

**OMBUDSMAN FOR LOCAL SELF GOVERNMENT
INSTITUTIONS (INQUIRY OF COMPLAINTS AND SERVICE
CONDITIONS) RULES, 1999***

S.R.O.No. 6/2000.— In exercise of the powers conferred by section 271R of the Kerala Panchayat Raj Act, 1994 (13 of 1994) read with section 254 thereof, the Government of Kerala hereby make the following rules, namely:-

RULES

1. Short title and commencement.—(1) These rules may be called the Ombudsman for Local Self Government Institutions (Inquiry of Complaints and Service Conditions) Rules, 1999.

(2) They shall come into force at once.

2. Definitions.— (1) In these rules, unless the context otherwise requires,-

(a) 'Chairman' means a chairman appointed under sub-section (2) of section 271G of the Act;

(b) 'Complaint' means a complaint under section 27 IF (C) of the Panchayat Act;

(c) 'Form' means a form appended to these rules;

(d) 'Member' means a member appointed under sub-section (3) of section 271G of the Panchayat Act;

(e) 'Municipality Act' means the Kerala Municipality Act, 1994 (20 of 1994);

(f) 'Panchayat Act' means the Kerala Panchayat Raj Act, 1994 (13 of 1994);

(g) 'Schedule' means the schedule appended along with these rules;

(h) 'Section' means a section of the Panchayat Act.

(2) Words and expressions used but not defined in these rules, but defined in the Panchayat Act or the Municipality Act shall have the meanings respectively assigned to them in the above said Acts.

3. Headquarters.—The headquarters of the Ombudsman for Local Self Government Institutions shall be at Thiruvananthapuram.

4. Salary and Service Conditions.—A member shall have the status equal to that of a Judge of High Court of Kerala and is entitled to get the same salary and allowances and pension and the same conditions of service shall be made applicable:

Provided that the allowances and conditions of service of a member shall not be varied to his disadvantage after his appointment.

* Published in K.G. Ex. No. 981 dt. 10-7-2001, as G.O.(P) No.40095/NI/2000/LSGD dt. 31-5-2001.

5. Other conditions.—In the cases where specific conditions are not available in these rules regarding the salary and conditions of service of the Chairman and the members, such rules and orders applicable to the Judges of the High Court from time to time shall be made applicable.

6. Staff.—The Government shall appoint a Secretary and other officers as mentioned in the Schedule appended to these rules, in order to assist it in discharging the duties vested with the Ombudsman:

Provided that the Government may, if they deem fit, appoint in consultation with the Ombudsman such other officers and employees as may be necessary.

7. Form of the complaint.—The complaint shall be in writing and as far as may be in Form 'A'.

8. Copies of the complaint.— Each complaint and the documents, thereto, shall be accompanied with such number of copies as there are respondents in the complaint.

9. Statement of affirmation along with the complaint.— Each Complaint shall be along with a Statement of affirmation of all the matters mentioned in the complaint are true and correct in one's behalf and knowledge.

10. Copies of the documents produced.— (1) If the complainant desires to produce any document the complaint shall be filed along with four self attested copies of such documents and such additional copies as there are respondents in the complaint.

(2) The conditions mentioned in sub-rule (1) shall be applicable to the complaints filed on behalf of the Government.

11. Manner of filing of complaint.— Each complaint filed before the Ombudsman shall be filed directly before the Secretary to the Ombudsman or by registered post.

12. Fees.—The complainant shall affix Court fees Stamp of Rupees Ten on each complaint as fees:

Provided that no fees shall be paid if a complaint is submitted on behalf of the Government by a person authorised by the Government.

13. Registration of complaints.—The details regarding each complaint shall be entered in a register in Form 'B' and an acknowledgement receipt in Form 'C' that the complaint has been received and registered shall be given or sent through post by the Secretary.

14. Assigning of number.— Each complaint shall be numbered serially in Form 'B' and the same number shall be recorded in the complaint also.

15. Defective complaints.— No complaint not in conformity with the provisions of Panchayat Act and these rules shall be considered:

Provided that defective complaints shall be returned to the complainant and the defects of the complaints so returned shall be intimated to the complainant in Writing. If the complaint so received back is resubmitted after curing the defects within fifteen days from the date of receipt by the complainant, further action shall be taken considering the same as a complaint filed under rule 13.

