

THE KERALA DEVASWOM RECRUITMENT BOARD ACT, 2015

ACT 16 of 2015

An act to provide for the constitution of an autonomous Devaswom Recruitment Board for preparing select list of candidates for the appointment in various posts other than hereditary posts and the posts in aided educational institutions in Devaswom Boards of the State of Kerala and for matters connected therewith or incidental thereto.

Preamble.— WHEREAS, it is expedient to provide for the constitution of an autonomous Devaswom Recruitment Board for preparing select list of candidates for the appointments in various posts other than hereditary posts and the posts in aided educational institutions in Devaswom Boards of the State of Kerala and for matters connected therewith or incidental thereto;

Be, it enacted in the Sixty-sixth year of the Republic of India as follows:

CHAPTER I PRELIMINARY

1. **Short title and commencement.**— (1) This Act may be called the Kerala Devaswom Recruitment Board Act, 2015.

(2) It shall be deemed to have come into force on the 1st day of March, 2014

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

- a) "Board" means the Kerala Devaswom Recruitment Board constituted under Section 3;
- b) "Devaswom Board" means the Travancore Devaswom Board or Cochin Devaswom Board or Malabar Devaswom Board or Guruvayoor Devaswom Managing Committee or Koodalmanickam Devaswom Managing Committee;
- c) "Government" means the Government of Kerala;
- d) "Hindu Scheduled Tribe" means a person belonging to the Scheduled Tribe-Hindu Community;
- e) "hereditary posts" means such posts as may be prescribed by the rules made under this Act;
- f) "Member" means a member of the Board and includes the Chairperson;

- g) "prescribed" means prescribed by rules or regulations made under this Act.

CHAPTER II

CONSTITUTION OF THE BOARD

3. Constitution of the Board.— (1) The Government shall, as soon as may be, after the commencement of this Act, by notification in the Gazette constitute a Board to be known as the 'Kerala Devaswom Recruitment Board' to exercise the powers conferred on it and to perform the functions under this Act.

(2) The Board shall be an independent and autonomous body corporate in the name aforesaid, having perpetual succession and common seal and shall in the said name, sue and be sued.

¹[(3) The Board shall consist of Chairperson and two members nominated by the Government, who belong to Hindu religion and having faith in God and temple worship. A person who is or has been a District Judge or qualified to be appointed as District Judge shall be appointed as Chairperson of the Board. Among the members one shall be a woman and one shall be a person belonging to Scheduled Caste or Scheduled Tribe. Members shall have experience in handling labour, service or administrative matters.]

(4) The Government may appoint a person holding the post of Additional Secretary to Government as the Secretary to the Board. He shall be the Chief Executive Officer of the Board and shall exercise such powers and discharge such functions as may be authorised by the Board.

(5) The headquarters of the Board shall be at Thiruvananthapuram.

4. Disqualification for membership.— Any person shall be disqualified to be a member of the Board by nomination, if he,—

- (i) is of unsound mind; or
- (ii) is an undischarged insolvent; or
- (iii) is an office-bearer or an employee of a Local Self Government Institution or a Devaswom Board; or
- (iv) is interested in an existing contract in which the Board is involved or is engaged in any work on behalf of the Board; or
- (v) has been convicted by a Criminal Court for any offence involving moral turpitude; or
- (vi) has been removed from holding any office in pursuance of a Court order; or
- (vii) is or has been engaged in the production or sale of liquor.

1. Sub by the Act 22 of 2016 w.e.f 29/11/2016 for "The Board shall consist of six members nominated by the Government, who belongs to Hindu religion and having faith in God and temple rituals. One person who is or has been holding a post not below the rank of Secretary to Government shall be the Chairperson and among other members one shall be a woman and one shall be a member belonging to Scheduled caste or Scheduled Tribe."

5. Terms of Office and conditions of service of the Chairperson and members.— ¹[(1) The Chairperson and other members may continue in office till the completion of a period of three years from the date on which they assume office.]

(2) The Chairperson or Member of the Board may, at any time, resign his office by giving a notice in writing to the Government under his hand.

(3) The term of office of a member nominated to fill a temporary vacancy shall be only for the period during which that member in whose vacancy he was nominated, would have held office.

(4) The Government may, by order, remove the Chairperson or any member from office, if that person,—

- (a) becomes an undischarged insolvent; or
- (b) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Government, involves moral turpitude; or
- (c) becomes of unsound mind and stands so declared by a competent Court; or
- (d) refuses to work or becomes incapable of doing work; or
- (e) does not attend three consecutive meetings of the Board without the permission of the Board; or
- (f) has, in the opinion of the Government, so abused his official position so as to render his continuance in that post detrimental to the interest of the Board or public:

Provided that no person shall be removed under this sub-section unless that person has been given a reasonable opportunity of being heard.

