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കേരള സർക്കാർ
Government of Kerala
2019



Regn. No. KERBIL/2012/45073
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കേരള ഗസറ്റ്
KERALA GAZETTE

അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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	Thiruvananthapuram, Monday	1194 ധനു 23	
		23rd Dhanu 1194	
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	Monday	17th Pousha 1940	

GOVERNMENT OF KERALA
Law (Legislation-B) Department

NOTIFICATION

No. 23950/Leg. B2/2017/Law.

Dated, Thiruvananthapuram, 7th January, 2019
23rd Dhanu, 1194
17th Pousha, 1940.

The following Ordinance promulgated by the Governor of Kerala on the 7th day of January, 2019 is hereby published for general information.

By order of the Governor,

B. G. HARINDRANATH,
Law Secretary.

ORDINANCE No. 3 OF 2019**THE KERALA PUBLIC SERVICE COMMISSION (ADDITIONAL
FUNCTIONS AS RESPECTS THE SERVICES UNDER THE
WAQF BOARD) ORDINANCE, 2018**

Promulgated by the Governor of Kerala in the Sixty-ninth Year of the Republic of India.

AN

ORDINANCE

to provide for the exercise of certain additional functions by the Kerala Public Service Commission as respects the Administrative Services under the Waqf Board.

Preamble.—WHEREAS, the Kerala Public Service Commission (Additional Functions as respects the services under the Waqf Board) Ordinance, 2017 (29 of 2017) was promulgated by the Governor of Kerala on the 11th day of December, 2017;

AND WHEREAS, 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 22nd day of January, 2018 and ended on the 7th day of February, 2018;

AND WHEREAS, in order to keep alive the provisions of the said Ordinance, the Kerala Public Service Commission (Additional Functions as respects the services under the Waqf Board) Ordinance, 2018 (11 of 2018) was promulgated by the Governor of Kerala on the 12th day of February, 2018;

AND WHEREAS, 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 26th day of February, 2018 and ended on the 4th day of April, 2018;

AND WHEREAS, in order to keep alive the provisions of the said Ordinance, the Kerala Public Service Commission (Additional Functions as respects the services under the Waqf Board) Ordinance, 2018 (29 of 2018) was promulgated by the Governor of Kerala on the 7th day of April, 2018;

AND WHEREAS, 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 June, 2018 and ended on the 25th day of June, 2018;

AND WHEREAS, in order to keep alive the provisions of the said Ordinance, the Kerala Public Service Commission (Additional Functions as respects the services under the Waqf Board) Ordinance, 2018 (39 of 2018) was promulgated by the Governor of Kerala on the 6th day of July, 2018;

AND WHEREAS, 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 30th day of August, 2018 and ended on the same day;

AND WHEREAS, in order to keep alive the provisions of the said Ordinance, the Kerala Public Service Commission (Additional Functions as respects the services under the Waqf Board) Ordinance, 2018 (44 of 2018) was promulgated by the Governor of Kerala on the 7th day of September, 2018;

AND WHEREAS, 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 27th day of November, 2018 and ended on the 13th day of December, 2018;

AND WHEREAS, under sub-clause (a) of clause (2) of Article 213 of the Constitution of India the said Ordinance will cease to operate on the 8th day of January, 2019;

AND WHEREAS, difficulties will arise if the provisions of the said Ordinance are not kept alive;

AND WHEREAS, the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala Public Service Commission (Additional Functions as respects the services under the Waqf Board) Ordinance, 2018.

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

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

- (a) “Government” means the Government of Kerala;
- (b) “Public Service Commission” means the Kerala Public Service Commission;
- (c) “services” means the services under the Waqf Board;

(d) "Waqf Board" means the Kerala State Waqf Board established under sub-section (1) of section 13 of the Waqf Act, 1995 (Central Act 43 of 1995).

3. *Functions of the Public Service Commission in respect of Administrative Services under the Waqf Board.*—(1) Notwithstanding anything contained in any Act, rules or regulations regarding the recruitment and conditions of service of officers and employees of the Waqf Board, it shall be the duty of the Public Service Commission to prepare select list of candidates belonging to Muslim Religion for appointment by direct recruitment, of all officers and employees in the Administrative Services of the Waqf Board.

(2) The Waqf Board shall consult the Public Service Commission,—

(a) on matters relating to direct recruitment to the posts under the Administrative Services of the Waqf Board;

(b) on the principles to be followed in making appointments by direct recruitment to the posts under the Administrative Services under the Waqf Board 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 class of cases or in any particular circumstances, it shall not be necessary for the Public Service Commission to be consulted.

(3) In the case of any difference of opinion between the Public Service Commission and the Waqf Board on any matter, the Waqf Board shall refer the matter to the Government and the decision of the Government thereon shall be final:

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

4. *Power to make rules.*—(1) The Government may, in consultation with the Public Service Commission and the Waqf Board make rules for carrying out the purposes of this Ordinance.

(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 Waqf Board 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.

(3) Every rule made under this Ordinance 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 services under the Waqf Board) Ordinance, 2018 (44 of 2018) 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 said Ordinance shall be deemed to have been done or taken under this Ordinance.

P. SATHASIVAM,
GOVERNOR.