

**Thirteenth Kerala Legislative Assembly**

**Bill No. 283**

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

**THE KERALA PUBLIC SERVICE COMMISSION (ADDITIONAL FUNCTIONS AS RESPECTS THE UNIVERSITIES) 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 Universities.*

*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 Universities;

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 Universities) Act, 2014.

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

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

(a) “University” means,—

(i) the Kerala Agricultural University established under section 3 of the Kerala Agricultural University Act, 1971 (33 of 1971) ; or

(ii) the Kerala University established under section 3 of the Kerala University Act, 1974 (17 of 1974) ; or

(iii) the Calicut University established under section 3 of the Calicut University Act, 1975 (5 of 1975) ; or

(iv) the Mahatma Gandhi University established under section 3 of the Mahatma Gandhi University Act, 1985 (12 of 1985) ; or

(v) the Cochin University of Science and Technology established under section 4 of the Cochin University of Science and Technology Act, 1986 (31 of 1986) ; or

(vi) the Sree Sankaracharya University of Sanskrit established under section 3 of the Sree Sankaracharya University of Sanskrit Act, 1994 (5 of 1994) ; or

(vii) the National University of Advanced Legal Studies established under section 3 of the National University of Advanced Legal Studies Act, 2005 (27 of 2005) ; or

(viii) the Kerala University of Fisheries and Ocean Studies established under section 3 of the Kerala University of Fisheries and Ocean Studies Act, 2010 (5 of 2011) ; or

(ix) the Kerala Veterinary and Animal Sciences University established under section 3 of the Kerala Veterinary and Animal Sciences University Act, 2011 (3 of 2011) ; or

(x) the Kerala University of Health and Allied Sciences established under section 3 of the Kerala University of Health and Allied Sciences Act, 2010 (4 of 2011) ; or

(xi) the Thunchath Ezhuthachan Malayala University established under section 3 of the Thunchath Ezhuthachan Malayala University Act, 2013 (24 of 2013).

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

(c) “non-teaching post” means the non-teaching post as per the concerned University statutes.

3. *Functions of the Public Service Commission.*—(1) A University may consult the Public Service Commission,—

(a) on all matters relating to the method of recruitment of the non-teaching staff of the University;

(b) on the principles to be followed in making appointments by direct recruitment to the non-teaching posts in the University 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 University on that matter.

(3) In the case of any difference of opinion between the Public Service Commission and the University on a matter under sub-section (1), the University 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 that matter to the Public Service Commission.

4. *Power to make rules.*—(1) The Government may, in consultation with the Public Service Commission and the University, 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 University 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 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.

#### STATEMENT OF OBJECTS AND REASONS

The appointments of teaching and non-teaching staff of Universities in Kerala are being made by the Universities as per the provisions of the respective University statutes. Appointment of teachers are made by the Selection Committees as per the norms suggested by the U.G.C. But, appointments to the non-teaching posts are being made as per the norms fixed by the Universities themselves.

2. Giving more attention to the matters of appointment of non-teaching staff by the University Administrative system, which has to give emphasis for the academic excellence and effective administration of the University, makes hindrance in the efficient management of the Universities. Moreover, the Government have received various complaints that widespread irregularities are

going on in the appointments to the non-teaching posts in the Universities. The Government have examined the matter and accordingly issued orders as G.O. (Ms.) No. 399/2010/H.Edn. dated 18th December, 2010 and G.O. (Ms.) No. 11/2011/H.Edn. dated 4th February, 2011 entrusting the appointments to the non-teaching posts in the Universities in Kerala with the Kerala Public Service Commission.

3. As per article 321 of the Constitution of India, a legislation is necessary to authorize the State Public Service Commission for the exercise of additional functions as respects the Universities. After making such a legislation, the Government may, in consultation with the Commission, make rules in respect of appointment and other conditions of service of non-teaching staff in the Universities and the Universities may make appointments from the rank list prepared by the Public Service Commission in accordance with the provisions of the Act and the Rules made thereunder. Therefore, the Government have decided to bring in a separate legislation for the said purpose.

4. This Bill seeks to achieve the above object.

#### FINANCIAL MEMORANDUM

The expenses that may incur to the Kerala Public Service Commission for the exercise of additional functions for selection of candidates for appointments to the non-teaching posts in the Universities in Kerala will be met by the University concerned. Therefore, the Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill seeks to empower the Government to make rules in consultation with the Public Service Commission and the University 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.



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