



## INSTITUTION OF OMBUDSMAN IN BANGLADESH: STUDY OF DHAKA DISTRICT

Samiya Rahman Srabontee<sup>1\*</sup>, Dr. Anuj Kumar<sup>2</sup>

### Abstract

While "Ombudsman" is not a phrase often used in Dhaka, it is a tactic that is regularly utilized in industrialized western nations to ensure governmental oversight and openness. The agencies of oversight, which are now present in a growing variety of nations, are structures of the state made to meet the demands as including both results and procedure. Their goals are to uphold justice, ethics, etc speed in public issues using strategies that foster trust throughout all governmental bodies. In actuality, the Ombudsman's office is viewed as both an entity that was setup in metropolitan territories to support high governance administration and leadership or to safeguard citizens' rights while interacting with the state. In this essay, an effort is made to assess the "Ombudsman" format's function, justification for being, and potential for institutionalization in Dhaka. As a result, the material has already been split into two sections. The Ombudsman's theoretical underpinnings are covered in Chapter I, and the opportunities and issues facing this idea in Bangladesh, where efforts are really being conducted to construct the agency of the Advocate, are discussed in Chapter 2.

**Keywords:** Ombudsman, Corruption, Government, Articles.

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<sup>1\*</sup>MA in Public Administration, Final year student, Department of Government and public Administration, Lovely Professional University, Punjab.

Email: samiyasrabontee60@gmail.com

<sup>2</sup>Dr. Anuj Kumar, Department of Government and public Administration, Lovely Professional University, Punjab. Email: anuj.29524@lpu.co.in

**\*Corresponding Author:** Samiya Rahman Srabontee

\*MA in Public Administration, Final year student, Department of Government and public Administration, Lovely Professional University, Punjab.

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## INTRODUCTION

An ombudsman is an impartial, impartial person whose works independently of the system and is given the authority to look into complaints, recommend fixes, and collect information, among several other things. The Ombudsman's Commission keeps an eye on again checks to determine if governments were executing his lawful authority. To protect individual rights, it establishes processes for resolving personal disputes. Nonetheless, almost half a century after the constitutional was ratified, and in contrast to the numerous institutionalizations of this office in western industrialized nations, the seat of Ombudsman is miscarried in Dhaka.

Both the Ombudsman legislation of 1980 and Article 77 of the Constitution set forth the legal status and specific guidelines for how this agency shall be operated. This absence of an ombudsman was likely a result of the fact that the office's creation was not put into law but instead was left to the wisdom and choice of the legislative. It goes without saying that despotism sets in if functional departments are allowed to continue being careless and unchecked. Dhaka acquired an asymmetrical political structure in which the government held authority over most agencies as it transitioned from British colonial rule via Kashmir proto. From Bangladesh's standpoint, the approach to combating bureaucratic fraud is haphazard and often ineffective. The Annual Confidential Report (ACR) isn't particularly useful and is primarily personal. The establishment of an investigator is becoming urgently necessary to reduce power abuses, incompetence, and bad management. Formal investigations take a lot of work, time, and effort; in contrast, an ombudsman's probe is simple and fast.

The elimination of fraud is a requirement for successful governance. Yet, this fraud is so pervasive in Dhaka that it has impacted every industry, even the government. Put bluntly, this beast has been consuming our leadership. The Generally pro Commission was set up to oversee these violations, but it rarely results in effective corrections. The office of the Advocate should be promoted in order to stop the corrupt behaviour that are rife throughout many industries, such as the top ranks of such government. The Advocate Act of 1980 is a comprehensive and unique law, yet it has a number of drawbacks. Only the governor of the state really does have the discretion to designate the investigator after taking into account the suggestions of the legislature. Presumably, the ombudsman will be chosen according to the preferences of the ruling party. It ought to be altered to make sure that an ombudsman chosen by

parliament with broad support is in place for proper operation. The Ombudsman Act of 1980 also exempts claims against some public officials, including judges, ministers, and legislators. Moreover, "acts of bribery" and "criminal purchase of assets" are not covered by the Act. Such a restriction may leave the office of the Advocate powerless in a nation like Dhaka where fraud and improper behavior have gone beyond all tolerable bounds.

