

FOCUS

Ombudsman: A Review of the System

by Dr Jamaluddin Ahmed FCA

Being youngest democratic country, by implementing the ombudsman system we can originate another addition to democratic practice in Asian countries.

OMBUDSMAN is a terminology used indicating provision of an office by the constitution or by action of legislature of the parliament. This office is normally headed by an independent and high level public official who is responsible to the legislature or parliament.

Investigation for establishment of an ombudsman for Argentina noted that left was not interested in the creation of the office of ombudsman because it fears that it will decompress public for profound change. The right was not interested either with a fear that it will imperil the existing order.

The Constitution (1972) of Bangladesh recognised the office of ombudsman however remained without implementation till to date. Article 77 of Bangladesh Constitution provide:

(1) Parliament, may by law, provide for the establishment of the office of ombudsman. (2) The ombudsman shall exercise such power and perform such functions as Parliament may, by law, determine, including the power to investigate any action by a ministry, public officer or a statutory public authority.

(3) The ombudsman shall prepare an annual report containing the discharge of his functions, and such report shall be laid before Parliament. Many international reports (UNDP, 1993; FIAS, 1992) suggested the system of ombudsman to be applied in Bangladesh.

complete freedom with regard to cases which he can take up and/or refuse to initiate investigations. For example, in Sweden ombudsman legislation forbids Parliament to impose investigation on ombudsman or order him to stop once he has already taken up (Legrand, 1979). In Zambia, the president has the power both to stop an investigation and to order commissioner (ombudsman) to conduct an investigation.

Flexibility has been found to be one of the most important features of the ombudsman institution. It can be adopted to a variety of different circumstances. The case is more pronounced in the developing countries where ombudsman appears to perform a multiplicity of functions of which the traditional mission of redress of grievances and protection of individual's right may be but not necessarily the most important one.

Investigatory Power seems to be effective in the establishment of ombudsman system where an ombudsman is given investigation by the president but he has no power to stop one. In these countries question of executive or legislative ombudsman is irrelevant, perhaps the commissioner is regarded as the arm of executive rather than an independent institution.

Accessability to ombudsman is another criteria to make the system effective. By and large the procedure of lodging a complaint with the ombudsman is found to be simple in most countries where ombudsman system has been implemented.

Independence from executive interference has been identified to be the most important quality of ombudsman system. This independence was found to be guaranteed mainly in those countries where appointment of ombudsman was made through legislature (International Ombudsman Institute, 1983). The International Ombudsman Institute (IOI) differentiated ombudsman institution on the basis of their appointment by the executive or by legislature.

organisation. Thus the ombudsman in developing democracies is found to undertake variety of functions and enjoys considerable amount of administrative discretion to answer to imperatives from the society and political culture. For example, in Zambia commissioner for investigation takes up complaints alleging corruption in government appointments, expenditure or distribution of benefits.

Personality of an ombudsman is considered an important criterion because the personal qualities of individuals appointed to this office can make all the difference. He is expected to expose or suppress wrongdoing. Given the large power of administrative discretion ombudsman plays a major role in interpreting his mission and function within a nation. It is imperative that the person appointed to the office should know the working of public bureaucracy, have deep interest in public, a patient and understanding temperament and above all a realistic concern for justice.

Parliament members during 1970, 72 per cent gave their first responses on the restriction of commissioner's jurisdiction. The arguments forwarded for such restriction were that it would not be in general interest to extend commissioner's jurisdiction to transaction where relationship is of essentially commercial nature. For example, buying of goods and services, commercial activities of departments should be open to examination by the commissioner while the other acts of parties are free from such investigation.

Speed is the other relevant issue considered as to how much time should be allocated to an investigation. In the UK the commissioner did develop an investigation process found lengthier and more complex than that of any other ombudsman's. However it was found that chances of investigator's failure to reveal evidence are less in UK than in Sweden, Denmark and New Zealand.

capital from an impoverished village of Bagerhat district to change their lot. "I feel proud of being able to read, but the problem is that I cannot any more help my poor parents," said Muhammad Anwar who used to earn Tk 1200 every month.

While visiting the schools set up by the Bangladesh Rural Advancement Committee (BRAC) and Gano Shahajya Sangstha (GSS) in the city, this correspondent talked to more than 100 students who have similar tales.

