

OFFICE OF THE PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION

ANNUAL REPORT FOR THE YEAR – 2018

INTRODUCTION

At the outset, I may be permitted to mention the role of the Parliamentary Commissioner for Administration (hereinafter referred to as the Ombudsman); before commenting on the matters connected with the duties and functions carried out by this office during the year 2018. Such a backdrop may help to have a clearer understanding of the acts and deeds of the Ombudsman which were attended to, during the last year. Also, I must mention that I assumed duties as the Ombudsman only on the 30th January 2019 and therefore, I am reporting the matters which occurred during the tenure of my predecessor.

DUTIES & FUNCTIONS

Article 156 of the Constitution of the Republic of Sri Lanka stipulates that the Parliament shall provide for the establishment of the office of the Parliamentary Commissioner for Administration (Ombudsman) which position is charged with the duty of investigating and reporting upon complaints or allegations of the infringement of fundamental rights and other injustices caused by Public Officers and officers of Public Corporations, local authorities and other like institutions while performing their duties.

Accordingly, the Parliamentary Commissioner for Administration Act No.17 of 1981 was enacted establishing the office of the Ombudsman and in that enactment powers, duties and functions of the Ombudsman is described and defined. Subsequently, the aforesaid Act was amended by the Act No.26 of 1994, enabling the Ombudsman to receive and entertain complaints of infringements of fundamental rights or other injustices, directly from the members of the public as well. The Ombudsman is required to investigate and inquire into the alleged allegations and then determine whether the decision, recommendation, act or omission of the public officer concerned complained of, was contrary to law, unjust, oppressive or improperly discriminatory or made in the improper exercise of the discretion of the officer

concerned. Where the Ombudsman is satisfied after due investigation that a person's fundamental rights has been violated by a public officer or has suffered an injustice at the hands of such officer, he is to make a determination accordingly. By way of relief to the person affected, the Ombudsman may recommend that the act of the public officer concerned, be reconsidered, rectified, cancelled or varied and require the head of the institution to which the public officer belongs, to notify within a specified time, the steps which he proposes to take to give effect to the recommendation.

Mr. Sam Wijesinghe, who was one time the Secretary General of Parliament of Sri Lanka was the first Ombudsman of the Republic and in the Annual Report which he has submitted for the year 1984, he had explained the duties and functions of the Ombudsman in the following manner.

“The Ombudsman is an officer of Parliament. His task, mainly is one that Parliament traditionally performs viz; redressing grievances of individuals. Given that Parliaments now spend much of their time legislating generally rather than redressing particular grievances, emphasis placed on the Ombudsman and the courts to remedy injustices that individuals suffer in their dealings with the bureaucracy...The role of the Ombudsman in Sri Lanka covers areas where citizen and Government meet, hence the constitutional provision of the Ombudsman is perhaps more interesting.”

Accordingly, it is clear that a noble duty is cast upon the Ombudsman to ensure protection of fundamental rights of the people referred to in the Constitution and also to protect them from any other injustices caused by the acts of the officers of the Government and other similar institutions. At the same time, it must be noted that whilst protecting those rights of the people, it is also the duty of the Ombudsman to ensure that the administration policy of the Government is properly implemented, having regard to the matters contained in the Articles of the Constitution and the provisions of the legislative enactments and regulations thereof and of course the rules contained in various circulars issued by the Government authorities.

PROCEDURE ADOPTED IN MAKING RECOMMENDATIONS

Each and every complain/petition received by this office is entered in a separate register and then a specific number is allocated for such a complaint. Thereafter, the complaints are classified according to the subjects such as; Pensions, Land, Unauthorized Constructions, Reinstatement in the Office, Admission to Schools etc. Those are the particular subjects allocated and dealt with by the officers of this office and they belong to the category of “Public Management Assistants” in the Government service. Upon registering a complaint, it is referred to the respective Public Management Assistants (subject clerks) and thereafter it is their duty to open up a file to each and every complaint. This selection of topic is being done by the Chief Public Management Assistant in the Office.

Once a file is opened in respect of a particular complaint, the subject clerk makes a journal entry in the file summarizing the contents of the complaint. Thereafter he/she having discussed the nature of the complaint with the Administrative Officer, both of them meet the Ombudsman and seek his advice and guidance as to the steps that are to be taken in connection with the complaint made.

It is a very important meeting and at that point, the Ombudsman carefully considers the contents in the complaint received, along with other documents annexed to the complaint. The first and foremost thing that would be looked into is to ascertain whether the complaint/allegation falls within the jurisdiction of the ombudsman. In determining this issue, the Ombudsman carefully addresses his mind to the contents found in Sections 10, 11 and 17 of the Parliamentary Commissioner for Administration Act (hereinafter referred to as the Act). If the complaint does not fall within the ambit of the Act, it is informed to the complainant forthwith giving the reasons for the refusal to proceed with the matter.