Country requires this same apt of such adjudicators who could investigate allegations received against any public official, as well as government ministers, MPs, central bureaucracy, state politicians, service officers, judicial bodies, and so on, and who can assure that actions are lawful, non-discriminatory, and fair. They will root out bribery, favoritism, and partiality in good governance. The appointment of an ombudsperson will signal a greater and more diligent democracy in Dhaka, where the rule of law would then predominate. In accordance with the legal mandate, the Oversight committee is clearly required to ensure better governance in in out home nation. Why is this the case? Are we not engaging in good governance? To reply to that query, I will quote Mohammad Found in rural areas, a former Awami presidium member. On May 19, 2019, almost all customer-facing newspapers in Bangladesh carried this statement. "Inside this state, law enforcement agencies, lawyers, and even the courts can be financed." he said. You have decided on the "government accountability" situation in Dhaka after analyzing the comment of such a world famous person. Folks may also convey statistics that support your points, both orally and in writing.

### Concept of Ombudsman

Several unique features of Article seems to be the Judiciary article. It Law has provisions for investigating, recommending corrections, issuing findings, but similar actions for eliminate bureaucratic abnormalities. That position never materialized, considering that your Charter being created shortly ever since the nation became a nation. Whereas this title "arbitrator" is new to a majority within us, they're a broadly utilized instrument in developed countries to promote executive integrity. But still the issue remains: Is Dhaka require an Independent stomach? Then why is it institutionalized, when necessary? This could make sense so really carefully talk through basic political authority for Advocate so order to talk about those points. In made under Section 77 of both the Charter, "Legislature could, besides court, regulate the founding of workplace of Adjudicator

and Law society must also start exercising those very right to conduct those very capabilities since Legislative body might well, whilst also court, evaluate, along with the capacity to investigate whatever actions made by just a Church, a community cop, and one statute governmental agency." That is clear from of the legal power that such Tribunal is essential to ensuring political reform for our nation. Is it the case? Do we not engage in democratic accountability? I'll use a quotation with Mohammad Nasim, a previous Awami League central committee members, to respond towards that query.

Around May 19, 2019, a claim were covered in nearly the whole of Bangladesh's top publications. She said, "In just this society, authorities, attorneys, even a judge may be purchased with gold." You now evaluate the statement of such a well-known people to make a determination about Bangladesh's "excellent management" position. However still, users can provide proof to back up either his good & bad arguments. But would creating a Ombudsman's office resolve all of our issues? The response suggests that prior to ever creating what a committee or evaluating the efficacy of both the existing legal entities in Dhaka, we ought not to be so critical. But, we must regard this undertaking as a just nation. The campaign to purify your network ought to be an ongoing project. Among the most important organizations for cleaning up our nation's existing structure is still the Advocate. Any culture or nation cannot immediately be free of injustice, anomalies, and bribery with a simple effort, certainly so Dhaka, that ranks among the highest ranking of the least unethical nations worldwide. Nevertheless, given the countless obstacles theyface, can now we build the Ombudsman's offices in Dhaka and institutionalize it? The fact is, but had numerous obstacles, it is important to outline the steps of opening the Ombudsman department within Dhaka soon is feasible.

Unfortunately, none administration of my nation used to have the bravery to create this organization. To establish the Senate an efficient authority, it is also necessary to update its obsolete Norwegian Law. As a result, the Behave must contain the necessary elements to enable its Auditor to look into claims of bribery including poor management here on part of public employees. A governmental official's ownership of property outside of its acknowledged and legitimate revenue streams must be investigated by the Auditor, or any property purchased legally must be lost to such govt. However, lacking the legislative and administrative

support from the individuals to consider, it is difficult to establish this position; as a result, people will need the drive of taking the required action. The Head of Ireland (President) may appoint the Consumer upon recommendations of House. Here must be agreement across every faction in Congress for the Commissioner to be broadly acknowledged.

