

**Fifteenth Kerala Legislative Assembly**

**Bill No. 136**

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**THE KERALA LOCAL SELF GOVERNMENT  
COMMON SERVICE BILL, 2022**

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[Translation in English of “2022-ലെ കേരള തദ്ദേശസ്വയംഭരണ പൊതുസർവ്വീസ് ബിൽ” published under the authority of the Governor. ]

**THE KERALA LOCAL SELF GOVERNMENT COMMON  
SERVICE BILL, 2022**

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**BILL**

*to constitute a Local Self Government Common Service by integrating the services under Panchayat, Municipality, Local Self Government Department (Planning) and the services of Rural Development and Local Self Government Engineering Division, in the State of Kerala.*

*Preamble.*—WHEREAS, it is expedient to constitute a Local Self Government Common Service by integrating the services under Panchayat, Municipality, Local Self Government Department (Planning) and the services of Rural Development and Local Self Government Engineering Division, in the State of Kerala;

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 Local Self Government Common Service Act, 2022.

(2) It shall be deemed to have come into force on the 31st day of March, 2022.

2. *Amendment of Act 13 of 1994.*—In sub-section (4) of section 180 of the Kerala Panchayat Raj Act, 1994 ( Act 13 of 1994),—

(i) for the words “ for the constitution of any class of officers or servants of Panchayats into a separate service ”, the words and symbol “for the constitution of Local Self Government common service consisting of any class of officers and employees of Panchayats and Government servants in any other services” shall be substituted;

(ii) the following explanation shall be inserted, namely:—

“*Explanation:*—For the purpose of this sub-section, “Government servants in any other services” means Government servants in the services under Municipality, Local Self Government Department (Planning) and in the services of Rural Development and Local Self Government Engineering Division in the State.”.

3. *Amendment of Act 20 of 1994.*—In sub-section (1B) of section 222 of the Kerala Municipality Act, 1994 (Act 20 of 1994),—

(i) for the words and symbol “for the constitution of a separate service, for any class of officers or employees of Municipalities”, the words and symbols “for the constitution of Local Self Government common service, consisting of any class of officers and employees of Municipalities and Government Servants in any other services” shall be substituted;

(ii) the following explanation shall be inserted, namely:—

“*Explanation:*—For the purpose of this sub-section, “Government servants in any other services” means Government servants in the services under Panchayat, Local Self Government Department (Planning) and in the services of Rural Development and Local Self Government Engineering Division in the State.”.

4. *Amendment of Act 9 of 2016.*—After sub-section (2) of section 10 of the Kerala Town and Country Planning Act, 2016 ( Act 9 of 2016), the following sub-section shall be added, namely:—

“(3) Subject to the provisions of this Act, the Government shall, regulate the classification, recruitment/method of appointment, conditions of service, pay and allowances, discipline and conduct of officers and employees, in accordance with the rules made under the Kerala Public Services Act, 1968 (Act 19 of 1968), and such rules may provide for the constitution of Local Self Government common service, consisting of any class of officers and employees of Local Self Government Department (Planning) and Government Servants in any other services either for the whole State or for each district.

*Explanation:*— For the purpose of this sub-section, “ Government servants in any other services” means Government servants in the services under Panchayat, Municipality and in the services of Rural Development and Local Self Government Engineering Division in the State .”.

5. *Validation.*—Notwithstanding the cessation of operation of the Kerala Local Self Government Common Service Ordinance, 2022 (5 of 2022) (hereinafter referred to as the said Ordinance) on the 8th day of August, 2022,—

(a) anything done or deemed to have been done or any action taken or deemed to have been taken under the Kerala Panchayat Raj Act, 1994 (Act 13 of 1994), the Kerala Municipality Act, 1994 (Act 20 of 1994) and the Kerala Town and Country Planning Act, 2016 (Act 9 of 2016) (hereinafter referred to as the principal Acts) as amended by the said Ordinance shall be deemed to have been done or taken under the provisions of the principal Acts as amended by this Act;

(b) anything done or any action taken after the cessation of operation of the said Ordinance and before the date of publication of this Act in the Gazette, which could have been done or taken under the principal Acts as amended by the said Ordinance, if the said Ordinance had not been ceased to operate, shall be deemed to have been done or taken under the principal Acts as amended by this Act.

#### STATEMENT OF OBJECTS AND REASONS

Sub-section (4) of section 180 of the Kerala Panchayat Raj Act, 1994 (Act 13 of 1994) provides that the Government shall, by rules made under the Kerala Public Services Act, 1968 (Act 19 of 1968) regulate the classification, methods of recruitment, conditions of service, pay and allowances and discipline and conduct of the officers and the employees for the constitution of a separate service, of any class of officers or servants of Panchayats either for the whole State or for each district. Sub-section (1B) of section 222 of the Kerala Municipality Act, 1994 (Act 20 of 1994) provides that the Government shall, by rules made

under the Kerala Public Services Act, 1968 (Act 19 of 1968) regulate the classification, method of recruitment, conditions of service, pay and allowances, discipline and conduct of the officers and the employees and for the constitution of a separate service, for any class of officers or employees of Municipalities either for the whole State or for each district . Sub-section (2) of section 10 of the Kerala Town and Country Planning Act, 2016 (Act 9 of 2016) provides for the appointment of officers and staff in the Department of Local Self Government Department (Planning) with such terms and conditions of service as may be prescribed.

