Ombudsman for Bangladesh: Theory and Reality

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ABSTRACT

Although Ombudsman is relatively an unfamiliar term to us in general but it is widely used and practiced technique of ensuring administrative accountability and transparency in the western developed countries. In this article, an attempt is made to analyze the role of Ombudsman and why it is needed and how it can be institutionalized in Bangladesh. In doing so, the article has been divided into two parts. Part I discusses the conceptual frame work of Ombudsman while part II throws light on the prospects and problems of Ombudsman in Bangladesh now with the process of establishing the office of Ombudsman.

Introduction

In the recent days a word 'Ombudsman' has been pronounced much more in politico-administrative discussion. It is generally alleged that a major problem throughout Bangladesh's public sector is not only lack of accountability but also the nature of accountability. If the administrators vested with vast authority but of unfettered type there is very apprehension that they may become tyrannical. Hence, some sort of controls over the administration is essential for ensuring accountability. In our country, to make the administrators accountable and to minimize mal-administration, inefficiency, arrogance and abuse of power which are built into the system of our administration, some internal based on hierarchy and include time limits for disposal of files, inspection, supervision, Annual Confidential Report (ACR), civil service conduct rules etc. and external, such as parliamentary control, the role of the judiciary, the press and the citizens or the pressure group mechanisms are existing within the system and society. But the prevailing administrative process and internal mechanisms of control over administrative malpractices is not so effective. Because, "time limits for disposal of files are not usually complied with. Supervision has been weak in many cases and non-existent in others. Inspections are conducted casually and at irregular intervals. The ACR is largely subjective and therefore is not of much use" (Khan, 1995:13). On the other hand, in law courts litigations are expensive, tension creating and protracted.

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Administrative Courts follow Court-like procedures. Executive complaints handling agencies lack the essential characteristics of independence. The standing committees of the Parliament have not so far been very effective due to political differences of the major political parties. Therefore, an urgent need of the time is to evolve an adequate and effective mechanism for controlling the administration in exercising its powers, safeguarding individual rights and creating procedures for redress of individual grievances against the administration. The circumstances call for an external agency outside the administrative hierarchy, to detect and check administrative lapses and faults and to supervise the administration so that the rights of the individuals are not unduly jeopardized (Kabir, 1997:176). And the office of Ombudsman can be such an external, red tape, arbitrariness, bias, corruption etc., which in many ways undermine human dignity and human rights.

**Part I : Conceptual Framework**

**Define Ombudsman**

The term Ombudsman was derived from the Germanic language and has its roots from the early days of Germanic tribes. The person who was chosen from a neutral group to collect blood money (Wergild) on behalf of the wrongdoer was called Ombudsman (Chowdhury, 1996: 7). But the modern office of Ombudsman was first conceived in Sweden by the Swedish Constitution Act 1909, over 193 year ago. It has an even earlier prototype, the King's Chancellor of Justice, which extends far back into Swedish history (Rowat, 1967: 135). Today, however, the experienced persons having authority to inquire into and pronounce upon grievances of citizens against public authority are entitled as Ombudsman. The Swedish word "ombuds" means "officer" or "spokesman" or "representative" (Wade, 1967:12) It also connotes "attorney, solicitor, deputy, proxy, delegate and representative agent."

Many scholars defined Ombudsman in different perspective. Now, I give some important definitions given by famous writers and scholars. According to Davis Ombudsman "-- occupies a position of high prestige in the Government and his job is to handle complaints from any citizen who displeased with the action or in action of any administration or civil servant." (Davis, 1961 : 1057-1076). Justice report defined Ombudsman as "an officer of parliament be appointed who has as his primary function the
duty of acting, as an agent for parliament for the purpose of safeguarding citizens against abuse or misuse of administrative power by the executives." (1961; Para:2). According to Bernard Frank, "Ombudsman means an office established by constitution or statute headed by an independent, high level public official who is responsible to the legislature, who receives complaints from aggrieved persons against government agencies, officials and employees or who acts on his own motion, and has power to investigate, recommend corrective action and issue reports". (Frank, 1986:11) According to oxford dictionary "Ombudsman is an official appointed by a government to investigate and report on complains made by citizens against public authorities". Professor Rowat in his famous book "The Ombudsman: Citizen's Defender" wrote that,"Ombudsman is an independent and politically neutral officer of the legislature who receives and investigates complains from the public against administrative action and who has the power to criticize and publicize but not the reverse such action." (Rowat,1986:1X). According to Loewenstein, "Ombudsman is an independent official chosen by Parliament to watch over the administrative services in whose practices the general public is interested."(Loewenstein,1965:403). Professor Cutchin Defined Ombudsman as," a respected, a political individual outside the bureaucracy who is empowered to investigate citizen's complaints about government services and recommend rectification. Usually he has the power to investigate, criticize and publicize administrative actions, but can't reverse them". (Cutchin, 1981:68 ). According to professor Garner, "Ombudsman is an officer of parliament, having as his primary function, the duty of acting as an agent for parliament, for the purpose of safeguarding citizens against abuse or misuse of administrative power by the executive."(Garner, 1981:92)