## HISTORICAL BACKGROUND

The phrase Ombudsman derives from the European language and dates from the earliest days of European settlers. Ombudsman was the person preselected from a balanced group to capture ransom money (Wergild) on representative of the wrongdoer (Chowdhury, 1996: 7). However, the newer office of Arbitrator was dreamed up in Sweden over 193 years ago by that of the Swedish Constitution 1and09. It has an even older forerunner, the Prince's Governor of Fair trials, which dates back to Swedish history (Rowat, 1967: 135). Today, however, Ombudsman refers to experienced individuals who have the authority to investigate and rule on citizen grievances against public authorities. The phrase "ombuds" in Swedish implies "executive," "director of communications," or "indicative."

Numerous authors described the Adjudicator from various perspectives. Then I'll present a few essential concepts provided by successful authors and academics. As per Davis, the Ombudsman "— holds a high-ranking position in the government, and his job would be to handle complaints from any citizen who is dissatisfied also with or lack thereof of any management or civil servant." (Davis, 1961: 1057-1076). According to the Judicial Report, the Ombudsman is "an officer of parliament whom was assigned and whose primary function is to investigate complaints."

"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, representatives, and workers or who behaves independently of any other motion, and has power to investigate, endorse remedial action, and matter reports," thus according Bernard Frank. (Frank, 1986:11) "An Ombudsman is a productive person by a legislature to investigate and report on concerns raised by persons against public authorities," according to the Oxford Dictionary. Professor Rowat wrote in his well-known book "The Ombudsman: Citizen's Defender" that a "Ombudsman is an independent and politically neutral officer of the legislature who receives and investigates complaints from the public against

administrative action and who has the power to criticize and dismiss administrative action." A standard bureau's vast authority enables her to deal with major issues in the general, and occasionally the commercial sectors. Nevertheless, an office's mission may occasionally just cover a single aspect of society.

For instance, an educational office may be charged with defending the liberty of the children of the country, and in Belgium, each of the country's numerous geographic and tribal communities has its own commissioner. Many different governments & institutions under this group have ombudsmen in existence. Supervisors are frequently found inside significant businesses and might be selected at the regional, nationwide, or both levels. Advocates may only handle grievances against a certain institution or public official, while others could have a wider scope.

An ombudsman's ruling can or can't might not become enforceable under law, depending on the area. However, even though it may not be legally enforceable, the judgment usually holds a lot of force. Given evident explanations, the way a person like that officer operates in an isolated nation vs an enormous one differs significantly. First, given its sizable population, there is a chance that the Ombudsman may get a lot of complains from people in general. Second, because the Ombudsman's job is subject to certain investigative limitations, his work may also be hampered by the institutions, businesses, or people who have been charged of wrongdoing. Lastly, there is complexity in our country, and it forms one all the key factors in the formulation of governmental policy. They are more unified and mature as those who are involved in the creation of executive policies. Businesses could reject the formation and potency of the Advocate because it would be within business rights. (Islam, 1996: 48).

Dhaka has extraordinary chances for political organization and the setting up up a foundation for responsible or inspector-people government. Bribery and government failure have been prioritized by this officials. initial occasion in the nation's the past, concrete assessor-pronged measures were recently launched that have the potential to transform this greatest degree of federal devotion to actual outcomes. A scheme is starting to make dishonesty punished regardless of degree of influence or effect. Substantial organizational and legislative transformations had begun. Real efforts on separate within the Judiciary, reformation of the General Union, a move which has begun a series of inspector-overdue electoral reform, remodeling of the anti-corruption body in order to render it a better agency, plus the greatest

amount of engagement are among those. Doping committed with an broad range of core measures and measures toward political the changes in institutions, notably to guarantee in accordance with Section 6, mankind of fighting corruption prevention agencies including and also to provide them with complete autonomy. Dhaka will be going into an unheard-of period of opportunity for institutionalizing democracy and setting up the framework for responsible and popular administration. Bribery and poor governance rank among the very top of the nation's priority. Regarding the initial occasion in Dhaka the past, focused multifaceted activities were launched as an effort to turn this greatest degree of federal devotion towards real outcomes. The journey of making bribery punished regardless of position or influence has already begun.