Akram Hossain, guardian of a child labour, told this correspondent that his 10-year-old daughter Rubina was a garment worker, she lost the job as under-age girl, leaving his family in an economic hardship.

Another widow, a slum resident at Mirpur, said her 11-year-old daughter Hosna used to fetch up about Tk 1000. Now she lost the job for the same reason (underage).

Masuda Begum, a school teacher, said the children who came from various garment factories have a profound interest in education. "But we cannot be sure that how long they will be able to continue as the economic condition of their families is miserable."

According to the sponsors, the children will have to have patient. Because they are supposed to get back their jobs as soon as they attain the age of 14. Only the under-14 children can work.

While talking to this correspondent GSS Executive Director Dr Mahmud Hasan attributed the growing trend of child labour to the country's acute poverty.

"Had the 29 billion US dollars — the country received as foreign aid since its liberation — been utilised properly its poverty level would have come down remarkably," he pointed out.

The amount we are now giving to the terminated child labourers is not adequate, but the positive side is that the children will get back their jobs after they cross the age bar of 14," he said and mentioned that the monthly expenditure against each student is Tk 840.

As of June 23, 1996, 107 schools have been set up for garment worker children in Dhaka, Naryanganj and Chittagong with a total enrolment of 1,578 children.

According to International Labour Organisation (ILO) Convention on children under the age of 14 cannot work as labourers. As per Article 7-1 of ILO Convention the child shall have the rights to know and be cared for by his or her parents.

International concern over the child labour is increasing day by day and the world attention focused on countries like Bangladesh which faced threats of boycott of products made by children.

Under the circumstances, Bangladesh continues to work towards the elimination of child labour and their placement in appropriate education programmes.

As per the MOU signed among the UNICEF, BGMEA and ILO, UNICEF provides US \$ 175,000 in 1995, and additional support later on, and the BGMEA has to contribute UNICEF sponsored school-programme US \$ 250,000 per year for three years.

The education programme is being and will be arranged in consultation with the Primary and Mass Education Division of the Bangladesh government.

The author is a financial system manager.

Retrenched Child Workers Sigh For Lost Wages

BARELY six months ago, Amena Begum, an 11-year-old girl, used to work hard in a garment factory. Today, she goes to school. But she is not happy.

"It's not that I enjoyed working, or dislike schools, I need a job as much as I need schooling," said Amena at a school for the young children who have been retrenched from garment factories.

Amena's job used to fetch her poor family between Tk 700 and Tk 1,400 a month. As a student she now gets a stipend of Tk 300 a month. That's the main reason why she is unhappy.

Amena's feelings are shared by dozens of other children studying with her in the school who cannot work in garment factories because they are under-age.

Under international pressure the garment manufacturers in Bangladesh has to fire all child workers and send them to schools which are being financed by Bangladesh Garment Manufacturers and Exporters Association (BGMEA), UNICEF and ILO.

The programme is apparently good. But the problem lies with their families. Because the family members have been unable to be compensated for the income their children have lost.

Salma Begum, 10, student of a school at Mirpur, D-Block, said that her father is a pushcart driver and mother works as maid servant at different houses in the area.

Salma, who used to supplement her family income, is now unable to even fulfil the smallest wishes of her younger brother as her earnings have come down by 50 per cent. Once again she prefers work to education.

"How can I come to school with an empty stomach?", she wondered.

Sohel, a 10-year-old student of the same school, is also looking for a job to help his parents.

Sohel, son of a rickshaw-puller, migrated to Dhaka from Khulna with his parents in search of work and managed a job in Anamika Garment in the city, but he lost it after he was identified as a child labour.

The same story goes with Rina, 12, a student of Rupnarayan School at Mirpur. She had worked for a city garment factory for about two years and lost the job as under-age girl.

"My monthly income was 1300 when I worked for GS Garment and used to help my widow mother, now I am unable to help her," Rina regretted.

Her classmate Rehana also got the same problem. Rehana used to earn Tk 1200 per month working for a garment factory. Now she cannot help her disabled father with such small amount of stipend. Her mother is a maid servant and the younger brother is too small to earn. They also stepped into the



Then earning with the elderly colleagues...

