

Fourteenth Kerala Legislative Assembly

Bill No. 83

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**THE KERALA PUBLIC SERVICE COMMISSION  
(ADDITIONAL FUNCTIONS AS RESPECTS  
THE SERVICES UNDER THE KERALA  
STATE ELECTRICITY REGULATORY  
COMMISSION BILL, 2017**

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THE KERALA PUBLIC SERVICE COMMISSION  
(ADDITIONAL FUNCTIONS AS RESPECTS THE  
SERVICES UNDER THE KERALA STATE  
ELECTRICITY REGULATORY  
COMMISSION) BILL, 2017

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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 Kerala State Electricity Regulatory Commission.*

*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 Kerala State Electricity Regulatory Commission;

BE it enacted in the Sixty-eighth 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 Services under the Kerala State Electricity Regulatory Commission) Act, 2017.

(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) “Commission” means the Kerala State Electricity Regulatory Commission established under section 17 of the Electricity Regulatory Commissions Act, 1998 (Central Act 14 of 1998) and functioning as per section 82 of the Electricity Act, 2003 (Central Act 36 of 2003);

(b) "Public Service Commission" means the Kerala Public Service Commission;

(c) "services" means the services under the Kerala State Electricity Regulatory Commission.

3. *Functions of the Public Service Commission.*—(1) It shall be the duty of the Public Service Commission to prepare the select list of candidates for appointment of employees by direct recruitment to the posts under the service of the Commission.

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

(a) on all matters relating to methods of recruitment to the posts under the services of the Commission;

(b) on the principles to be followed in making appointments by direct recruitment to the posts under the services of the Commission and on the suitability of candidates for such appointments.

(3) It shall be the duty of Public Service Commission to advise on any matter referred to them under sub-section (2):

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 for the Public Service Commission to be consulted.

(4) In case of any difference of opinion between the Public Service Commission and the Commission, the Commission 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, by notification in the Gazette, make rules, in consultation with the Public Service Commission and the Commission, 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 Commission for consultation with the Public Service Commission;

(b) any matter in which it shall not be 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) 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

Government have decided that all appointments by direct recruitment to the posts in the services under the Kerala State Electricity Regulatory Commission shall be made from the select list of candidates prepared and furnished by the Public Service Commission. The service of the Kerala State Electricity Regulatory Commission does not form part of the public services of the State. Hence, the Public Service Commission has to be empowered to exercise additional functions as respects the Kerala State Electricity Regulatory Commission by appropriate legislative measure under article 321 of the Constitution of India. Hence, the Government considers it necessary to bring in a special legislation for the said purpose.

2. The Bill seeks to achieve the above object.

#### 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 issue Gazette Notification appointing the date on which the Act shall come into force.

2. The proviso to sub-clause (3) of clause 3 of the Bill seeks to empower the Government to make rules specifying the matter in which, either generally or in particular case or class of cases or in any particular circumstances in which it shall not be necessary for the Public Service Commission to be consulted.

3. Clause 4 of the Bill seeks to empower the Government to make rules in consultation with the Kerala Public Service Commission and the Kerala State Electricity Regulatory Commission, by notification in the Gazette, for carrying out the purposes of the Act.

4. 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 of the Legislative Assembly. The delegation of legislative power is, therefore, of a normal character.

M. M. MANI