Under applying the elected structure of the executive branch this became law. Previous Westminster-style Legislative kind of authority eventually took precedence within the Presidency system of authority. We thus suggest the efficacy if the law should be evaluated in the current situation. The authority's independence and separation from the executive are two important considerations. It should be recalled once again how I sought to analyze the sections of your regulations that are in force in that country addressing the role held by the Commissioner in order to assess them over the course of my study. In doing so, I worked to strengthen the legislation as it stands in the context of the national current social environment also suggested any necessary adjustments. At a nutshell, how to apply for an inspector the requirements for scheduling, the duration of service for an inspector nations, and, need been reviewed. Findings of this investigation indicate the entire country is eagerly awaiting the appointment of the Investigator. They must continue running because we haven't given up faith. Obligations of an Ombudsman

That existence may ask an official servant or anyone else to provide knowledge, provide any material, or respond to any kind of paper with the goal to conduct an inquiry. It has already been spoken. In addition to feed the reason about this kind of study, he is granted every discretion of the civil courts while exploring a case in keeping alongside the law of Administrative Procedures, 1906, via regard for the subsequent is crucial:

- (a) Calling anyone to appear as well as questioning himself according to swearing
- (b) Ordering searching and eventual submitting one paperwork;
- (c) Requiring bureau-based data;
- (d) Seeking an image for any publicly available

information to an administrative body or position;  
 (e) Creating panels to examine records or interview persons;

In order to will prevent a worker of the nation or someone else from deceiving the Ombudsmen by supplying fraudulent papers, details, or responses, the third clause of chapter 8 constitutes an excellent innovation. Any procedure prior to this office must be regarded to constitute a judicial process for the purposes of Part 193 or the Code of Criminal Procedure, according to this clause.

This office has the authority to sentence the violator for a maximum of 7 years in any type of institution or penalize them forever to provide counterfeit proof.

This individual is tasked with charge of ensuring that administration processes and goods provided by government departments are acceptable,

- a. suitable, and
- b. equal.

A member of the provincial legislature is number. The capacity to conduct benign, discreet inspections that safeguard plaintiffs from retaliation. Annual reports must be submitted to the national Assembly. a statement from Anderson, who was the Ombudsman's position must be filled by someone who is self-sufficient, impartial, knowledgeable about administration, readily available, and only has the authority to suggest and publicize changes. (Anderson, 1969:3) The United Nations organized a symposium in 1963 on legal along with additional measures.

### Basic Requirement Regarding Ombudsman

According to latest stats, the Asian region has a high least corrupt index (Transparency International, 2019). However, when comparing to a lower immorality rating, Asian countries' industrial growth places higher. Researchers Hakimi & Hammami (2017) and Ishola & Omoteso (2009) found a link between corruption and a nation's slow economic progress. Mallik & Saha (2016) and Paksha (2010), however, found that corruption has a favorable effect on economic growth in the chosen Asian nation. Every nation assesses the effect of graft on its economy separately, it is still necessary to assess the overall regional consequence of economic expansion caused by corruption. Thus, this study seeks to determine why CPI affects Economy in the Asian Region. One of the most challenging concerns facing the world today is dishonesty, which calls for a nation's long-term viability. Despite being a significant issue on a worldwide scale, few scholars have given this idea any consideration. As a result, it draws attention to the empirical needfor

in-depth research on how corruption interacts with income progress in the Asian region, which is crucial to the growth of the region. The impact of fraud indices on wealth creation is also not given much consideration at the national level. That investigation will evaluate the effect of nepotism on economic expansion there in Asian region in order to close the gap. Bribery is a maturity level issue, but it has only recently come to the attention of legislators and developers around the world. A growing number of Empirical evidence, as discussed in greater detail below, shows that corruption stifles economic growth, exacerbates income inequality, and thus harms people's overall well-being. Because there is no widely accepted indicator for measuring corrupt practices, it is unclear how well methodologies can obtain bribery.

