

## **A Comparative study of Ombudsman Office in Australia, Pakistan and UK: Evolution, Efficacy and Challenges.**

### **Introduction:**

Maladministration and arbitrary actions by the executive is a common phenomenon in the Government Organizations/Departments. The aggrieved person may approach the normal courts of law to get his/her grievances be redressed, however, in some countries including Pakistan, the judicial system is very slow, lengthy and expensive. To deal with the slow judicial procedures, special tribunals i.e. Banking Tribunal, Privatization Tribunal etc. have been established. Service tribunals have also been established to provide remedy to the public servants. However, the courts remain loaded with heavy work related to civil, criminal and constitutional matters. This leaves a very low priority of courts to deal with the personal grievances arising out of the maladministration, arbitrary application of rule, regulation and unlawful procedures.

2. The Ombudsman Office, which is a quasi-judicial, executive remedy, has emerged as a potent institution to deal with the maladministration and deviation from set procedures, regulation and law. It is relatively speedy, inexpensive and leads to amicable resolution of the conflicts. Several countries have set up the Ombudsman Offices which have either global jurisdiction to deal with maladministration of all the Government Agencies or specific to a particular sector like Tax Ombudsman, Banking Ombudsman etc.

3. The Ombudsman Office in Pakistan was established in January 1983, in Australia 1976 and in UK 1967. The Ombudsman Offices in these countries have similarities and dissimilarities with respect to appointment, removal, tenure, organization, structure, functions, jurisdiction and powers, however, they have established their credibility by their performance over the period of time. The Ombudsman Office has been very useful to empower the people and get their grievances be redressed. The Ombudsman Office can help the Governments to make it more transparent and accountable in their actions and remain within the limits of law. It is also an important source of feedback to governments for its action. The Government of Pakistan, in its Devolution of Power Plan 2001, under which District Government System has been introduced, has provided for the establishment of Ombudsman Office at the District level. It is being considered a positive step to deliver Good Governance to the people.

## **Objectives of the study**

4. The objective of the study is to make a comparative study of the Ombudsman Offices in Australia, Pakistan and UK. Follow through Ombudsman's evolution and the role it is playing in their respective societies. The comparative study will provide an opportunity to identify the similarities, dissimilarities, positive and negative, successes and failures in different political and cultural context. This will be helpful to draw meaningful conclusions and make recommendations for strengthening the Ombudsman Office. The study will also carefully research the issues and challenges faced to the Ombudsman Offices in Australia Pakistan, and UK and recommend measures to make it more effective institution for administrative accountability as well as empowerment of the common people against the executive excesses. The primary focus of the research is:-

- a. To study the design, powers, functions and jurisdiction of Ombudsman Office.
- b. Role of Ombudsman Office to redress the grievances of the people against executive actions vis-à-vis its effectiveness.
- c. Ombudsman and administrative accountability.
- d. Identify the areas of success and failure
- e. Major issues and challenges
- f. Recommendations/suggestions for improving the effectiveness of Ombudsman Office.

## **Research Methodology:**

5. The research is envisaged to be completed with the support and active guidance of the CPS and OSI. The study will primarily be deskwork and make use of reports and secondary sources on the subject. However, I will prefer to visit Australia and UK, not only to collect the information/data, observe the working of Ombudsman Offices but also conduct interview with various stakeholders and seek their views. A brief outline of the research methodology is given below: -

- Review of the relevant laws, organizational structures, rules and regulations and other literature on the subject.
- Event study of the selective cases dealt by the Ombudsman Office and their impact.

- Drafting a questionnaire and conducting interview of the selective stakeholders i.e. Ombudsman Office, government agencies, Complainants, Judiciary, and general public etc.
- Use of Internet and other sources of information technology.
- Studies conducted by international think tanks and academic institutions.

### **Benefits of Research**

6. The study will be benefited by the government Divisions in particular Law, Justice and Human Rights, National Reconstruction Bureau, Ombudsman Offices, Relevant Departments of Australia and UK, donor institutions, other researchers and interested individuals. It is expected that the recommendations reached in the study will help the government as well as the Ombudsman Offices to bring a number of improvements in their working. It will provide an independent view about the role, working and efficacy of the Ombudsman Offices. The comparative study will also be helpful for those countries/Organizations, which are interested to establish an effective Ombudsman Office. The common individuals will find it an interesting piece of reading. Efforts will be made to disseminate the study by publishing it at the internet and sending the hard copies to all concerned.