16. Service of notice on the respondent.—The respondent of the complaint shall be served with a notice in Form 'D' by the Ombudsman after registering a complaint and giving acknowledgement receipt to the complainant along with a copy of the complaint and copies of the relevant documents intimating that a written statement of his averments on that and documents connected with which are to be submitted within fifteen days of receipt of the notice and if it is not submitted, the complaint will be disposed of *ex pane*.

17. Power to suspend the proceedings temporarily.— If the Ombudsman is satisfied that any action which is a ground for the complaint has to be suspended temporarily, which is essential to protect the interests of justice, it may order such suspension and the same shall be complied with by the concerned parties.

18. Examination of witnesses and production of documents.— (1) In the matter which is the ground for a complaint, the Ombudsman may summon any person as witness and require any person including the complainant or the respondent to make arrangement for the production of connected documents and records before them.

(2) The respondents in a complaint shall produce the documents also which they rely on:

Provided, that on reasonable grounds, in the case where original of a document is not capable of being produced, a certified copy of that shall be produced along with the written statement.

(3) All the documents and records which were produced along with a complaint shall be received back from the Ombudsman by the person who produced it after two months from the date of disposal of the complaint within one month,

19. Manner and Procedure of conducting Investigation.— (1) If the Ombudsman is satisfied that, in any matter mentioned in the matter complaint filed before the Ombudsman, investigation by any police officer or other Government Officers or any technical experts is necessary, that may be subjected to the investigation by police officer or other Government Officers or any technical experts, as the case may be, and the investigation report so received may be considered for the disposal of the complaint.

(2) The Ombudsman may visit the building, office or place involved in or connected with the complaint as part of the investigation.

20. Establishment of the benches of Ombudsman.— When bench mentioned in sub section (4) of section 271 N is established one member from among the appointed members of the bench so established shall be from a person mentioned in clause (a) or (b) of sub-section (3) of section 271 G and that member shall be the Presiding Officer of that bench:

Provided that if the Chairman is a member of the bench so established, Chairman shall itself be the Presiding Officer of that bench.

21. Hearing and disposal of the complaint.— (1) If opportunity for personal deposition before the Ombudsman is requested by complainant or the respondent such opportunity shall be given and the complaint shall be disposed of, after examining the documents produced and the evidence adduced by them.

(2) The Ombudsman shall finally dispose of each complaint within six months after the receipt of the same.

22. Prosecution and further action.—If the Ombudsman is satisfied that there is a prima facie case involving of a criminal offence against the alleged person, the Secretary to Ombudsman shall send the complaint to the District Superintendent of Police along with the findings and recommendations thereon.

(2) The District Superintendent of Police shall, on receipt of complaint and recommendation under sub-rule (1), register the case and intimate the Ombudsman the details regarding the further action and orders from time to time without failure.

(3) For the failure in taking action mentioned in sub-rule (2) the action may be taken by the Ombudsman against the concerned parties which it thinks fit.

23. Rectification of error in the order.—The Ombudsman may, whenever *suo-moto* or on application by any person, rectify or add as the case may be, any error or omission in its order:

Provided that the concerned parties shall be given an opportunity for submitting their grievances before such rectification or addition.

24. Language to be used in the proceedings and orders.—The Ombudsman shall use either Malayalam language or the English language in the trials and proceedings and orders of it.

25. Action, if the order of the Ombudsman is not enforced.— All the persons concerned are liable to enforce the orders of Ombudsman and action may be taken by the Ombudsman against those who make default in it.

26. Giving copy of the order.—(1) The copy of final disposal of the complaints before the Ombudsman shall be given to each party to the complaint within one month from the date of disposal:

Provided that if any party to the complaint applies in writing that a copy of the disposal is immediately required that shall be given within one week in such circumstances.

(2) The orders issued by the Ombudsman shall bear the signature and office seal of the Ombudsman and in the cases where copies of the said orders are issued they shall bear the signature and office seal of the Secretary.

(3) On the final disposal of the complaints before the Ombudsman date of disposal and; nature of disposal and the details thereof, shall be entered into the form 'B' register.

(4) All types of records and documents such as files and registers in respect of each complaint in the office of the Ombudsman shall be preserved.

27. Certain powers of the Ombudsman.— In the cases where procedure in these rules are not specially specified for the disposal of the complaints before the Ombudsman, it may take appropriate procedure which it thinks fit.

28. Review.—The Ombudsman may, *suo moto* or on application submitted within sixty days from the date of order, review any of its decision.

29. Removal of doubts.—The Government may by order, remove the doubts regarding the interpretation of the provisions of these rules or other doubts.

