

## Office of the Ombudsman for Corruption-free Public Administration: An Overview\*

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**Abstract:** *The paper attempts to focus ombudsman and corruption in analytical perspective. It is pointed out that ombudsman is indeed an essential force that plays a critical role as a safeguard to combat the unabated corruption and get away the public administration from the bad influence of it. It is an effective instrument to guard the 3rd world nations from the clutch of the unabated corruption and renovate the positive image in the international arena. Combating corruption by mere inaccessible corrective actions and superficial emphasis on better enforcement of rules and procedures is ruined to failure. Corruption is a social evil in the 3rd world that needs to be addressed by institutional measures. That's the reason why, the ombudsman as an institution, certainly be able to pursue long term investigation and research into recurring problems of mal-administration. The paper also considers the importance of ombudsman as a major force to combat corruption from an analytical point of view.*

### 1.0 Introduction

Corruption is a social evil that occurs throughout the world. The menace of corruption is special concern in developing countries. Ubiquitous corruption is a malaise of a poorly functioning state and a poorly functioning state fails to ensure smooth socio-economic and political development. It has manifested itself in many bizarre forms and dimension in a developing country. The misuse of public power for private gain is the major means of corruption, which has assumed alarming proportions in developing countries. Above all, corruption acts as a great impediment to development in several ways. It is associated with poor governance; weak democratic institutions, fragile economy. There is a nexus between corruption and poor governance in many ways. Above all, corruption itself endangers the quality public service delivery. As a result of the fact, the office of the ombudsman to be set up so that

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people might not fail to derive the benefits of such an important technique for safeguarding the right of the citizens from the unnecessary administrative harassment, excess and above all corruption. It is a potential instrument to combat corruption from the public administration. Ombudsman as a citizen's watchdog shoulders the responsibility to clean the heart of the administration. The need to address the perennial problem of graft and corruption at the preemptive level is a growing concern of the Office of the Ombudsman in every developing country. Creation of the office of the ombudsman will provide the venue whereby public service values are internalized and enhance a deeper understanding of the role of public servants and the accountability attached to the positions in the government and will be able to serve the interests of the general peoples by providing better service delivery.

## 2.0. Ombudsman: Development and Meaning

The concept of ombudsman was first conceived in Sweden. The Swedish word "Ombuds" means spokesman or representative<sup>1</sup>. The office of the ombudsman was created in 1809 when Sweden adopted a new constitution. The purpose of creating the office was to safeguard the rights of citizens from administrative excess. The ombudsman, therefore, was to be entirely independent of the administration. In 1915, the office of the military ombudsman was established to do similar administration. It remained a unique Swedish phenomenon until Finland adopted it in 1919 by a constitutional act. Subsequently, other Scandinavian countries, e.g. Denmark and Norway established it in 1954 and 1963 respectively<sup>2</sup>.

The institution of ombudsman emerged as a mechanism to deal with administrative corruption and mal-administration. A universal definition of ombudsman is yet to be evolved. However, ombudsman committee of the international Bar Association has suggested the following definitions:

An ombudsman is an office provided by the constitution or by the action of the legislature or parliament and headed by an independent, high level public official-

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<sup>1</sup> Nazim (April 20, 1972): Ombudsman: Citizen's Watchdog, The Pakistan Times, Pakistan.

<sup>2</sup> D.C, Rowat (1962): The Parliamentary Ombudsman, International Review of Administrative Sciences, Vol.xxviii

- who is responsible to the legislature or parliament,
- who receives complaints from aggrieved person against governmental agencies, officials and employees or
- who acts on his own motion and
- who has the power to investigate, recommend corrective action and issue reports.<sup>3</sup>

According to Professor S.K. Agarwal, the term "Ombudsman" refers only to institutions which have three basic and unique characteristics:

1. The ombudsman is an independent and non-partisan office of the legislature who supervises the administration;
2. he deals with specific complaints concerning mal-administration or many proceed on his own information; and
3. He has the power to investigate, criticize and report back to the legislature but not to refer for administrative action.<sup>4</sup>

The review of the office of ombudsman in most of the countries in which it operates successfully reveals that it has, in general, the following features:

