



കേരള ഗസറ്റ് KERALA GAZETTE

അസാധാരണം EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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GOVERNMENT OF KERALA

Law (Legislation-E) Department

NOTIFICATION

No. 1482/Leg.E2/2022/Law.

Dated, Thiruvananthapuram,

7th February, 2022

24th Makaram, 1197

18th Magha, 1943.

The following Ordinance promulgated by the Governor of Kerala on the 7th day of February, 2022 is hereby published for general information.

By order of the Governor,

V. HARI NAIR,
Law Secretary.



ORDINANCE No. 3 OF 2022

THE KERALA LOK AYUKTA (AMENDMENT)
ORDINANCE, 2022

Promulgated by the Governor of Kerala in the Seventy-third Year of the Republic of India.

AN

ORDINANCE

further to amend the Kerala Lok Ayukta Act, 1999.

Preamble.—WHEREAS, it is expedient further to amend the Kerala Lok Ayukta Act, 1999 (8 of 1999) for the purposes hereinafter appearing;

AND WHEREAS, the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala Lok Ayukta (Amendment) Ordinance, 2022.

(2) It shall come into force at once.

2. *Act 8 of 1999 to be temporarily amended.*—During the period of operation of this Ordinance, the Kerala Lok Ayukta Act, 1999 (8 of 1999) (hereinafter referred to as the principal Act) shall have effect subject to the amendments specified in sections 3 to 7.

3. *Amendment of section 3.*—In section 3 of the principal Act,—

(i) in sub-section (2) after the words “or that of the Chief Justice of a High Court”, the words “or a Judge of the High Court” shall be inserted;

(ii) in sub-section (3) the words “holds or” shall be omitted;

4. *Amendment of section 5.*—In sub-section (1) of section 5 of the principal Act,—

(a) after the words “a term of five years” the words and symbols “or till he completes the age of seventy years, whichever is earlier”, shall be inserted;

(b) before the existing proviso the following proviso shall be inserted, namely:—



“Provided that, the Lok Ayukta and Upa-Lok Ayukta appointed before the commencement of the Kerala Lok Ayukta (Amendment) Ordinance, 2022 (Ordinance No. 3 of 2022) shall continue to be governed by the provisions of this Act and rules made thereunder as if the Kerala Lok Ayukta (Amendment) Ordinance, 2022 (Ordinance No.3 of 2022) had not come into force.”;

(c) in the existing proviso, for the words “Provided that” the words “Provided further that” shall be substituted;

5. *Amendment of section 7.*— In section 7 of the principal Act, after sub-section (5), the following sub-sections shall be inserted, namely:—

“(5A) In the event of occurrence of any vacancy in the office of the Lok Ayukta by reason of his death, resignation or otherwise, the Governor may, by notification, authorise the senior most Upa-Lok Ayukta to act as the Lok Ayukta until the appointment of a new Lok Ayukta to fill such vacancy.

(5B) When the Lok Ayukta is unable to discharge his functions owing to absence on leave or otherwise, the Governor may, by notification, authorise in this behalf, the senior most Upa-Lok Ayukta available to discharge the functions of the Lok Ayukta until the date on which the Lok Ayukta resumes his duties.”;

6. *Amendment of section 14.*—In section 14 of the principal Act,—

(i) in sub-section (1), for the second and third sentences the following sentences shall be substituted, namely:—

“Where the competent authority is the Governor, or the Chief Minister or the Government of Kerala, he or it may either accept or reject the declaration, after giving an opportunity of being heard. In other cases, the competent authority shall send a copy of such report to the Government which may either accept or reject the declaration after giving an opportunity of being heard. If it is not rejected within a period of three months from the date of receipt of the report or the copy of the report, as the case may be, it shall be deemed to have been accepted on the date of expiry of the said period of three months.”;

(ii) in sub-section (2), for the words “When the declaration so made is accepted the fact of such acceptance” the words “If the declaration so made is accepted or is deemed to have been accepted the fact of such acceptance or the deemed acceptance” shall be substituted;

7. *Amendment of section 15.*—In section 15 of the principal Act the words, figures and symbol “Notwithstanding anything contained in section 14,” shall be omitted.

ARIF MOHAMMED KHAN,
GOVERNOR.