As a part of constituting Local Self Government common service by integrating the services under Panchayat, Municipality, Local Self Government Department (Planning), and also the services of Rural Development and Local Self Government Engineering Division, in order to make the service of the Local Self Government Institutions more efficient, effective and to co-ordinate planning and development activities at various levels and also to empower the Government to frame State Service Rules and Subordinate Service Rules for Local Self Government Department under the Kerala Public Services Act,1968 (Act 19 of 1968) Government have decided to bring suitable amendments in sub-section (4) of section 180 of the Kerala Panchayat Raj Act,1994 (Act 13 of 1994), sub-section (1B) of section 222 of the Kerala Municipality Act, 1994 (Act 20 of 1994) and section 10 of the Kerala Town and Country Planning Act, 2016 (Act 9 of 2016).

As the Legislative Assembly of the State of Kerala was not in session and the above proposal had to be given effect to immediately, the Kerala Local Self Government Common Service Ordinance, 2022 was promulgated by the Governor of Kerala on the 31st day of March, 2022 and the same was published as Ordinance No.5 of 2022 in the Kerala Gazette Extraordinary No. 1104 dated 31st day of March, 2022.

A Bill to replace the said Ordinance could not be introduced in and passed by the Kerala Legislative Assembly during its session which commenced on the 27th day of June, 2022 and ended on the 21st day of July, 2022.

As the said Ordinance had ceased to operate on the 8th day of August, 2022, and since its provisions are to be kept alive the Government have decided to bring an Act of the State Legislature by incorporating the provisions of the said Ordinance and also a provision for giving validation to anything done or any action taken under the principal Act as amended by the said Ordinance after the cessation of operation of the said Ordinance and before the date of publication of this Bill as an Act in the Gazette.

The Bill is intended to achieve the above object.

#### FINANCIAL MEMORANDUM

As part of constituting Local Self Government common service, as per G.O. (Ms.) No. 134/2022/LSGD dated 25th June, 2022, the Government have created new posts of one Additional Director and seven Joint Directors (total 8 posts) and by way of upgradation of ten posts from State Service and three posts in Subordinate Service (total 13 posts) and the total annual financial liability in connection with this is to the tune of Rs. 2,37,16,764 (Rupees Two Crore Thirty Seven Lakh Sixteen Thousand Seven Hundred and Sixty Four only). But as part of creation of the Common Service there is an advantage of Rs. 4,85,85,756 (Rupees Four Crore Eighty Five Lakh Eighty Five Thousand Seven Hundred and Fifty Six only), therefore, no recurring expenditure is anticipated from the Consolidated Fund of the State. Further, the non-recurring expenditure in connection with setting up of Fourteen Districts Offices can be estimated to be Rs. 2,33,96,190 (Rupees Two Crore Thirty Three Lakh Ninety Six Thousand One Hundred and Ninety only).

The Bill, if enacted and brought into operation, a non-recurring expenditure to the tune of Rs. 2,33,96,190 (Rupees Two Crore Thirty Three Lakh Ninety Six Thousand One Hundred and Ninety only) is expected from the Consolidated Fund of the State. There is no recurring expenditure in this item.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

The amendment proposed to be made in sub-section (4) of section 180 of the Kerala Panchayat Raj Act, 1994 (Act 13 of 1994), by clause 2 of the Bill, seeks to empower the Government to make rules under the Kerala Public Services Act, 1968 (19 of 1968) for the constitution of Local Self Government common

service consisting of any class of officers and employees of Panchayats, and Government servants in the services under Municipality, Local Self Government Department (Planning) and in the services of Rural Development and Local Self Government Engineering Division either for the whole State or for each district.

2. The amendment proposed to be made in sub-section (1B) of section 222 in the Kerala Municipality Act, 1994 ( Act 20 of 1994), by clause 3 of the Bill, seeks to empower the Government to make rules under the Kerala Public Services Act, 1968 (Act 19 of 1968) for the constitution of Local Self Government common service, consisting of any class of officers and employees of Municipalities and Government Servants in the services under Panchayat, Local Self Government Department (Planning) and in the services of Rural Development and Local Self Government Engineering Division either for the whole State or for each district.

3. Sub-section (3) proposed to be added in section 10 of the Kerala Town and Country Planning Act, 2016 ( Act 9 of 2016), by clause 4 of the Bill, seeks to empower the Government to make rules under the Kerala Public Services Act, 1968 (Act 19 of 1968) to regulate the classification, recruitment/method of appointment, conditions of service, pay and allowances, discipline and conduct of officers and employees, and provide for the constitution of Local Self Government common service consisting of any class of officers and employees of Local Self Government Department (Planning) and Government servants in the services under Panchayat, Municipality and in the services of Rural Development and Local Self Government Engineering Division either for the whole State or for each district.

The matters in respect of which rules may be made or notification 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 scrutiny by the Legislative Assembly. The delegation of legislative powers is, thus, of a normal character.

**M. V. GOVINDAN MASTER**

EXTRACT FROM THE KERALA PANCHAYAT RAJ ACT, 1994  
(13 OF 1994)

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180. *Officers and Employees of Panchayat.*— (1) The officers and employees of the Panchayat, other than contingent employees shall be Government Servants.

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(4) Subject to the provisions of this Act the Government shall, by rules made under the Kerala Public Services Act, 1968 (19 of 1968), regulate the classification, methods of recruitment, conditions of service, pay and allowances and discipline and conduct of the officers and the employees; and such rules may provide for the constitution of any class of officers or servants of Panchayats into a separate service either for the whole State or for each district.

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## EXTRACT FROM THE KERALA TOWN AND COUNTRY PLANNING

ACT, 2016 (9 OF 2016)

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10. *Officers and Staff of the Local Self Government Department (Planning).*—(1) There shall be a Department of Local Self Government Department (Planning) with the Chief Town Planner as the Head of the Department to advise and render technical assistance to the Government on matters related to town and country planning.

(2) The Government shall appoint such officers and staff in the Local Self Government Department (Planning) with such terms and conditions of service as may be prescribed and office of the Chief Town Planner shall function as the technical secretariat of the State Town and Country Planning Committee.

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