- a. Independence is fundamental importance to the impartial functioning of the ombudsman. Therefore, independence from executive intervention has been identified as the most important criterion of the ombudsman system.
- b. Ombudsman should be given access to the required information, evidence and documents to reach a decision. The office can call for information and documents from any one including ministers and high officials. It should be given power to examine both the officials' bills and documents for investigation. In this regard, it should enjoy immunity from persecution for its actions and adoption during the exercise of this power.
- c. Preparing annual reports are one of the main functions of the ombudsman. The production of meaningful annual reports are of considerable importance because these:

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<sup>3</sup> Caiden, Gerald (1984): Ombudsman in Developing Democracies: Comment, International Review of Administrative Sciences, Vol-L.

<sup>4</sup> Saxena, D.R. (1987): Ombudsman (lokpai): Redress of Citizen's Grievances in India, Deep and Deep Publications, New Delhi.



- i) help to publish the operations of the office to policy makers, legislators and the public;
  - ii) clarify general expectations of the bureaucracy in its dealing with citizens;
  - iii) are an important indicator as to the effectiveness of the office in proactive;
  - iv) Are also a useful conduit for the communication of recommendations and improvements in the machinery of government
- d. Dealing with complaints and grievances from members of the public is a basic function of the ombudsman. Therefore, if needs to be accessible to general people, the procedure to lodge complaint with the ombudsman office must be simple and easy. Moreover, the complaint procedure should be less time consuming to make it a credible institution.
  - e. The office of the ombudsman should be a flexible one to enable it to undertake multiple functions. It should enjoy the much needed administrative discretion to investigate corruption and confusion among the public in general.
  - f. A clearly defined jurisdiction of the ombudsman is also an absolute pre-requisite, so that there would be no duplication of efforts, problems of coordination and confusion among the public in general.
  - g. A man of integrity and outstanding merit should be appointed as an ombudsman so that he or she can play a vital role to conform from social injustice, wide political and bureaucratic corruption and irregularities in public administration.

### 3.0. Corruption: Meaning and Content

Generally, the conceptualization of the term corruption has long been ideologically, morally, culturally, politically and intellectually elusive to the point of losing sight of its detrimental and parasitic symbiosis with many politics including Bangladesh and their citizens all over the world.

The concept of corruption has not been amenable to any simplistic partitioning that is there has been no simple partitioning between various forms of corruption despite the fact that the academic, moral, political, cultural and social tendencies for such dichotomy existed and continue to

exist. As a result of the complexity of corruption, its effect on the systemic existence of its victims as does its prevalence through the efforts of its perpetration, its definition has continued to be shrouded by value preferences, and differences. This has to some extent, concept within the academia, and the practicing world of administration. The definition of corruption has been variously attempted by many scholars of repute in order to provide useful understanding to the concept, and describe the type of behaviours that full with its parameter.

Macmullan in his article entitled, "A theory of corruption" defines corruption in the following ways:

A public official is corrupt if he accepts money or money's worth for doing something that he is under a duty to do any way that he is under a duty not to do, or exercise a legitimate discretion for improper reasons.<sup>5</sup>

According to Leff, Corruption is: 'an extralegal institution used by individuals or groups to gain influence over the actions of the bureaucracy. As such, the existence of corruption per se indicates only that these groups participate in the decision making process to a greater extent that would otherwise be the case.'<sup>6</sup> In his book, the pathology of politics, Carl Friedrich in defining corruption, argues in the following manner:

The pattern of corruption may be said to exist whenever a power holder who is charged with doing certain things, that is a responsible functionary on office holder by monetary or other rewards, such as the expectation of a job in the future, induced take actions which favor whoever provides the reward and thereby damages the group or a organization to which the functionary belongs (more specifically, the government and, other socio-economic institutions) .<sup>7</sup>

Gibbons defined corruption as (political) corruption is the use of a public office in a way that forsakes the public interest, measured in terms of mass opinion, elite opinion or both, in order that some form of personal advantage may be achieved at the expense of that public interest.<sup>8</sup>

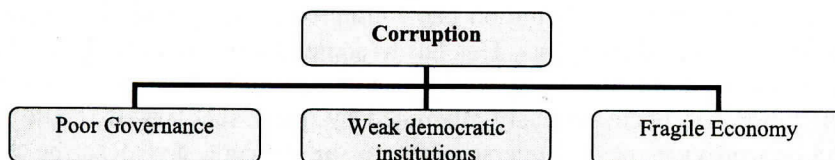
<sup>5</sup> Macmullan, M (1961): A Theory of Corruption, The Sociological Review, Vol-09, No- 02

<sup>6</sup> Leff, N.H (1970): Economic Development through Bureaucratic Development, Harper and Row, New York.