Single legislative investigator is logically insufficient given Bangladesh's enormous and quickly growing population. Dhaka must select semi law society, such as ones for equal opportunity, children, the press, preventing ethnic division, consumers, and so on. Such non-parliamentary consumer affairs have been institutionalized in Denmark, Sweden, and Finland. Together with Pakistan's neighbor India, legislative ombudsmen have been elected in 46 nations thus far. To address the issues, Country needs designate an executive and legislative investigator.

In the year 1972, following Bangladesh's declaration of authority the people who wrote the constitution incorporated the idea of an inspector also known as a Naypal. (Islam, 1994:208). According to section 77 of the Bill of Rights, Lawmakers can appoint a consumer advocate by statute.

(ii) It will use his or her agency as carry out the tasks set forth by statute as determined by lawmakers, which include the entity to look into whatever was done by an agency, an elected official, nor a legal governmental entity.

(iii) Each Ombudsman must create a yearly assessment on the performance of their duties, and this assessment must be presented to parliamentarians. (Constitution, 1972).

By theory, these is at least several methods to nominate an Ombudsman throughout the globe: Admission by the Secretary of Country on the approval from Legislature.

1. Employment by the legislature or Legislature.
2. Admission by the Chief of State. The second sort of appointment is one that Bangladesh's Ombudsman Act of 1980 allows for, which seems logical and reasonable given that our nation hasnot yet developed a political structure focused upon the

legislative spirit.

However, opposing parties' influence on the proposals made to the administration is not addressed in the Act. The government would very likely propose the Ombudsman be appointed in such circumstances, which could ultimately damage the position's responsibility, autonomy, and objectivity.

**Research Objectives**

This study's goal is to look at how dishonesty affects the nation of Asia's wealth creation.

- To recognize the elements that lead to abuse of power in Dhaka's public bodies.
- To investigate popular public views of the degree of nepotism in Dhaka government offices, as well as one's confrontations to payoffs.
- To offer a highly efficient regulatory alternative there in district of Dhaka

**RESEARCH METHODOLOGY**

The technique includes a form approach qualitative research that involves survey, which information can be gathered from initial sources. The study's target population comprises comprised of Department along with additional relevant public agencies of Dhaka city, with an overall number 45 participants.

Primary data is collected through Interview and questionnaire methods among all the normal people who are aware of need of ombudsman in Dhaka city. The research is designed to gather information on the impact of these programs on their problems Collection of secondary data on ombudsman in Dhaka, Bangladesh from official websites of the government, previous studies, journals and articles.

**DATA ANALYSIS**

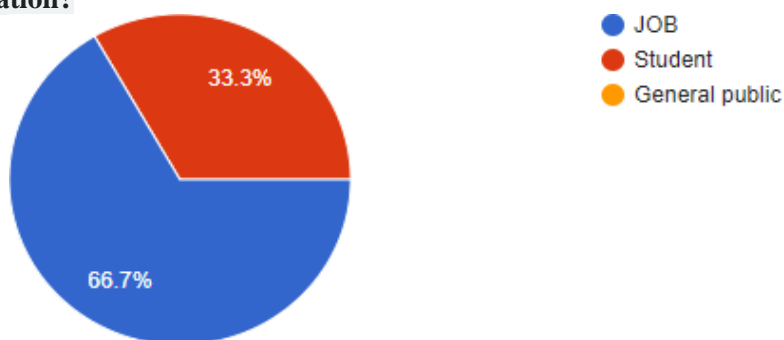
Government officials' misuse of authority, poor management, nepotism, and corruption have all risen along with the complexity of governance.