SCHEDULE

(See rule 6)

SI. No.	Post	No. of post	Manner of appointment
(1)	(2)	(3)	(4)
1.	Secretary	1	Deputation from the post of Additional Secretary of Law Department, Secretariat.
2.	Administrative Officer	1	Deputation from the post of Joint Secretary of Department of General Administration, Secretariat.
3.	Finance Officer	1	Deputation from the post of Deputy Secretary of Department of Finance, Secretariat.
4.	Section Officer	4	Deputation from the post of Section Officer of Secretariat. Should be Law Graduates.
5.	Court Officer	3	Deputation from the post of Court Officer of the High Court or Shirastedar of District Court.
6.	Assistant	8	Deputation from the post of Legal Assistant or Assistant of Secretariat or equivalent post in Judiciary or Subordinate Service of the Government. Knowledge in Computer is necessary.
7.	Confidential Assistant	10	Deputation from the post of Confidential Assistant of Secretariat or equivalent post of Subordinate Service. Knowledge in Computer is desirable.
8.	Typist	4	Deputation from the post of Typists of Secretariat or equivalent post of Subordinate Service. Knowledge in Computer is desirable.
9.	Driver	8	Deputation from the post of Driver of Subordinate Service.
10.	Peon-cum-Duffedar	13	Deputation from the post of Peon in Subordinate Service.
11.	Part-time Sweeper	1	As provided under the Kerala Part-time Contingent Service Rules.

APPENDIX FORM A

(See Rule 7)

Before the Ombudsman for the Local self Government institutions constituted under section 271G of the Kerala Panchayat Raj Act, 1994 (13 of 1994).

Complainant

Respondent/Respondent

Complaint number

(Name and Address)

1.

(Name and Address)

2.

3.

Name of Complainant

Name of Father/Husband

(a) Age

(b) Occupation

4. Permanent Address

(a) Name

(b) Home name/number

(c) Village

(d) Post Office

(e) Taluk

(f) District

5. Nature of Complaint,

Explanations and details

6. Name and Address of persons (if

any) whom the complainant considers

that they know the facts regarding the

complaint and desires to summon them

7.

before the Ombudsman

Description of documents produced

with the complaint

1..... 2.....

3 4

5 6

7 8.....

9 10.....

Place:

Date :

Signature of the Complainant.

It is hereby declared that the facts given above are true and correct to the best of my/our knowledge and belief.

Signature

Date

(Note:- Complainant may take copy of this form in white paper. Additional paper may be added for giving the nature and description of complaint.)

FORMB

(See Rules 13-26)

Ombudsman for Local Self Government Institution Complaint Register

SL No	Date of Registration of complaint	Name & Address of complainant	Name & address of Respondents	Summary of complaints	Date and Summar y of interim order	Date of Final Order	Summary of order	Signature of Ombudsman	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

FORM C
(See Rule 13)
Ombudsman for Local Self Government Institutions,
Thiruvananthapuram
RECEIPT

Your complaint dated Received on (Date). That has
been Registered as complaint No of (Year).

Place:

Date:

Secretary,
For Ombudsman for Local Self
Government Institutions, To

Complainant
(Name and Address of Complainant)

FORM D
Notice to the Respondent
(See Rule 16)

Before the Ombudsman for Local Self Government Institutions

[Complaint No.....of.....(year)]

Complainant.....

Respondents/Parties

Whereas a complaint by the above mentioned Name/Names, Before the Ombudsman
for the Local Self Government Institutions.

You are requested to file a written Statement regarding your defence on that and
related documents within fifteen days of receipt of the Notice. If you fail to submit the
Written Statement within the period of time specified above the complaint will be
disposed of ex parte.

If the Respondent is Panchayat/Municipality the related files and records thereof
shall be submitted along with the Written Statement. By specifying reasonable
impediments, if any, in producing the true copies of records shall be produced.

A copy each of the complaints and the documents filed by the complainant is
attached herewith.

Given under the signature and seal of the Chairman on..... Date.....
Month.

Ombudsman for Local self Government
Institutions.

Respondent

.....

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general
purport.)

Section 271 R of the Kerala panchayat Raj Act, 1994 (13 of 1994) empowers the
Government to make Rules regarding the conditions of service of members of
Ombudsman, procedure to submit complaints, manner of conducting enquiry on the
complaint procedure of execution of order and further proceedings and form for
submitting the complaint. This Notification is intended to achieve the above purpose.