<sup>7</sup> Friedrich, C (1972): The Pathology of Politics, Harper and Row, USA

<sup>8</sup> Gibbons, K.M and Rowat, D.C eds. (1976): Political Corruption in Canada, McClelland & Stewart, Toronto.

Analyzing the definition of corruption by the experts above, we can really come up with the end result of corruption in the following chart:



#### 4.0. Ombudsman as a Major Force to Combat Corruption: A Critical Analysis

The institution of ombudsman has achieved a widespread appeal for its intrinsic quality of making government administration responsive, adaptive, and sensitive and above all corruption free to the needs of the people. In recent times, the emphasis of the ombudsman has shifted from prevention of mal-administration to prevention of corruption. Corruption as a social, political, economic Corruption has continuously been institutionalized by its protagonists to the disadvantage and detriment of the macro and micro components of most societies.

Experience shows that combating corruption by mere isolated punitive actions and facile emphasis on better enforcement of rules and procedures is doomed to failure. It is now increasingly realized that corruption should be treated as social evil and it needs to be redressed by institutional measures. In this regard, the ombudsman may pursue long term investigation and research into recurring problems of mal-administration.

According to A. Adeniyi, "As a major force to combat corruption from the administration, there is no alternative to the office of ombudsman"<sup>9</sup>

Gunner Myrdal on the other hand argued that appointment of ombudsman would generate a wave of aspiration to deal with corruption as it creates plenty of obstacles to the flow of production.<sup>10</sup>

Chapman pointed out that ombudsman as a citizen's watchdog shoulders the responsibility to clean the heart of the administration so that it can function properly for the betterment of the people .<sup>11</sup>

<sup>9</sup> Adeniyi, A (1999): The Senate, The Press and the Anti-Corruption on Crusade, Policy and Politics Column, The Gurdian, New York.

<sup>10</sup> Chapman, B (1960): The Ombudsman in Public Administration, RIPA, Vol 37-38.

<sup>11</sup> Ahmed, Ale (1993): Ombudsman for Bangladesh, Academic Publishers, Dhaka.



Generally, the ombudsman uses two methods for carrying out its main responsibility is to combat corruption from administration. First, he investigates complaints sent to him by members of the public alleging wrong behavior, negligence, abuse of power, mal-practice by civil servants. It is not necessary for the complainant to employ legal advice. The complainant is expected to forward any papers, or the names of witnesses corroborating his allegations. Once the complaint has been received in the office, the ombudsman, the case proceeds largely by correspondence, the ombudsman forwards the complaint to the office concerned and asks for the matter together with relevant documents. The ombudsman, if satisfied, informs the complainant of the official explanation; if he is not satisfied, or if the complainant produces further evidence, or challenges the official version, the ombudsman continues his investigation until either the complainant is found to be justified, or the complaint is eventually dismissed as unjustified.

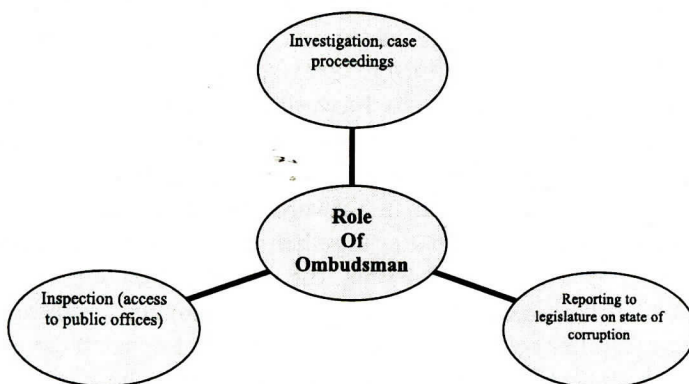
The second method of supervising public offices is for the ombudsman to undertake periodic tours of inspection at all levels of public administration, this inspections are at random, and he or she may concentrate on the financial affairs of the office concerned.<sup>12</sup>

Moreover, he is given certain powers to inspect any government office within his field. All people under his jurisdiction are obliged to furnish him with the information, and produce the documents or records which he may require. This right of the ombudsman is, however, limited in regard to certain prescribed state secrets. He has the right to be present at the deliberations of the courts, and civil servants at work. In a word, he is dedicated to ensure a corruption free environment in public administration through his vigorous responsibilities prescribed by the constitution.