Reviewing the above-mentioned definitions, it can be ascertained that Ombudsman is an independent and nonpartisan officer of the legislature, provided for by law, who is an experienced person having authoring to inquire into pronounce upon grievances of citizens against public authorities.

Features:

The Ombudsman is

i. independent of government.
ii. responsible for making sure that administrative practices and services of public bodies are fair, reasonable, appropriate and equitable.

iii. an officer of the provincial legislature.

iv. able to conduct confidential investigations that are non threatening and protect complainants against retribution.

v. required to file an annual report with the legislative Assembly. (Internet websites)

According to Anderson the essential characteristics of the Ombudsman's post require that the individual filling it be:

1. Independent;
2. Impartial;
3. Expert in government;
4. Universally accessible; and
5. Empowered only to recommend and to publicize (Anderson, 1969:3)

In 1962 a seminar was arranged by the UNO an judicial and other remedies, that seminar suggested some features of Ombudsman as follows:

1. It is not only an instrument of parliament for supervising administrative action but also a protector of individual rights.
2. Investigations conducted by it are completely impartial and independent of the administrators.
3. Investigation can be started by the Ombudsman at his own initiatives basing his actions of information received by him.
4. The investigation is conducted informally.
5. The ombudsman has considerable flexibility in the form of action which he would take in given case.(UN Technical Assistance Operation, 1962:12-17)

Besides the features pointed out by the seminar we can also find some other unique features of Ombudsman in different countries of the contemporary World as:

1. Any citizen can bring complains before the Ombudsman without the counseling of law years. In Sweden even prisoners have also the right of sending complaints to the Ombudsman through respective authority.
2. Citizens can send their complaints to the Ombudsman in written. In Finland these complaints can rise orally by the physical presence in the office of Ombudsman. But in France the scenario is something different. "A French person with a complaint cannot go directly to the mediateur. Instead he or she must communicate with a member of parliament, who will decide whether the complaint has sufficient merit to be passed on for action by the mediateur (Dragnich, 1981: 306).

3. Ombudsman can delegate their power of inquire to the deputy but cannot delegate their power of decisions.

4. Ombudsman has considerable discretion as how far he takes a case against an official. In most cases Ombudsman simply points out the official's error and suggests to the respective authority.

5. In Sweden the Ombudsman has the right to examine any documents question any person and demand and every assistance from the accused offices or persons. "The Danish Ombudsman is responsible for investigating any complaint against public officials concerning abuse of power, negligence or abuse of trust. He can inspect all state administrations, and enter all state establishments. He has access to all minutes and official documents. (Chapman, 1966:157). The power of inquire of the finish Ombudsman is similar to the Swedish Ombudsman.

6. The scope of work of the Ombudsman varies country to country. Swedish Ombudsman has the power to oversee the courts and civil servants. But in Denmark "...a compromise was reached over the Ombudsman's powers. The whole of the central administration and the parts of provincial administration under government direction were included, but judicial and municipal affairs were excluded. Religious questions were also excluded ...." (Chapman, 1966: 256-57)

7. Counter balancing his vast jurisdiction is the fact that his power is solely recommendatory. He may suggest changes in government action but not command them. (Encyclopedia Britanica, 1970:960).
8. In France, instead of going directly to the "Mediateur de La Republique" (Ombudsman), a person with a complaint will have to communicate with a Member of parliament, who will decide whether the complaint has sufficient merit to be passed on for action by the mediateur.

9. An Ombudsman though has enormous prestige, power and responsibility but he hasn't any legal powers except to inquire. He can advice the people but he cannot control courts or administration.