Every contemporary democratic state offers the standard constitutional and legal frameworks necessary to combat these ills. These include the judicial system, the legislative branch, different government-established inquiry panels.

The scholar created an online survey to obtain information about ordinary citizens and officials' impressions in the scale in city fraud, their interactions using gifts, especially their proposals for combating bribery. The analysis of this information focuses on the survey replies that the investigators obtained in keeping with an inquiry; the study's sample level included 45 representing the study galaxy comprising the ombudsman's workplace, learners, the public as a whole, and additional necessary public personnel. Bribery among shown in is without doubt one of the most significant issues in Bangladeshi good governance not a stronger insight of how cronyism has infiltrated and destroyed public life that what the lawmaking body of India stated in its "Working Paper Suggesting Provisions to Suspend Real estate of Dishonest Public Servants: -

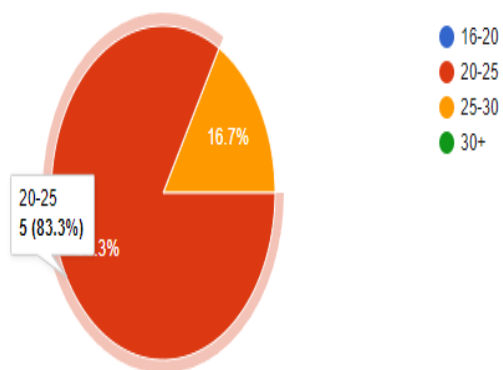
"The omission of abuse of power is one of the crucial elements of good governance. However, malfeasance has taken long connections in our society, together with its administrative system. There have been corrupt elements at every level of government, whether at the federal level as well as within asserts, who've been causing enormous harm to the state, the nation, and also the national good. The managerial apparatus of local governments, corporate entities, and government-owned enterprises has deteriorated. Whenever a fee of a lakhs is paid to a public servant, it is reimbursed because the payer receives at least 5 - 10 times its gain, if not greater, and that advantage is the disadvantage of a nation and its citizens. Its dysfunctional were also capable of causing any kind of harm to the nation and its citizens for a slight self-benefit. Most are victims of bribery.

**What is your occupation?**



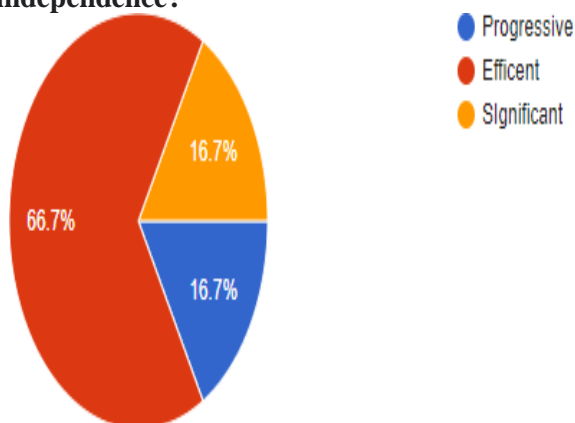
Many opt for students (22) responded to this questionnaire and rest of them are employees (10) and general public (13).

**What is your age?**



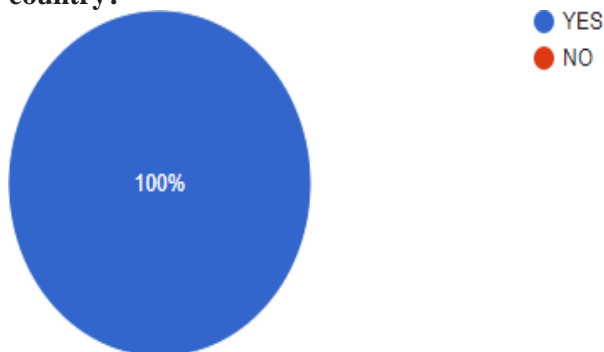
Most of the respondents are between 20-30 age categories.