The Daily Star Entertainment Guide

Thursday 10th October (All programmes are in local time. There may be changes in the programmes)

BTV

3:00 Opening Announcement At-Corpus Programme Summary 3:10 Recitation from the Geeta 3:15 Re-telecast of selected programme from TV Archive 4:00 News in Bangla 4:15 Shorlog 4:45 Cartoon Film: Tom and Jerry 5:00 News in Bangla 5:25 National Television School Debate 6:00 News in Bangla 6:30 Esho Para Shikhi: Mass Education 7:00 The News 7:05 Jiboner Alo 7:25 Nazrul Songs 8:00 News in Bangla 8:40 E-Shaptahar Natok 10:00 News in English 10:25 Janmabhumi 10:35 Film show: The Equalizer 11:30 News in Bangla 11:35 Friday's programme summary 11:40 Close down

BBC

6:00am BBC Newsroom inc. World Business Report/Asia Today/24 Hours 9:00 BBC World Headlines 9:05 World Focus: BBC Global Report 10:00 BBC Newsday 1:00 BBC World Headlines 1:05 World Focus: Timewatch 2:00 BBC World News 2:30 Time Out: Film '96 3:00 BBC World News 3:30 Time Out: The Travel Show 4:00 BBC Newsdesk 6:00pm BBC World Headlines 6:05 World Focus: Horizon 7:00 BBC World News 7:15 World Business Report 7:30 BBC NewsHour Asia and Pacific 8:30 Time Out: Fat Man in France 9:00 BBC World Headlines 9:05 World Focus: BBC Global Report 10:00 BBC World News 10:30 Time Out: Floyd's American Pie 11:00 The World Today 12:00am BBC World Headlines 1:05 World Focus: Correspondent 1:50 Earth Report 2:00 BBC World News 2:30 Time Out: Tomorrow's World 3:00 BBC World Report inc. World Business Report/24 Hours 5:00 BBC World News 5:10 Newsnight

CHANNEL V

6:00am Frame By Frame 7:00 Rewind VJ Sophia 8:30 Jump Start VJ Trey 9:00 Frame by Frame 11:30 The Vibe VJ Luka 12:30 Rewind VJ Sophia 1:00 By Demand VJ Trey 2:00 Frame by Frame 2:30 First Day

First Show 3:00-6PL Oye 4:00 Planet Ruby 4:30 By Demand VJ Trey 5:30 Music Update Tokyo 6:00 Rewind VJ Sophia 6:30 Eveready Red Alert 7:00pm Big Bang VJ Alessandra 7:30 Eveready Red Alert 8:00 Planet Ruby 8:30 Video Flashback Special 9:33 Top of the Pops 10:00 First Day First Show 10:30 Soul Curry 11:00 Classic Rock 12:00am Jump Start VJ Trey 1:00 Haysah 2:00 By Demand VJ Trey 3:00 Big Bang VJ Alessandra 4:30 BPL Oye 5:30 The Ticket

STAR PLUS

6:30am Volttron 7:00 Teenage Mutant Ninja Turtles 7:30 G I Joe 8:00 Saber Rider and the Star Sheriff 8:30 Adventures Of Black Stallion 9:00 Aerobics Oz Style 9:30 Charles in Charge 10:00 Mr Belvedere 11:00 TV 11:30 The Flying Doctors 12:30noon Santa Barbara 1:30 The Bold and the Beautiful 2:00 The Oprah Winfrey Show 3:00 Remington Steele 4:00 Today's Gourmet 4:30 E! TV 5:00 Teenage Mutant Ninja Turtles 5:30 Adventures Of Black Stallion 6:00pm List in Space 7:00 Home and Away 7:30 Charles in Charge 8:00 MASH 8:30 21 Jump Street 9:30 The X-Files 10:30 The Bold and the Beautiful 11:00 Santa Barbara 12:00am The New Twilight Zone 12:30 Beverly Hills 90210 1:30 The Fall Guy 2:30 E! TV 3:00 The Oprah Winfrey Show 4:00 Hoopsterman 4:30 Home and Away 5:00 The Sullivan 5:30 The Flying Doctors