(5) A vacancy occurred under sub-section (2) or otherwise shall be filled by fresh nomination.

(6) A person once appointed as Chairperson or Member is not eligible for re-appointment.

(7) The Chairperson and Members shall be full-time officers and shall be eligible to such salary and allowances as may be prescribed.

6. Appointment of officers and employees of the Board.— (1) The Government may, appoint the following officers and employees necessary for the proper management of the Board, namely:—

- (a) a Law Officer not below the rank of Joint Secretary to Government in the Law Department;
- (b) a Finance Officer not below the rank of Joint Secretary to Government in the Finance Department; and
- (c) such other officers and employees as may be prescribed and considered

1. Sub by the Act 22 of 2016 w.e.f 29/11/2016 for "The Chairperson and other members may continue in office till the completion of a period of five years from the date on which they assume office or till they attain the age of 65 years, whichever is earlier."

necessary for assisting the Board in the exercise of its powers and performance of its functions under this Act.

(2) The officers and employees of the Board shall belong to Hindu religion and shall have faith in God and temple rituals.

(3) When the Board constitute and starts its functioning, the Government may appoint the officers and employees initially through deputation.

(4) The Board may appoint the officers and employees either directly or on deputation in the manner, as may be prescribed, by the regulations.

(5) The salary and allowances payable to, and other terms and conditions of service of the officers and employees of the Board shall be such, as may be prescribed.

(6) The rules applicable to the Government employees in respect of the method of appointment, salary and allowances, discipline and other conditions of service shall be applicable to the officers and employees of the Board.

7. Vacancies etc. not to invalidate proceedings of the Board.— No act or proceedings of the Board shall become invalid merely on the ground of the existence of any vacancy or defect in the constitution of the Board.

8. Meetings of the Board.— (1) The Board shall meet whenever necessary, at such place and time, as the Chairperson may deem fit.

(2) The meeting of the Board shall be convened by the Secretary of the Board on the recommendation of the Chairperson.

(3) Meeting of the Board shall be presided over by the Chairperson and in his absence by a member chosen by the Members present from among themselves.

(4) The quorum for a meeting shall be ²[two] including the Chairperson.

(5) Any matter coming up before a meeting of the Board shall be decided by a majority of the members present and voting at the meeting and in the case of equality of votes, the Chairperson or the member who is presiding over the meeting, shall have a casting vote right.

(6) The Secretary shall keep the minutes of the proceedings of each meeting in a book maintained for the purpose, which shall be signed by the Chairperson or the person presiding and all the members present at such meeting.

CHAPTER III

FUNCTIONS AND POWERS OF THE BOARD

9. Functions of the Board.— (1) The Board shall have the following functions, namely:—

- (i) notwithstanding anything contained in any other existing Act or Rules or Regulations or orders or judgment or decree in respect of the appointment of candidates to the posts in the Devaswom Board,

2. Sub by the Act 22 of 2016 w.e.f 29/11/2016 for "four".

the Board shall prepare select list for the appointment of candidates to various posts other than the hereditary posts and posts in the aided educational institutions in the Devaswom Boards as per the provisions of this Act, Rule and Regulations;

- (ii) to invite applications, to conduct written examination or interview or written examination and interview and to prepare select list for selection to the various posts other than the hereditary posts under the Devaswom Board, as may be prescribed, as and when the requisition for such examination is received from the concerned Devaswom Board;
- (iii) to make all required arrangements in connection with the examination including the preparation of question papers, supervision of examinations and valuation, conduct of interview and preparation of the select list;
- (iv) to conduct any other examination relating to Devaswom Board as entrusted by the Government;
- (v) to call for and obtain details regarding the examination from the concerned Devaswom Board.

(2) The Board shall be responsible for the proper conduct of the examination, to maintain the secrecy in the preparation of question paper, valuation, preparation of the list of candidates to be interviewed and preparation of the final select list to be furnished to the Devaswom Board and other connected matters and for the safe custody of the records pertaining to the examinations.