**How Do you describe our situation since our independence?**



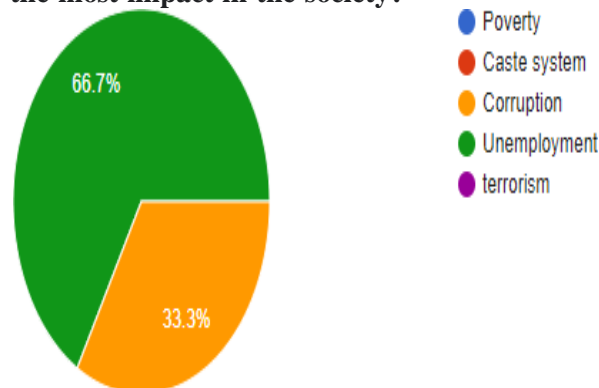
Whenever the investigator enquired regarding the city of events broadly following liberty, then mostly answered (23) its efficient, there have a lot to in progress respondent almost (18) and (4) respondent it has significant.

**Do you think we have corruption in our country?**



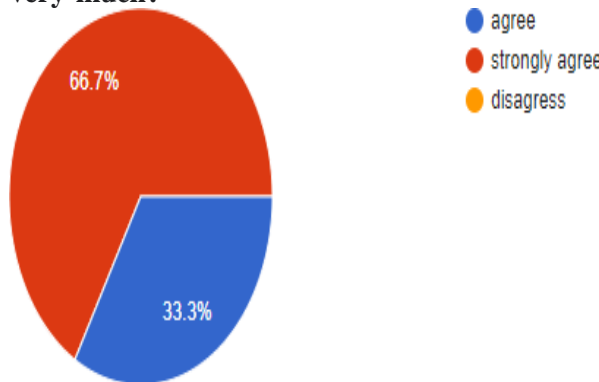
45 out of 45 people respondent that they think there are corruption in our country.

**What Do you think what is the issue we having the most impact in the society?**



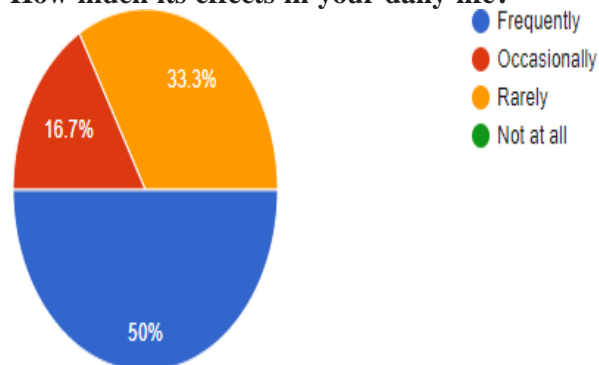
Many of them almost 66.7% of respondent think that Unemployment is the reason for corruption and 33.3% think poverty is the reason.

**Do you think corruption is spreading rapidly very much?**



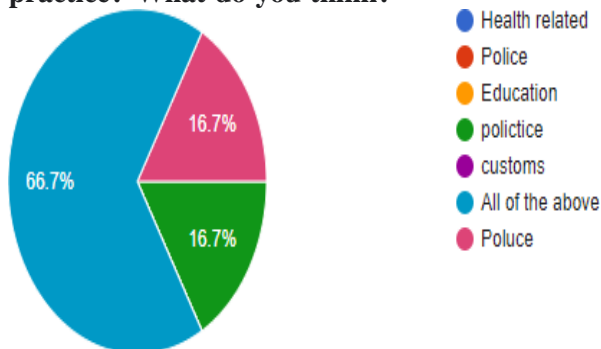
By asking this question almost 66.7% people says that they strongly believes that corruption is spreading rapidly and 33.3% said that they agree.

