



**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

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(Amendment) Act, No. 26 of 1994

Petitions Committee and the person making the complaint or allegation of his decision not to investigate such complaint or allegation, within thirty days of his making such decision.”; and

(3) by the renumbering of subsections (2) and (3) of that section as subsections (5) and (6) respectively of that section.

Amendment
of section 13
of the
principal
enactment.

3. Section 13 of the principal enactment is hereby amended in subsection (2) of that section, by the substitution, for the words “the Public Petitions Committee of his decision”, of the words “the Public Petitions Committee and the person making the complaint or allegation which was the subject-matter of the investigation, of his decision”.

Amendment
of section 14
of the
principal
enactment.

4. Section 14 of the principal enactment is hereby amended by the substitution, for the words and figures “by virtue of the provisions of section 11”, of the words and figures “by virtue of the provisions of subsection (3) of section 10 or section 11”.

Replacement
of section 17
of the
principal
enactment.

5. Section 17 of the principal enactment is hereby repealed and the following section substituted therefor:—

“Determination
of
Ombudsman.

17. (1) Upon the conclusion of his investigation, the Ombudsman shall determine whether there has been, or is likely to be—

(a) any infringement of a fundamental right; or

(b) any other injustice, including the question as to whether any decision, recommendation, act or omission which was the subject-matter of the investigation—

(i) was contrary to law;

(ii) was based wholly or partly on a mistake of fact or of law;

(iii) was unreasonable, unjust, oppressive or improperly discriminatory or otherwise wrong;

(iv) was in accordance with a practice that is, or may be, unreasonable, unjust, oppressive or improperly discriminatory; or

(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. 26 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.

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