



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

PARLIAMENTARY COMMISSIONER FOR
ADMINISTRATION (AMENDMENT)
ACT. No. 26 OF 1994

[Certified on 30th December, 1994]

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Parliamentary Commissioner for Administration
(Amendment) Act, No. 26 of 1994

[Certified on 30th December, 1994]

L.D.—O. 52/94

AN ACT TO AMEND THE PARLIAMENTARY COMMISSIONER FOR
ADMINISTRATION ACT, No. 17 OF 1981

BE it enacted by the Parliament of the Democratic Socialist
Republic of Sri Lanka as follows:—

1. This Act may be cited as the Parliamentary Commissioner for Administration (Amendment) Act, No. 26 of 1994 and shall come into operation on such date as the Minister may appoint, by Order published in the Gazette.

Short title
and date of
operation.

2. Section 10 of the Parliamentary Commissioner for Administration Act, No. 17 of 1981 (hereinafter referred to as "the principal enactment") is hereby amended as follows:—

Amendment
of section 10
of Act No. 17
of 1981.

(1) by the insertion immediately after subsection (1) of that section of the following new subsection:—

"(2) A complaint or allegation of the infringement of a fundamental right or other injustice by a public officer or an officer of a public corporation, local authority or other like institution may be made to the Ombudsman, by a communication in writing, addressed to the Ombudsman."

(2) by the insertion immediately after subsection (2) of that section, of the following subsections:—

"(3) Where the Ombudsman is of the view that a complaint or allegation received by him under subsection (1) or subsection (2) discloses an infringement of a fundamental right or other injustice by a public officer or an officer of a public corporation, local authority or other like institution, he shall investigate and report on such complaint or allegation, in accordance with, and subject to, the provisions of this Act, and shall notify the Public Petitions Committee, of the commencement of such investigations.

(4) Where the Ombudsman is of the view that a complaint or allegation received by him under subsection (1) or subsection (2) does not disclose an infringement of a fundamental right or other injustice by a public officer or an officer of a public corporation, local authority or other like institution, he shall refuse to investigate such complaint or allegation and shall inform the Public

(v) was made or done in the exercise of a discretion—

(A) which has been exercised for an improper purpose or on irrelevant grounds or by reference to irrelevant considerations, or by failing to take account of material considerations; or

(B) without giving reasons, although reasons ought, in the opinion of the Ombudsman, to have been given; or

(vi) was occasioned by unreasonable delay, apathy or indifference.

(2) The Ombudsman shall report his determination, together with his reasons therefor, to the head of the institution concerned, and the Minister to whom the department, public corporation, local authority or other institution concerned has been assigned and also to the Public Petitions Committee.

(3) (a) In any case where the Ombudsman determines, that there has been or his likely to be an infringement of a fundamental right or any other injustice, the Ombudsman may in his report make such recommendations as he thinks fit, and in such event, may require the head of the institution to notify within a specified time, the steps, if any which he proposes to take to give effect to his recommendations.

(b) Without prejudice to the generality of the foregoing provisions of this subsection, the Ombudsman may recommend that—

- (i) the matter be reconsidered;
- (ii) the omission be rectified;
- (iii) the decision be cancelled or varied;

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(Amendment) Act, No. 28 of 1994

(iv) the practice on which such decision, recommendation, act or omission was based, be altered ;

(v) reasons be given for such decision, recommendation, act or omission.

(c) If within the time so specified no action is taken which appears to the Ombudsman to be adequate or appropriate, the Ombudsman shall after considering the observations, if any, made by the Head of the Institution, forward a copy of his report to the President and to Parliament. The Ombudsman shall attach to such report, a copy of the observations, if any, made by the head of the institution concerned.

(d) If, within the time so specified, action is taken which appears to the Ombudsman to be adequate or appropriate, the Ombudsman may forward a copy of his report to the President and to Parliament together with a statement of the action taken."

Sinhala
text to
prevail in
case of
inconsistency.

6. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.