(3) (i) The Board shall conduct written examination to the candidates who had submitted applications and prepare list, after conducting interview or written examination and interview;

(ii) Examination may be conducted for any Devaswom Board or for all the Devaswom Boards in suitable manner for the said purpose;

(iii) An applicant, who applies for more than one post or to more than one Devaswom Boards, shall not be denied the right to appear in more than one examination:

Provided that, if the candidate applies for examinations to various posts being conducted by the Board and in the circumstances of conducting examinations to more than one post by the Board on the same day the right referred in 3(iii) shall not be available to such candidate.

(4) The procedure to be followed by the Board, in respect of the invitation of applications, conduct of written examination, preparation of list of candidates to be interviewed, conduct of interview and preparation of the select list to various posts in the Devaswom Board, shall be such may be prescribed.

(5) The Board may issue general direction to the Devaswom Boards incidental to the functions of the Board and as are necessary for the conduct of the examinations.

(6) It shall be the duty of the Board to furnish the select list to the Devaswom Board and advise to the candidate prepared in the manner as may be prescribed.



CHAPTER IV

EXPENDITURE, BUDGET, ACCOUNTS AND AUDIT OF THE BOARD

10. Expenditure of the Board.— The expenditure of the Board including the salary, allowances and pension payable to the Chairperson, Members and Officers of the Board shall be met from the Consolidated Fund of the State.

11. Appropriation of the Board.— The Government shall, after due appropriation made by law for this purpose in the State legislative Assembly, grant such amount to the Board as deemed necessary for utilization for the purposes of this Act.

12. Budget.— The Board shall prepare in each financial year a budget containing anticipated income and expenditure for the next financial year and shall submit the same to the Government within two months from the commencement of each financial year, with such number of copies of the budget so prepared, as may be required by the Government.

13. Accounts and Audit.— (1) The Board shall maintain proper accounts and other relevant records and prepare the annual statement of accounts in such form as may be prescribed, in consultation with the Accountant General.

(2) The accounts of the Board shall be audited annually by the Accountant General and expenditure incurred in respect of such audit shall be payable by the Board to the Accountant General.

(3) The Accountant General and any person appointed by him in connection with the audit of accounts of the Board under this Act shall have the same rights and privileges as Accountant General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any office of the Board.

(4) The accounts of the Board, as certified by the Accountant General or any other person engaged by him in this behalf, together with the audit report thereon shall be forwarded annually to the Government by the Board and the Government shall cause the report to be laid before the legislative Assembly within a period of six months from the date of its receipt.

14. Annual Report.— The Board shall, for each financial year, prepare annual report containing the complete details of its activities in the previous financial year in such form and time as may be prescribed and shall also forward a copy of it directly to the Government.

CHAPTER V

MISCELLANEOUS

15. Chairperson, Members and Employees of the Board to be public servants.— The Chairperson, Members and Employees of the Board shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

16. Powers to remove difficulties.— (1) If any difficulty arises in giving effect

to the provisions of this Act, the Government may, by order published in the Gazette, make provisions not inconsistent with the provisions of this Act which appear to it to be necessary or expedient, for removing such difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the Legislative Assembly.

17. Power to make regulations.— The Board may, with prior approval of the Government, issue necessary regulations for the proper conduct of examination, in respect of the salaries, allowances payable to the employees of the Board and other terms and conditions of service.

18. Power to make rules.— (1) The Government may, by notification in the Gazette, make rules, either prospectively or retrospectively, for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

- (a) The hereditary posts under Clause (e) of Section 2;
- (b) salaries and allowances payable to the Chairperson and Members under sub-section (7) of Section 5, and the officers and other employees under Clause (c) of sub-section (1) and sub-section (5) of Section 6 and other terms and conditions in respect of their service;
- (c) the procedure for the proper conduct of examination under sub-section (4) of Section 9;
- (d) the form in which the annual statement of accounts shall be prepared under sub-section (1) of Section 13;
- (e) the form in which, and the time at which the annual report shall be prepared under Section 14;
- (f) regarding the reservation to be followed at the time of preparation of select list of various posts in Devaswom Board;
- (g) any other matter which is to be or may be prescribed.

(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.

19. Validation.— Notwithstanding the cesser of operation of the Kerala Devaswom Recruitment Board Ordinance, 2015 (5 of 2015) (hereinafter referred to as the said Ordinance):—

(a) anything done or deemed to have been done or any action taken or deemed to have been taken by the said Ordinance shall be deemed to have been done or taken by this Act;

(b) anything done or any action taken by the Board or any authority constituted under the said Ordinance after the cesser of operation of the said Ordinance and before the date of publication of this Act in the Gazette, which could have been done or taken by the said Ordinance if the said Ordinance had not ceased to operate, shall be deemed to have been done or taken by this Act.
