggestion to include an amendment to the provision that the direct appointment to the post should be through Public Service Commission.

2. As the Kerala Non-Resident Keralites' Welfare Board is not currently included in the Kerala Public Service Commission (Additional Functions as respects Certain Corporations and Companies) Act, 1970, the Government have decided to amend the said Act to include the Board within the purview of the said Act.

3. 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 Certain Corporations and Companies) Ordinance, 2021 was promulgated by the Governor of Kerala on the 13th day of September, 2021 and the same was published as Ordinance No.138 of 2021 in the Kerala Gazette Extraordinary No.2691 dated 15th September, 2021.

4. 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 of the State of Kerala during its session which commenced on the 4th day of October, 2021 and ended on the 11th day of November, 2021.

5. As the provisions of the said Ordinance had to be kept alive and the Legislative Assembly of the State of Kerala was not in session, the Kerala Public Service Commission (Additional Functions as respects Certain Corporations and Companies) Ordinance, 2021 was promulgated by the Governor of Kerala on the 13th day of November, 2021 and the same was published as Ordinance No.141 of 2021 in the Kerala Gazette Extraordinary No.3336 dated 14th November, 2021.

6. The Bill seeks to replace Ordinance No.141 of 2021 by an Act of the State Legislature.

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

Sub-clause (2) of clause 1 of the Bill seeks to empower the Government to appoint, by notification in the Gazette, the date on which the Act shall come into force.

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

PINARAYI VIJAYAN.

EXTRACT FROM THE KERALA PUBLIC SERVICE COMMISSION
(ADDITIONAL FUNCTIONS AS RESPECTS CERTAIN CORPORATIONS
AND COMPANIES) ACT, 1970

(ACT 19 of 1970)

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

(a) “Corporation” means the Kerala State Financial Corporation established under section 3 of the State Financial Corporations Act, 1951 (Central Act 63 of 1951) or the Kerala State Warehousing Corporation established under section 18 of the Warehousing Corporations Act, 1962 (Central Act 58 of 1962), or the Kerala Khadi and Village Industries Board established under section 4 of the Kerala Khadi and Village Industries Board Act, 1957 (Act 1 of 1957), or the Kerala Water Authority established under section 3 of the Kerala Water Supply and Sewerage Act, 1986, or the Toddy Workers’ Welfare Fund Board constituted under section 6 of the Toddy Workers’ Welfare Fund Act, 1969 (22 of 1969), or the Kerala Headload Workers’ Welfare Board established under section 14 of the Kerala Headload Workers Act, 1978 (20 of 1980), or the Kerala Motor Transport Workers’ Welfare Fund Board constituted under section 6 of the Kerala Motor Transport Workers’ Welfare Fund Act, 1985 (21 of 1985), or the Kerala Labour Welfare Fund Board established under section 4 of the Kerala Labour Welfare Fund Act, 1975 (11 of 1977);

(b) “Government Company” means—

(i) a company as defined, in section 3 of the Companies Act, 1956 (Central Act 1 of 1956), in which not less than fifty-one percent of the paid-up share capital is held by the Government of Kerala; or

(ii) a company as so defined, in which not less than fifty-one percent of the paid-up share capital is held partly by the Government of Kerala and partly by a company mentioned in sub-clause (i); or

(iii) a company which is a subsidiary within the meaning of section 4 of the said Act or a company mentioned in sub-clause (i).

(c) “Public Service Commission” means the Kerala Public Service Commission.

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