**How much its effects in your daily life?**

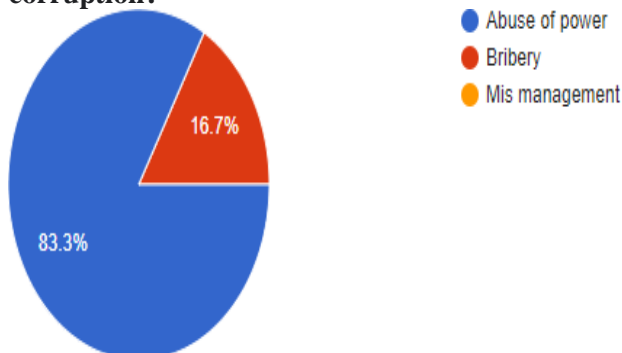


50% respondent said frequently, 16.7% said that occasionally and 33.3% said rarely its effects in their daily life.

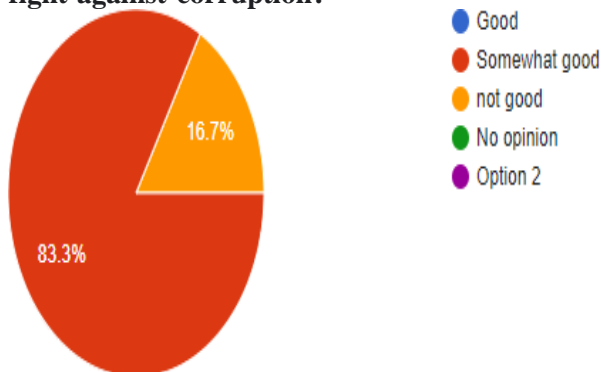
**In what type of institution, they have this type practice? What do you think?**



**What do you think about the concept of corruption?**



**What commitment government is taking to fight against corruption?**



**Research Gaps**

When examining the responses & perspectives among the polled, I find it quite fascinating that although fully the nonprofit organizations experts support the urgent formation of an inspector's workplace, just over fifty percent of government-related experts agree. But whereas eighty-seven of private company's workers believe they doesn't exist an Investigator of Dhaka now due to officials' resistance, 48 percent of officials believe that shouldn't require the role of the Observer. Taking into account each of this data, it is concluded that, despite acknowledging who the current laws include gaps and investigator the primary reasons for their absence include the administrators' that governing factions' inability to enforce such. By creating the republican system of governance, this

Act had been authorized. Previous Westminster-style Legislative way of power eventually tookover the reigns underneath the Executive system of authority. We thus suggest the successful implementation of the statute must be evaluated in the current situation. The agency's autonomy as well as separation of the judiciary are two important considerations. It should be recalled yet again how I endeavored to analyze the details of the legal framework currently in effect in that country about the duties of an Inspector in order to assess them over the course of my study. I did this in an effort to advance the legislation that is now in effect in the current politically and social climate. The Ombudsman is unable to operate in tiny governments. Given an immense nation and a huge population, the person in charge of can't deal with claims sans a similarly big organizational structure. The Ombudsman's approach generates an administrative structure in and of its own, forming a minor bureaucratic behind a larger bureaucratic to additional red tape. The ombudsman possesses no concrete authorities when can simply make recommendations. Dependent on their willingness, lawmaker's other bodies can pay attention to proposals. The office of the has a tendency to give the impression that everything is fine about the authorities. Just parliamentary republics can use the post of secretary. The arrangement conflicts against accountability for ministers in the legislature. It is necessary to strengthen the Ombudsman's authority over this inquiry phase. The bill ought to contain mechanisms for investigating grievances concerning the head of state, the premier, Council lawmakers, and the chief executive at the Epc. This department deserved the authority to investigate accusations concerning municipalities. The executive branch should be responsible for ensuring the inspector's independence. The body known as the ought to have jurisdiction against government misconduct, fraud, and illicit acquisitions of wealth. The remit of the investigator ought to have broad sufficiently to include every politician all official operations. Per the legislation, the Ombudsman's office had no functional liberation; he must obtain approval for spending cash from no less than three government officials, especially the Department of Economy. Contrary to an Australian Law Commissioners study of 2000, current rules are going to turn its institution as a harmless tiger. The Act establishing the Ombudsman for 80 was enacted in response to the federal judicial administration. However, the entire nation currently has an elected system of administration



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