10. In Sweden the Ombudsman has not the right to express his opinion about the decisions taken by courts or agencies.

11. Another feature of Ombudsman in considerable that people can get the Opportunity of having justice cheaply through Ombudsman This can be possible for the procedure of Ombudsman's office. For the complaint on formal hearing is arranged in the office. Mostly the function of Ombudsman is conducted through postal service.

12. Finally, Ombudsman is an outsider with in the administration. Because he is a man of legislature. He presents his annual functional reports to the legislature.

**Origins of Ombudsman:**

The office of Ombudsman was created first in 1809 when Sweden adopted its new constitution. The office came to be known as the Ombudsman of the parliament or parliamentary Ombudsman. In 1915 the office of the military Ombudsman was created in regard to defense and military administration. In 1968 these two types of Ombudsman were amalgamated and now there are four parliamentary Ombudsmen. Working in Sweden. One of is the chief parliamentary Ombudsman. Besides these parliamentary Ombudsman there are some non-parliamentary Ombudsmen in Sweden like Equal opportunities Ombudsman, Children Ombudsman, The Press Ombudsman, The Ombudsman against Ethnic Discrimination; The consumer Ombudsman etc. Following the foot steps of Sweden the institution of Ombudsman was adopted in other countries by Finland in 1919, Denmark in 1955, New Zealand in 1961 and Norway in 1963. A similar office styled as Parliamentary commissioner was created in UK in 1967 by the Parliamentary commissioner Act, 1967. Australia created the office in 1973. So far there are
46 countries who have parliamentary Ombudsman. Among our neighboring countries Pakistan has successfully adopted this institution. In India Ombudsmen are known as Lokpal and Lokayakta. In Sri Lanka it has one Ombudsman known as Parliamentary Commissioner for Administration, which was introduced in 1981.

Table: Introduction of Ombudsman system in various countries

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Rationale for Ombudsman System:

In modern times the government in both developed and developing countries have assumed with varying number and volume and enormous multitude of functions and roles in the field of socio-economic welfare of the citizens. The scope and dimension of the activities of the government and those of the powers and the authorities of the officials and public agencies have thus expanded enormously. As a result, the government has become complicated and forceful in modern times (Gellhorn, 1966:3)

In modern times it has also been felt that the existing machineries for adjusting and redressing grievances of the individuals increasingly tend to be inadequate to fulfill this purpose. Now a days, the court has traditionally played a very important role in correcting abuse by administration. But a number of problems are associated with the role of the judiciary. Unlink the Ombudsman system, informal
investigation cannot be conducted by the regular or ordinary courts. Legislation is expensive, time-consuming, protracted, slow and very complicated and cumbersome process. The judicial process is also highly impersonal and formal. On the contrary, the process of Ombudsman's investigation is very informal and flexible and there is an element of personal touch and concern. Furthermore, as the complaint is required to pay a very nominal or no fee/deposit, the Ombudsman provides a much cheaper justice than the regular system can offer. (Abedin, 1992:11).

Bernard Frank, a Pennsylvanian lawyer and chairman, Ombudsman Committee, International Bar Association, made extensive research on Ombudsman system. According to him the reasons for adoption of the system are:

♦ The Ombudsman as an independent arm of the legislature body, assists the legislature in its function of maintaining the activities of government agencies and officials.

♦ The Ombudsman system has as its basic purpose the protection of the human rights of the citizens.

♦ The existing mechanisms for adjusting grievances in modern system are inadequate. In law courts litigation is expensive, tension creating and protracted. Administrative courts follow court like procedures. Executive complaint handling agencies lack the essential characteristics of independence.

♦ The Ombudsman provides the citizens with an expert and impartial agent who acts informally, without delay, without requirement of counsel and recommends corrective action.

♦ The presence of the Ombudsman has psychological value. The citizens become confident as there is a watchdog and it serves as deterrent to the bureaucracy (Jinnah and Ehasn, Dhaka: Social science review, 1999:241).

**Criticisms against Ombudsman:**

(1) The Ombudsman can work only in small countries. In a large populous country, the Ombudsman cannot handle complaints without an equally vast bureaucratic Organization.

(2) The Ombudsman system creates a bureaucracy by its elf, i.e., it forms a small bureaucracy within a big bureaucracy and with even more red tapes.
(3) The Ombudsman has no real powers and can recommend only. Government officials and agencies may listen to suggestions depending on their will.

(4) The Ombudsman tends to create the illusion that all is well with the governments.

(5) The office is adaptable only to parliamentary countries. The system interferes with the ministerial responsibility in parliament.