When the Ombudsman decides to proceed with the application, he makes appropriate orders as to the steps that are to be taken in connection with each and every complaint. If the Ombudsman feels that it is necessary to obtain more information; such as the relief sought and against whom the complaint is made, then such information is requested from the applicant. This office also sends a specific form [Form OMB 01] to the applicant requesting him/her to furnish the information mentioned therein, in addition to the particular information requested for. Thereafter,

every effort is being made to conclude the case without delay in accordance with the provisions of the Act and of course it will depend on the nature of the complaint.

Observations are being called upon deciding to proceed with the matter, generally from the officers against whom the allegation is made. There are instances where the authorities have decided to grant relief soon after they receive the said letters by which the observations are called. To the contrary, there are instances where this office had to send several reminders to get their observations on the issue. In a fair number of cases, the Ombudsman was able to see a meaningful outcome after exchanging several letters. In the event, the Ombudsman is unable to achieve an acceptable decision, the parties are summoned to this office for an inquiry. This inquiry is held observing the rules of Natural Justice giving every party an opportunity to present their respective cases in the presence of each other.

Whenever a violation of a fundamental right or an injustice is proved, as mentioned before; the Ombudsman makes every effort to grant relief to the victim. If he fails to achieve an acceptable solution by such a cause of action, the matter is fixed for inquiry. If the Ombudsman is unsuccessful in all such endeavours, he makes a determination on the issue and informs the same to the respondent party to implement the same within a given period of time. If within the time so specified, no action is taken, the Ombudsman shall forward a copy of his report to the President and to the Speaker for appropriate action. At this stage, it must be noted that the office of Ombudsman always maintains strict confidence when following the process referred to hereinbefore.

Having mentioned the manner in which the applications are being processed and the actions taken thereafter, I will now refer to a few matters covering different areas in which this office has granted reliefs for the applicants who sought the intervention of the Ombudsman. I believe it will help to understand properly the nature and the type of the applications made to this office.

No.OMB/P/2/10/1177

Name: Mr.K.B.Jayarathne Perera

In this matter, 85 families were settled by the Government on a land which has an extent of 25 acres that were acquired by the Government for the purpose of resettling the people who were affected by earth slips and floods. Out of the said 25 acres, 05 acres were set apart to construct a building for the Kithulgala Police Station. The people who were living in those houses had been using a road which cut across the land meant for the Police Station. Afterwards, the people who were settled and were living in those houses which had been built on the said land, complained that their right of way was obstructed by the Police. Having called for reports from the Superintendent of Police of the area and from the District Secretary of Kegalle, the Ombudsman on 10th March 2018, recommended that a 08-foot-wide road should be given for the usage of the people who made the complaint. Accordingly, the Inspector General of Police has obliged the request and the people were permitted to use a road way as suggested by the Ombudsman.

No.OMB/P/2/10/1284

Name: Mr.Iresha Madushanka Liyanage

The applicant in this matter had made an application to have her daughter admitted to the Grade 1 class at Christchurch Girls' School in Baddegama. The child was not selected due to an issue with regard to the deed upon which she has relied upon, in order to establish the distance to the school. She was in short of 01 mark to have her name included into the selected list. This office inquired into the matter and was able to pursue the Principle to admit the child to the school. It was a decision made on the 16th March 2018.

No.OMB/P/2/7/318

Name: Mr.D.G.K.Karunarathne

Mr.Karunarathne complained that he was placed in Grade II/I of the Sri Lanka Administrative Service at the time of retirement though he was placed in Class I in the same service, prior to his retirement. This office called for observations from the Secretary, Ministry of Public Administration and he has informed the Director of Pensions to place the complainant at the proper grade in the service enabling him to draw a hire pension. Thereafter, the applicant was placed in Class I in the Sri Lanka Administrative Service and accordingly, he was able to draw a pension calculated

according to the new salary point. This decision was informed to this office on 11th October 2018 by the applicant.

No.OMB/P/2/11/27

Name: Mr.S.P.Manju Prasanka

The applicant has become a differently able person due to a fall from a tree during his school days. He had made an application to obtain the allowance given to the differently able personnel by the Government. He sought assistance from the Ombudsman to obtain this allowance. The Divisional Secretary of Beruwala decided to pay Rs.3000/- per month with effect from 15th March 2018 as an allowance to the applicant after the intervention of the Ombudsman.

No.OMB/P/2/9/382

Name: Mr.W.A.A.Werahera

Mr.Werahera complained that he was denied the right to obtain a vehicle permit though he was eligible for such a permit since he had been a Senior Executive Officer at the University of Peradeniya. Subsequently, with the intervention of the Ombudsman, the University of Peradeniya decided to issue a permit in the name of the applicant for the importation of a vehicle and it was informed by the complainant to this office by his letter dated 3rd May 2018.