STAR MOVIES

7:30am Classic: Broken Blossoms 12:30 Film Club: Little Man Tate PG (Arabic Subtitles) 11:30 Comedy: Car 54. Where Are You? 15 (Hindi Subtitles) 1:30 Classic: Zorba The Greek 12 (Hindi Subtitles) 3:30 Family: The Goodbye Bird PG (Hindi Subtitles) 5:30 Western: Angel And The Bad Man PG (Hindi Subtitles) 7:30 Comedy: Yellow Beard 15 9:30 US Top Ten 9:30 Romance: Lotta Land 12 (Hindi Subtitles) 11:30 Action: Heroes Stand Alone 18 (Arabic Subtitles) 1:30 Comedy: Secret Admirer 18 (Arabic Subtitles) 3:30 Romance: Federal Hill 16

STAR SPORTS

6:00am The European Tour 1996 Linde German Masters HL 7:00 World Windsurfing HL 7:30 1996 World Motorcycle Championship Rio De Janeiro GP Hills 9:00 Cricket - The Great Asian Matches Wilt World Cup Pakistan v South Africa From Karachi, Pakistan 3:00 Alfred Dunhill Cup Golfing Classics 4:00 NBA Fantastic 4:30 Asia Sports Show 5:00 Marlboro League CNFL HL 5:30 World Wrestling Federation Raw 6:30 Live Join in Progress Alfred Dunhill Cup Day 1 9:30 Thai Kickboxing Box 10:30 Futbol Mundial 11:00 Beijing Open 1996 Michael Chang Feature Match 1:30 World Wrestling Federation



Tara on Zee, Tonight at 12:00

Raw 2:00 1996 World Motorcycle Championship: Rio De Janeiro GP Hills 3:30 Thai Kickboxing Highlights 5:00 Watersports World 5:30 World Cup Classics 1990 West Coast C Yugoslavia 1st Round

STAR MOVIES

7:30am Classic: Broken Blossoms 12:30 Film Club: Little Man Tate PG (Arabic Subtitles) 11:30 Comedy: Car 54. Where Are You? 15 (Hindi Subtitles) 1:30 Classic: Zorba The Greek 12 (Hindi Subtitles) 3:30 Family: The Goodbye Bird PG (Hindi Subtitles) 5:30 Western: Angel And The Bad Man PG (Hindi Subtitles) 7:30 Comedy: Yellow Beard 15 9:30 US Top Ten 9:30 Romance: Lotta Land 12 (Hindi Subtitles) 11:30 Action: Heroes Stand Alone 18 (Arabic Subtitles) 1:30 Comedy: Secret Admirer 18 (Arabic Subtitles) 3:30 Romance: Federal Hill 16



Hum Paanch on Zee at 11:30pm

PTV

8:00am Tilawat Kur Tarjuma/Hamd/Naat 8:20 Cartoon 8:30 Khabrain 8:45 Cut Piece 9:20 Aahang & Roshni 9:45 Phool Chand 10:05 Sona Chand (Drama Serial) 10:30 Buttons & Rustys (Eng Film) 10:55 Milli Naghma 11:00 Khabrain 11:10 Aabshaar (Music Programme) 11:55 Tele Play (Drama Serial) 12:45pm Qawali 12:55 Quran-e-Hakeem & Bismillah 1:15 Mugdhar (Drama Serial) 2:00 Puthar (Drama Serial) 2:45 Perspective & Health Forum 3:40 Taleemi Maloomat 4:35 Aurat Aur Qanoon 5:05 Home Economics 5:25 Humaray Saath 5:55 Varna (Drama Serial) 6:25 Aiou Courses 7:05 Mugabi Hai Aana 7:20 Ainaak Wala Jim 7:45 English News 8:05 Jawaan Sangeet 8:45 Eendhan (Drama Serial) 9:00 Break for Headline News 10:00 Khabrainama & Commercial News 10:35 Mast Mast Sanyo 11:15 Urdu Feature Film & Khas Khas Khabrain/Close down

EL TV

00:30 Dil Dekhe Dekho 01:30 Sur Sargam 02:30 Pyar Hi Pyar 03:30 Jeevan Ki Rang 04:30 Dance Dance 05:30 Dil Dekhe Dekho 06:30 Sur Sargam 07:30 Pyar Hi Pyar 08:30 Jeevan Ka