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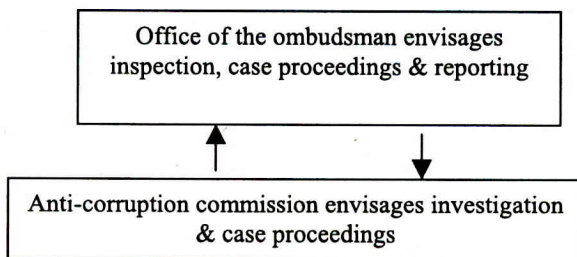
<sup>12</sup> Hasanuzzaman, Almasud (1988): Overdeveloped Bureaucracy and Political Development in Bangladesh, published in 'Bangladesh: Crisis of Political Development', Dep't of Government and Politics, Jahangirnagar University.

Chart below shows the methods undertake by ombudsman for the elimination of corruption from public sector :



#### 5.0. Office of Ombudsman and Anti-Corruption Commission: Complement to Each Other

In general, it is well-recognized that office of the ombudsman is more effective only when the office of anti-corruption commission is in place with animated role. From the developed countries perspective, it is observed that, presence of effective anti-corruption commission has contributed towards eradicating corruption and at the same way; enforcement of the office of ombudsman has complemented the commission addressing the challenges of corruption from the root. The following comparison demonstrates their complementary roles:

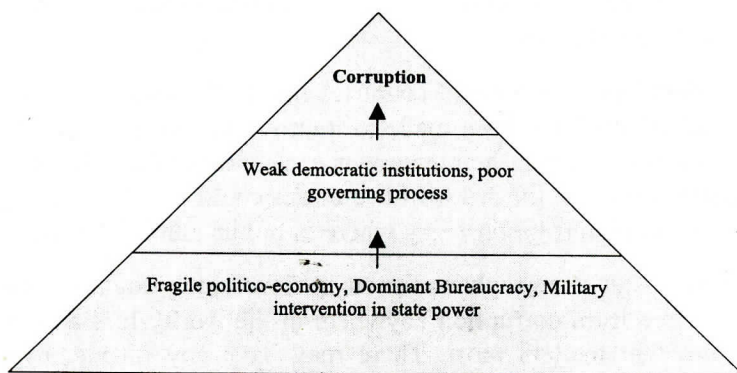




## 6.0 Office of the Ombudsman in Public Administration in Developing countries: An Evaluation

In many developing 3rd world countries like Bangladesh, massive and determined efforts have been made to improve the socio-economic and political condition after their emergence as independent nations. But unfortunately, most of the 3rd world countries could not change their fate due the spread of corruption every where in public administration.

Corruption is not a new phenomenon in developing countries and no country is free from corruption anywhere in the world. It is a matter of degree and that matters most. There may have any dispute over the ranking but there is no scope of denying the wide spread corruption in the country. The unabated corruption has been substantiated by the news of corruption in most of the departments of the government. The level of corruption in the country has reached such a position that people cannot differentiate which is corruption and which is not. Corruption has manifested itself in many bizarre forms and dimension in our society. This unabated corruption has negative impact on the country's economy, society and the people as a whole. The common people of the country face innumerable problems in their day to day life because of widespread corruption in the public administration. It is soaring up high and high without the effective check or restraint from the government. In many of the developing countries, bureaucracy occupies a significant position in the political system. Legacy of colonial rule, absence of the office of the ombudsman, fragile consensus on state fundamentals, loosely organized political institutions above all weak political leadership had led the permanent state apparatus, the bureaucracy to assume great role in state management with over increasing powers. Bureaucracy has thus been overdeveloped and its deface to assumption of political power has accelerated the abuse of power and the flow/ spread of corruption in the whole public administration. The pyramid diagram in the next page shows foundation based relationship between corruption and mechanisms which are the starting places of corruption.