(6) The process of Ombudsman impedes efforts to strengthen existing institutions. The courts, administrative tribunals are adequate and when required, reforms can be made to make them response.

(7) The Ombudsman will not get support and assistance of the civil servants.

(8) The institution cannot be successfully transplanted from Scandinavian countries.

(9) The Ombudsman is a part of the government establishment and tends to sustain its actions. The Ombudsman is a government technique used primarily to determine what is bothering the citizens without supplying an effective remedy.

(10) The system relies a great deal on single individual his personality, his judgment, his impartiality, and his independence.

Part II : Bangladesh Perspective

Constitutional Provision On Ombudsman:

After the independence of Bangladesh the framers of the constitution adopted in 1972 the concept of Ombudsman or Naypal (Islam, 1994:208). Article 77 of the constitution provides:

(i) Parliament may, by law, provide for the establishment of Ombudsman.

(ii) The Ombudsman shall exercise such powers and perform such functions as parliament may by law, determine, including the power to investigate any action taken by ministry, a public officer or a statutory public authority.

(iii) The Ombudsman shall prepare an annual report concerning the discharge of function and such report shall be laid before parliament (Constitution, 1972).
Being persuaded by the fact that an institution like the Ombudsman would be essential for safeguarding the interest and rights of the public in Bangladesh from mal administration or administrative excesses.

**Ombudsman Act’ 1980**

The main characteristics of Ombudsman Act 1980 are:

(a) There shall be an Ombudsman who shall be appointed by the president on the recommendation of the parliament.

(b) Parliament shall recommend for appointment as Ombudsman a person if known legal or administrative ability and conspicuous integrity.

(c) It shall come into force on such date as the Govt. may, by notification in the official Gazette, appoint.

(d) The Ombudsman shall, subject this section, hold office for a term of three years from the date on which he enters upon his office, and shall be eligible for reappointment for one further term.

(e) The Ombudsman shall not be removed from his office except by an order of the president passed pursuant to a resolution of parliament supported by majority of not less than two thirds of the total numbers of parliament on the ground of proved misconduct or physical incapacity.

(f) The Ombudsman may investigate action taken by a ministry, a statutory public authority, or a public officer in case where a complaint in respect of such action is made to him by a person.

(g) Ombudsman shall have the power to punish any person who, without lawful excuse obstructs him in the performance of his functions with simple imprisonment, which may extend to three months, or with fine which may extend to two thousand taka, or with both.

In the following discussions, an attempt has been taken to critically assess the various provisions of the act and for successful efficient functioning of the system, some proposal have also been put forward.
Appointment of the Ombudsman:

Theoretically there are three available modes of appointment of Ombudsman in the world:

1. Appointment by the National Assembly or Legislature;

2. Appointment by the Head of the State;

3. Appointment by the Head of the State on the recommendation of Parliament.

In Bangladesh, the Ombudsman Act 1980 provides for the third type of appointment, which sounds logical and rational, because the political system based on the parliamentary spirit is yet to develop in our country. But in the Act, nothing is mentioned regarding the role of the opposition parties in molding the recommendations to be sent to the President. In such a situation, the Ombudsman would certainly be recommended by the ruling party, which, in the long run ruin the independence, accountability and impartiality of the institution. Therefore, in the context of Bangladesh polities Ombudsman should be appointed by the President on the consensus of all parties in parliament to ensure acceptability of the Ombudsman to all.

Qualification of the Ombudsman

As regards the qualifications of the Ombudsman, the Act only states that, "the Ombudsman shall be a person of known legal or administrative ability and conspicuous integrity." But a person with legal capability may not have the requisite administrative ability and similarly a person with administrative capability may not have the legal ability, which is more essential for the post of Ombudsman (Ahmed, 1993:48).

But only law is not enough. The Ombudsman also requires substantive experiences and insight into public administration. Thus the provision regarding qualification requires little modification. Another defect with the act of 1980 is that it is completely silent regarding the age of the Ombudsman, which is an integral aspect of its qualification. Besides, the term 'conspicuous integrity' should be defined precisely within the Act.
Tenure of the Ombudsman:

According to the provision of the act, "the Ombudsman shall hold office for a term of three years from the date on which he enters upon his office and shall be eligible for reappointment for one further term." It seems that three years are not adequate to be efficient and successful in handling the affairs, which will fall within his domain. It is therefore desirable that the Ombudsman's tenure of office should also be equal to that of the President and parliament and be renewable for a further term depending upon his performance of the pervious term.

