

THE STATE—APPOINTMENT OF COMMISSIONS (REGULATION OF AUTHORITY, STATUS, POWERS, FUNCTIONS, ACCOUNTABILITY, CONDITIONS OF SERVICE AND RELATED MATTERS) BILL

A BILL to regulate the appointment, conditions of service and other related matters of the State—appointed Commissions Ombudsmen and Lok Ayuktas and any other supervisory and invigilatory agencies now largely left to the Executive Domain.

The finances of the Kerala State are reported to be precarious and a drastic economic drive is urgently necessary to redress the public economy from this dire distress, so that the resources of the State may be devoted to purposes of elimination of dearth, basic living conditions, development projects beneficial to the huge have not sector and to promote progressive agriculture, struggling small scale industries with employment potential, and other job-oriented businesses. Consequently, the State is constrained to focus on every measure of financial regulation to make the price-line and living conditions justly viable. One of the major items of lavish but avoidable expenditure draining the funds of the Public Exchequer is the profuse prolixity of Commissions and similar instruments and agencies with affluent remunerations, high perquisites and expensive facilities of members and other costly infrastructural setup and practices, while the return is often inconsequential and the tenure of the Commissions and institutions of their ilk are imprudently procrastinatory. For these reasons, a legislation on Public Commission appointed by the State regulating the conditions, facilities, staff strength and other just restrictions has become necessary for operational regulation and other reasonably just restrictions through a statutory measure is being enacted.

1. *Short title, extent and commencement.*—(1) This Act may be called the State Commission (Conditions of Appointment and Regulation of Services and Related Matters) Act ____

(2) It shall extend to the whole of the State of Kerala.

(3) It shall come into force on such date as notified by the Government in the Official Gazette.

2. *Definitions.*—(1) ‘Commission’ means, a person or body of persons appointed under Section 4 of the Act by whatever name called, Commission, Ombudsman, Lok Ayukta, Upa Lok Ayukta and any other similar supervisory and invigilatory agencies.

(2) ‘Notification’ means the notification published in the Official Gazette.

(3) ‘Prescribed’ means prescribed by rules by the State Government.

(4) ‘Rules’ means rules made under this Act.

3. *Power to regulate the Emoluments, Amenities and Other Facilities.*—Notwithstanding anything contained in any other law in force, the State Government shall regulate the salary, perquisites, honoraria and other amenities, privileges and facilities of the Commission appointed by it.

4. *Power to appoint Commission.*—(1) The State Government or any other authority or agencies functioning under the Government may by notification in the Official Gazette or otherwise permitted, appoint a Commission for the purpose of making an inquiry in any specified matter of public importance and for performing such functions and for such period as may be specified in the notification.

(2) The Commission may consist of one or more members and where the Commission consists of more than one member, one of them shall be appointed as the Chairperson thereof.

5. *Persons to be appointed as Commission.*—The State Government may, as far as possible, appoint persons who are willing to give their service honorary as Chairman and members of the Commission. Only after a proper enquiry by or through an independent and responsible instrumentality, a salaried appointment shall be made. The salary, honorarium, perquisites shall be moderate judged by living standards of the common people and never be equated with those of judges or other high functionaries in public or private enterprises.

6. *Conveyance and Accommodation of the Commission.*—(1) The State Government shall if so advised provide, informed by a sense of austerity in public life, one low-priced car, minimum facilities compatible with a model of simplicity and free accommodation absent any luxuries.

(2) The State Government may insist that the members shall travel in condition of frugal economy and common agrarian life of the people.

7. *Extension of the terms of the Commission to be avoided.*—Except for exceptional circumstances, the original term of the Commission fixed by the Government shall not be extended.

8. *Office Expenses.*—The Commission shall take all necessary steps to reduce the office expenses and No. of staff of the Commission.

9. *Power to make rules.*—State Government may by notification make rules to carry out the provisions of this Act. Statement of Objects and Reasons The finances of the Kerala State are reported to be precarious and a drastic economic drive is urgently necessary to redress the public economy from this dire distress, so that the resources of the State may be devoted to purposes of elimination of dearth, basic living conditions, development projects beneficial to the huge have not sector and to promote progressive agriculture, struggling small scale industries with employment potential, and other job-oriented businesses. Consequently, the State is constrained to focus on every measure of financial regulation to make the price-line and living conditions

justly viable. One of the major items of lavish but avoidable expenditure draining the funds of the Public Exchequer is the profuse prolixity of Commissions and similar instruments and agencies with affluent remunerations, high perquisites and expensive facilities of members and other costly infrastructural set-up and practices, while the return is often inconsequential and the tenure of the Commissions and institutions of their ilk are imprudently procrastinatory. For these reasons, a legislation on Public Commission appointed by the State regulating the conditions, facilities, staff strength and other just restrictions has become necessary for operational regulation and other reasonably just restrictions through a statutory measure. This Bill intended to achieve the above objects.
