

## **Kerala Panchayat Raj (Amendment) Act, 2001**

### **12 of 2001**

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## **Kerala Panchayat Raj (Amendment) Act, 2001**

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An Act further to amend the Kerala Panchayat Raj Act, 1994. WHEREAS it is expedient further to amend the Kerala Panchayat Raj Act, 1994, for the purposes hereinafter appearing; BE it enacted in the Fifty-second Year of the Republic of India as follows:-

#### **1. Short Title And Commencement :-**

- (1) This Act may be called the Kerala Panchayat Raj (amendment) Act, 2001.
- (2) It shall be deemed to have come into force on the 14th day of September, 2001.

#### **2. Amendment Of Section 271 F :-**

In the Kerala Panchayat Raj Act, 1994 (13 of 1994) (hereinafter referred to as the principal Act), in section 271 F, --

- (i) in clause (f), for the words "constituted under section", the words "referred to in section" shall be substituted;
- (ii) in clause (h), for the words "constituted under section", the words "referred to in section" shall be substituted;

#### **3. Substitution Of New Section For Section 271 G :-**

In the Principal Act, for section 271 G, the following section shall be substituted, namely:--

"271 G. Term of office and conditions of Service of the Ombudsman.--(1) There shall be an authority for Local Self Government Institutions at State Level known as Ombudsman for making investigations and enquiries, in respect of charges on any action involving corruption or maladministration or irregularities in the discharge of administrative functions, in accordance with the provisions of this Act by Local Self Government Institutions and Public Servants working under them and for the disposal of such complaint in accordance with section 271 Q.

(2) The Governor shall, on the advice of the Chief Minister, appoint a person who has held the post of a judge of the High Court as Ombudsman.

(3) A person appointed to be the Ombudsman shall, before he enter upon his office, make and subscribe before the Governor or some person appointed in that behalf by him, an oath or affirmation according to the form set out below:--

"I, A.B. having been appointed as the Ombudsman for Local Self Government Institutions under the Kerala Panchayat Raj Act, 1994, do swear in the name of God/Solemnly affirm that I will bear true faith and allegiance to the Constitution of India and I will duly and faithfully and to the best of my ability, knowledge and judgement perform the duties of my office without fear or favour, affection or ill-will".

(4) A person appointed as Ombudsman shall hold office for a term of three years from the date on which he enters upon his office:

Provided that,--

(a) the Ombudsman may, by writing under his hand addressed to the Governor, resign his office; and

(b) the person appointed as Ombudsman may be removed from his office in the manner provided in section 271 H.

(5) The person appointed as Ombudsman shall be entitled for salary and allowances as are admissible to a Judge of the High court of Kerala.

(6) On expiry of his term of office as Ombudsman, he shall not be eligible for re-appointment as Ombudsman or for further appointment to any office of profit under the Government of Kerala or in any corporation, company, society or university by or under the control of the Government of Kerala".

#### **4. Substitution Of New Section For Section 271 H :-**

For Section 271 H of the principal Act, the following section shall be substituted, namely:--

"271 H. Removal of Ombudsman.--(1) The Ombudsman shall not be removed from his office, except by an order of the Governor, passed after an address by the State Legislative Assembly, supported by a majority of the total membership of the House and by a majority of not less than two-thirds of the members of the Legislative Assembly present and voting, has been presented to the Governor in the same session for such removal, on the ground of proved misbehaviour or incapacity.

(2) The procedure for the presentation of an address under subsection (1) and for the investigation and proof of the misbehaviour or incapacity of the Ombudsman shall be in accordance with the provisions of law made by the Legislative Assembly".

#### **5. Amendment Of Section 271 N :-**

In section 271 N of the principal Act, sub-sections (4) and (5) shall be omitted.

#### **6. Amendment Of Section 271 R :-**

In clause (i) of section 271 R of the principal Act, for the words "members of the Ombudsman and its", the words "the person to be appointed as Ombudsman and the Ombudsmans" shall be substituted.

#### **7. Dissolution Of The Existing Ombudsman :-**

(1) Notwithstanding anything contained in the principal Act or in any other law or in any judgement, decree or order of any Court, on and from the date of commencement of this Act, the Chairman and Members of the existing Ombudsman constituted under the provisions of the principal Act shall by this Act, be deemed to have vacated their office as such.

(2) The Chairman and Members of the Ombudsman who have deprived of their official position by virtue of this Act, shall be entitled to get the salary, allowances and other benefits for the period in which they have functioned as the Chairman or the Member, as the case may be:

Provided that the Chairman or the Member, as the case may be, who have been deprived of their official position shall not be

entitled to the salary, allowances and, other benefits for the remaining period of their tenure.

(3) Further action in pursuance of the orders passed by the Ombudsman before the date of commencement of this Act and all enquiries, investigations and other proceedings pending disposal on the date of commencement of this Act shall be deemed to be commenced before the Ombudsman appointed under the principal Act as amended by this Act.

#### **8. Repeal And Savings :-**

(1) The Kerala Panchayat Raj (Amendment) Ordinance, 2001 (36 of 2001) is hereby repealed.

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