

THE KERALA PUBLIC SERVICE COMMISSION (ADDITIONAL
FUNCTIONS AS RESPECTS CERTAIN SOCIETIES) ACT, 1996

(Act 5 of 1996)

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ACT 5 OF 1996***THE KERALA PUBLIC SERVICE COMMISSION (ADDITIONAL FUNCTIONS AS RESPECTS CERTAIN SOCIETIES) ACT, 1996**

An Act to provide for the exercise of certain additional functions by the Kerala Public Service Commission as respects the services under certain societies.

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 certain societies;

BE it enacted in the Forty-seventh 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 Societies) Act, 1996.

(2) It shall be deemed to have come into force on the 27th day of October, 1995.

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

(a) “committee” means the governing body of a society, by whatever name called, to which by the constitution, bye-laws or rules of the society the management of its affairs is entrusted;

(b) “society” means a co-operative society mentioned in the Schedule to the Kerala Co-operative Societies Act, 1969 (21 of 1969) or any other society registered or deemed to be registered under the Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, 1955 (XII of 1955) or under the Societies Registration Act, 1860 (Central Act XXI of 1860) as may be declared by the Government as a Society for the purposes of this Act,

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

3. *Functions of Public Service Commission in respect of services under societies.*—

(1) It shall be the duty of the Public Service Commission to prepare select list for appointment, by direct recruitment, of officers and servants of the services under a society.

(2) The committee of every society shall consult the Public Service Commission—

(a) as respects the matters relating to direct recruitment to the services and posts under that society;

(b) on the principles to be followed in making appointments by direct recruitment, to the services and posts under that society 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;

*Received the assent of the Governor on the 26th day of March 1996 and published in the Kerala Gazette Extraordinary No.475 dated 27th March 1996.

Provided that the Government may make rules specifying the matters in which, either generally, or in any particular class of cases or in any particular circumstances, it shall not be necessary for the Public Service Commission to be consulted.

(3) Nothing in sub-section (2) shall require a committee of a co-operative society to consult the Public Service Commission in respect of any matters specified in sub-sections (1), (2) or (3) of section 80 of the Kerala Co-operative Societies Act, 1969 (21 of 1969).

(4) In the case of any difference of opinion between the Public Service Commission and a committee on any matter, the committee 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 Commission.

4. *Power to make rules.*—(1) The Government may, in consultation with the Public Service Commission and the committees of the societies, 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 a committee 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 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.

5. *Repeal and saving.*—(1) The Kerala Public Service Commission (Additional Functions as Respects Certain Societies) Ordinance, 1995 (15 of 1995), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under this Act.