Privileges of Ombudsman

The remuneration, privileges and other conditions of service of the Ombudsman shall be the same as are admissible to a judge of the Appellate Division of the Supreme Court. The conditions of the service of a judge of the Appellate Division of the Supreme Court have been enumerated into the Constitution of the People's Republic of Bangladesh.

Functions of the Ombudsman

Generally, an Ombudsman may receive complaints from three sources:

i. Complaints sent to him by the members of the people (MPs);

ii. Complaints made to him by any person; and

iii. The Ombudsman may, on the basis of the newspaper comment or otherwise, proceed suo motu. (Halim, 1998:291)

Besides these, the Ombudsman can undertake periodic tours of inspection in various regions of the country to see for himself the state of affairs. The act of 1980 is not very clear regarding the Ombudsman's procedure of work in our country. In a populous country like ours, whatever method may be used, there will be numerous cases to investigate. Thus, identifying a particular one or two is not desirable. Because, one or two may have 'in-built' shortcomings with them.

The Ombudsman can also act as an agency to suggest administrative and law reforms. He may assume the role of a legislative advisor. He may call attention of the legislature to the desirability of
reconsidering any law he believes has produced unreasonable, unjust, oppressive or discretionary results. (Ahmed, 1993:59).

**Jurisdictions of the Ombudsman**

The Ombudsman Act 1980, narrows down the Jurisdictions of the Ombudsman in Bangladesh by precluding the President, Prime Minister, Judges of the Supreme Court including High Court, Magistrates, the Chairman and Members of the Public Service commission and the Comptroller and Auditor General from his supervision. But since independence, the charges of corruption against President, Prime Minister and Cabinet Ministers are higher than those of the administrative officials. Therefore, for ensuring transparency of the administration everybody in the service of the Republic should be open to investigation by the Ombudsman in Bangladesh irrespective of his status and position.

**Removal of the Ombudsman**

The Ombudsman Act 1980, states that the Ombudsman shall not be removed from his office except by an order of the President pursuant to a resolution of the Parliament supported by a majority of not less then two-thirds of the total number of members of the Parliament on the ground of proved misconduct or psychological incapacity. Provided that on such resolution shall be passed until the Ombudsman has been given reasonable opportunity of being heard in person. He may resign his office by writing his hand addressed to the president.

**Organizational Structure**

Organizational structure of the office of the Ombudsman may be determined with reference to his functions and workload. But it can be predicted that in the land of 120 million people the workload is likely to be enormous. Therefore, there should be reasonable number of personnel within the office of Ombudsman. Six divisional Ombudsmen may also be appointed by the Ombudsman s his deputy with sufficient staff under them to deal primarily with their respective divisional complaints. They will make preliminary checks on the physical existence of the complaint and the bonafide of the case for
investigation and forward the complaint with their preliminary comments to the Ombudsman. However, the personnel required to carry out the functions of the Ombudsman should not be too large in number.

At the initial stage an organizational framework containing 35 personnel have been recommended by PARC for the Office of the Ombudsman which is showed by the following organogram:

Specialization of Ombudsman:

The Bangladesh Ombudsman Act 1980 is silent as its number and area of specialization. Following the other countries, Bangladesh can adopt four types of Ombudsman according to the varied type of work (i.e. specialization) they are called upon to perform.

♦ The Ombudsman (general) to investigate into mal-administration president, Prime Minister, Cabinet Ministers, MPs and central bureaucracy.

♦ The Ombudsman (local) to investigate complaints of mal-administration committed by local authorities, representatives and officials.

♦ The Ombudsman (military) to investigate in discipline of military personnel and officers employed by the ministry of defense.

♦ The Ombudsman (judicial) to deal with the matters of legality of the judicial divisions, without having power to influence the court proceedings. (Ahmed, 1993:53)

Role Definitions:

The government has to clearly specify the goals and roles of other agencies, which are operating currently to promote administrative accountability. If the office of the Ombudsman is instituted in the offices like the Bureau of Anti-corruption, the judiciary, office of the Comptroller and Auditor General, the Public Accounts Committee and the administrative tribunals, functions of each agency have to be made transparent to the members of the public so that there is no confusion about the role of respective agencies. Schedules should be framed to include the list of the agencies or departments over which Ombudsman will have investigative Particularly the relation between the Ombudsman and the Bureau of Anti-corruption should be clearly clarified so that no confusion arises in the minds of the public.