Inefficiency coupled with ever increasing corruption in most of the govt. departments is in no doubt the consequence of lack of transparency and accountability in the mechanism of governance. The fundamental problem that lies with corruption in these countries is the dominance of the vested interests. Corruption and irregularities have pervaded the entire system from an orderly right up to the top. A major question may be raised about the ignorance of the office of ombudsman by the political and administrative elites in Bangladesh. Simply, it is answered that the indifferences and unwillingness of them as both of them are selfish and corrupt.

### 7.0 Concluding Remarks

In developing countries, mal-administration, inefficiency, arrogance and abuse of power are built into the system of administration. It is not possible to suggest any substantial measure for rectifying the administration system unless the existing services structure which dates from colonial days are not radically altered and reformed. One of the present day challenges of promoting better governance at local, national and global level is: how to make the public administration free of corruption. That corruption is rampant in our administration has been admitted by different sources such as the public opinion, legislature, the news papers and above all the donor agencies as well there are of course, formal means for checking corruption but how far these are adequate and effective are not beyond questions.

With this note of caution, it is necessary to continue to do whatever is possible to control the over and covert power of the bureaucracy and to make it accountable to the people. The efforts to check the excess and inadequacy of bureaucracy have to be many-sided in view of its wide-

spread ramifications. The growing interest in developing countries like Bangladesh in the institution of ombudsman which is essentially the citizen's watch dog should, therefore, be welcome.

In a fledging democracy in developing countries like Bangladesh, corruption undermines attempts to put in place the infrastructure of good governance and to attract vital investments. A less developed nation like Bangladesh will find it impossible to withstand the worst effects of corruption, that is because, reputation for poor integrity closes the door to the creation of vital bilateral and multilateral partnerships, which are essential for economic development. It dissuades international donors from providing financial and technical assistance. Corruption also eats into political and corporate reputation upon which the government relies for wealth and social protection. The links between fraud, money laundering and corruption are common knowledge in developing countries customs. So, the government of those less developed countries must fight corruption because the credibility and survival of government institutions are at stake.

Fighting corruption within the public administration will require strong political will. Without a strong political will, there is no scope to set up the office of ombudsman since it is committed to curb corruption from the administration. Corruption must be combated vigorously and permanently with the help of the ombudsman, because no institution, no organization and no administration are safe from the scourge. Moreover, Social awareness is must to pressurize the govt. to create the office of ombudsman to address the spread of corruption from the administration.



**References:**

- Adeniyi, A (1999): The Senate, The Press and the Anti-Corruption on Crusade, Policy and Politics Column, The Guardian, New York.
- Ahmed, Ale (1993): Ombudsman for Bangladesh, Academic Publishers, Dhaka.
- Caiden, Gerald (1984): Ombudsman in Developing Democracies: Comment, International Review of Administrative Sciences, Vol-L.
- Chapman, B (1960): The Ombudsman in Public Administration, RIPA, Vol 37-38.
- D.C, Rowat (1962): The Parliamentary Ombudsman, International Review of Administrative Sciences, Vol.xxviii
- Friedrich, C (1972): The Pathology of Politics, Harper and Row, USA
- Gibbons, K.M and Rowat, D.C eds. (1976): Political Corruption in Canada, Mecklelland & Steward, Toronto.
- Hasanuzzaman, Almasud (1988): Overdeveloped Bureaucracy and Political Development in Bangladesh, published in 'Bangladesh: Crisis of Political Development', Dep't of Government and Politics, Jahangirnagar University.
- Leff, N.H (1970): Economic Development through Bureaucratic Development, Harper and Row, New York.
- Macmullan, M (1961): A Theory of Corruption, The Sociological Review, Vol-09, No- 02
- Nazim (April 20, 1972): Ombudsman: Citizen's Watchdog, The Pakistan Times, Pakistan.
- Saxena, D.R. (1987): Ombudsman (lokpal): Redress of Citizen's Grievances in India, Deep and Deep Publications, New Delhi.