SONY ET

8:30am Yaadon Ki Baar 9:00 The Three Stooges 9:30 Dennis The Menace 10:00 Dream Of Jeannie 10:30 Surf-Wheel Of Fortune (Game Show) 11:00 Ghaav (Serial) 11:30 Faasle (Serial) 12:30pm Kismet (Serial) 1:00 Zamin Asman (Serial) 1:30 Mere Message Meri Geet 2:30 Cine Matinee-Hindi Feature Film 5:00 O'Maria (Serial) 5:30 The Three Stooges 6:00 Mere Message Meri Geet 6:30 Dennis The Menace 7:00 Premier 7:30 Dream Of Jeannie 8:00 Surf-Wheel Of Fortune (Game Show) 8:30 Serial 9:30 Hospital (Serial) 10:00 Cover Story Hostels (Thriller Serial) 10:30 Janna Kaha Mera Jigar Gaya Ji (Serial) 11:00 The Young And The Restless 11:30 Yeh Sadi Nah Ho Sakti (Serial) 12:00 Pehli Mulakat 12:30am Sunday Ki Sunday 1:00 Nirlof Rasoi 1:30 Surf - Wheel Of Fortune (Game Show) 2:00 Premier 2:30 Closed

DD 7

10:30 Jannatnir 10:35 Classical Music 11:00 Dance 12:00 ETV Programme 12:30 Kalkata Bishtra 1:00 Janani (Serial) 2:30 Darpan (Serial) 3:00 Eto Tuku

EL TV

00:30 Dil Dekhe Dekho 01:30 Sur Sargam 02:30 Pyar Hi Pyar 03:30 Jeevan Ki Rang 04:30 Dance Dance 05:30 Dil Dekhe Dekho 06:30 Sur Sargam 07:30 Pyar Hi Pyar 08:30 Jeevan Ka

SONY ET

8:30am Yaadon Ki Baar 9:00 The Three Stooges 9:30 Dennis The Menace 10:00 Dream Of Jeannie 10:30 Surf-Wheel Of Fortune (Game Show) 11:00 Ghaav (Serial) 11:30 Faasle (Serial) 12:30pm Kismet (Serial) 1:00 Zamin Asman (Serial) 1:30 Mere Message Meri Geet 2:30 Cine Matinee-Hindi Feature Film 5:00 O'Maria (Serial) 5:30 The Three Stooges 6:00 Mere Message Meri Geet 6:30 Dennis The Menace 7:00 Premier 7:30 Dream Of Jeannie 8:00 Surf-Wheel Of Fortune (Game Show) 8:30 Serial 9:30 Hospital (Serial) 10:00 Cover Story Hostels (Thriller Serial) 10:30 Janna Kaha Mera Jigar Gaya Ji (Serial) 11:00 The Young And The Restless 11:30 Yeh Sadi Nah Ho Sakti (Serial) 12:00 Pehli Mulakat 12:30am Sunday Ki Sunday 1:00 Nirlof Rasoi 1:30 Surf - Wheel Of Fortune (Game Show) 2:00 Premier 2:30 Closed

DD 7

10:30 Jannatnir 10:35 Classical Music 11:00 Dance 12:00 ETV Programme 12:30 Kalkata Bishtra 1:00 Janani (Serial) 2:30 Darpan (Serial) 3:00 Eto Tuku



X-Files on Star Plus at 9:30pm

ZEE CINEMA

6:30 Hit Hit Hit Hai 7:00 Daku Raja (Chirvaavee, Radha) 9:00 Box Office 9:30 Saferd Jhoth (Ashok K., Mitun) 12:15 Bollywood 12:30 Sautela Bhai (Rajesh K., Raj Babar, Farah) 3:15 Songs 3:45 Naukar Biwka (Dharmendra, Reena R) 6:30 Ready-made Gunda (Canada) 9:15 Songs 10:00 Hum Kiss Se Kam Nahin (Rishi K., Kaul) 12:45 Mooman Mora (Mal) 3:30 Najane Kyon 4:00 Shera (Sandhya, Prashant)

Garfield by Jim Davis