Emphasis on Ombudsman and Government's commitment:

The necessity for the office of Ombudsman has been felt in Bangladesh ever since its independence. Since Bangladesh is a country emerging form the British colonial rule through neo-colonialism of Pakistan, it inherited an asymmetric political system where administration has precedence
to popular representative institution the legislature. The premature death of Mohammad Ali Jinnah and Liaquat Ali Khan in the early years of Pakistan's independence caused serious political vacuum, which was filled in by competent senior bureaucrats particularly the CSPs in absence of strong constructive political leadership. This is now reliance on bureaucracy rather than politicians has developed in this country. Administration, since then in used to exercising unfettered discretion in the whole edifice of government and allegedly involved in wide ranging corruption that is very often complained of. In view of this situation, the authors of Bangladesh constitution incorporated a provision for the office of Ombudsman for protecting long cherished public rights against administrative excess. The Awami League government of the day made no endeavor to this effect. The move in this regards was taken by president Ziaur Rahman in 1980. The Jatio Sangshad passed the relevant Act to constitute the office of Ombudsman. But with the assassination of president Ziaur Rahman the initiative crumbled down before it could take off the ground.

In the nine year autocratic rule of General Ershad did not turn their eyes to it. How ever, with the reestablishment of democracy in the country through mass movement in 1990 and the general election under a neutral care taker government in 1991, the issue of appointing an Ombudsman has gained much prominence and both the government sponsored and donor sponsored studies called for the establishment of an Ombudsman's office to monitor the functioning of the executive agencies and adjudicate disputes and grievances. In view of the tremendous public demand for the office of Ombudsman last government (elected 1996) declared in 1998 its commitment to establish the office as early as possible. But so far no concrete development has taken place to establish the office.

The following discussions will throw light on the initiative taken so far by the government for institutionalizing the office of Ombudsman.

- A five member committee headed by the law secretary was appointed to examine the legal aspects of appointment of Ombudsman. In this regard, the committee has given their green signal. (The Independent, 4 march 1997:6).
The ministry of law submits a financial proposal of Tk 3,67,00,000 to the ministry of finance for establishing the office of the Ombudsman. (Janakantha, 3 June 1998:1).

The ministry of Finance will keep provision for the money in the ensuring budget of 1998/99. The above mentioned amount has been earmarked for the purposes of the office of Ombudsman, and other relevant office expenditures including staff salary transport allowances etc.

A proposal by ministry of law relating to the setting up of Ombudsman's office and its organogram consisting of a total of 127 employees, including 31 officers, has also been submitted to the ministry of Establishment and Ministry of finance for approval. The Independent, 3 June 1998:12).

The Ministry of law proposed that out of these 127 officers and employees, there would be one Director General (equivalent to the status of secretary to the government), One Additional Director General (Additional Secretary), eight Directors (Joint Secretary), eight Deputy Directors (Deputy Secretary) and eight Assistant Directors including others. The monthly remuneration of the Ombudsman has been fixed Tk. 21,000 and Tk. 15,000 for house rent, Tk. 500 for medical facilities and Tk. 450 for other purposes. (Janakantha, 3 June 1998:1). However, thought the Government has decided to employ 127 employees but it was not clear whether they will be appointed by the Ombudsman himself as per the Ombudsman Act or by the Government.

Ombudsman - Prospect

There is a considerable difference in the functioning of such an official in a small country as compared with a large one, for obvious reasons.

First, there is a possibility for the Ombudsman to receive a volume of complaints from the citizens because of our large population.

Second, Ombudsman's function can be obstructed also by the accused organizations, agencies or persons in some technical ground as Ombudsman has some restrictions of his investigation.

Third, bureaucracy exists here, as one of the vital forces of governmental policy making process. They have better cohesiveness and maturity than any other groups participating in administrative policy making process. As Ombudsman will go against their interest they may resist its establishment and effectiveness (Islam, 1996: 48).

Conclusions:

In the context of Bangladesh politics and attitude of the government towards political opposition Ombudsman is better to be appointment by the parliament on the consensus of all political parties in the parliament to ensure impartiality and objectively in his investigations. His area of jurisdiction should extend over the judiciary too in matters of legality of the decision. From the above discussion it is clear that the establishment of an Ombudsman in Bangladesh will undoubtedly go a long way in helping to establish a real democratic social order and polity based on parliamentary system of government for the well being of the people at large.

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