OBSERVATIONS AND SUGGESIONS

Complaints which fell within the scope of the Ombudsman were inquired into exercising the powers vested in him under the Parliamentary Commissioner for Administration Act and the subsequent amendments made thereto. Accordingly, during the last year too, steps were taken in accordance with the provisions contained in the aforesaid Act, to remedy the alleged injustices caused to the applicants by the acts of the officers referred to in Article 156 of the Constitution. In doing so, this office made every effort to remedy the alleged injustices referred to us for redress. The matters in which the issue could not settle amicably, this Office made recommendations considering the merits of each case. In settling the disputes, this office made every endeavour to have those settled expeditiously, by writing to the officers concerned and also by contacting them even over the telephone. During the

year under review, 730 complaints were disposed of summarily and 16 were dealt with having held inquiries *inter-parte*, making it a total of 746. A balance of 479 complaints were carried over to the year 2019 for further action.

Disputes between private parties and the matters that had been dealt with or are being before court, fall outside the jurisdiction of the Ombudsman. One other notable matter is the undue delay in making requests to this office. Such delay may lead to reject a particular complaint at the very outset unless there exist exceptional circumstances preventing him making an application.

At this stage, it must be mentioned that in many occasions, copies of the petitions which were sent to His Excellency the President, Hon. the Prime Minister, Hon. Ministers and to the other organizations & agencies seeking redress, are directed to the office of the Ombudsman. It is to be noted that such an attitude may lead the authorities to make different decisions in respect of one and the same issue having spent their valuable time and resources. As a result, respective public officers as well as the institutions such as the office of Ombudsman may fall into difficulties when it comes to implementation of a particular decision. Having considered such circumstances, this office does not incline to act on the copies of complaints received.

One other matter that is to be mentioned is the inadequacy of information provided by the applicants for us to commence inquiries. In such a situation, this office is compelled to request the applicants to send the required information to this office. In any event, we send a particular prescribed form (OMB 01) to all the applicants requiring them to answer the questions posed in that form so that we will be able to understand the necessary information such as the officers against whom the application is made and the exact decision by which the violation of rights has occurred.

I will now turn to comment on the nature of applications received by this office. There were allegations by the parents regarding the admissions of their children to the schools of their choice. Also, there had been a large number of complaints forwarded by teachers who alleged that they were discriminated against in granting appointments

to the grade of Principal despite the fact that they had scored sufficient marks at the written exams qualifying them to be in that service.

It is also necessary to mention that a large number of applications have been filed by principals and teachers complaining injustices caused to them when making decision in respect of their transfers, increments, promotions, arrears of wages, allowances and pensions. In such applications we have faced difficulties when obtaining the observations from the authorities as expected.

It is regretted to note that certain institutions were very lethargic in sending reports when called for. Among those, Mahaweli Authority, Ministry of Education, Ministry of Health and Department of Pensions are the most prominent institutions. Moreover, it is to be mentioned that the Mahaweli Authority and the Department of Pensions are the institutions that were adamant and reluctant to review decisions that they have made. Such attitude is seen when a land officer who does not have the capacity to take a decision is present when a request had been made to a zonal director in the Mahaweli Authority to be present in this office for a particular inquiry. It is my view that this type of behavior affects directly the helpless citizens who seek relief from these institutions.

Number of complaints received against the Department of Pensions had been increased noticeably. It may be due to the attitude of the officers concerned when making decisions in performing their official duties. I must mention that they should not act not only within the law but also with an open-mind and should not act in an arbitrary manner.

Complaints made against officers of the Ministry of Education and the Department of Education, continue to be on the high-side. Our letters to the Ministry of Education and the Provincial Education authorities are not attended as expected. Such inaction compels us to send several reminders to obtain reports that were called. However, let me take this opportunity to appreciate the recent decision to introduce various changes with regard to the rules governing admission of children to schools.

Some local authorities are very lax in enforcing the law against the persons who have erected unauthorized structures, inconveniencing the habitants in the vicinity. Most of the recommendations made to these authorities in this connection were to direct them to take action to demolish these unauthorized structures but unfortunately those were not adhered to in the way expected resulting it not achieving the desired results.

It is to be mentioned that whenever an inquiry or investigation on a complaint was pursued, officials whose decisions are challenged expended time and effort, trying to justify a decision or action they have taken without paying due heed to sense of justice or fairness. Regardless of the gravity of the wrong done and its deleterious effects on individual citizens, officials seem to have continued in persisting in taking the same sort of wrongful action or spurious decisions despite the justifiable complaints that are made against them. Such conduct never enhances good administration and indeed vitiates the same. Furthermore, it detracts from good administration if public officials do not readily receive them and listen to citizens who bring in legitimate complaints.

Finally, it is observed that when inquiring into allegations, this institution affords ample opportunity to both parties to make their submissions having allowed them to study in depth, the matters pertaining to the complaint. Also, it is noteworthy to state that this institution does not allow lawyers to appear for any party and does not safeguard bureaucracy as well.

Statistical Analysis

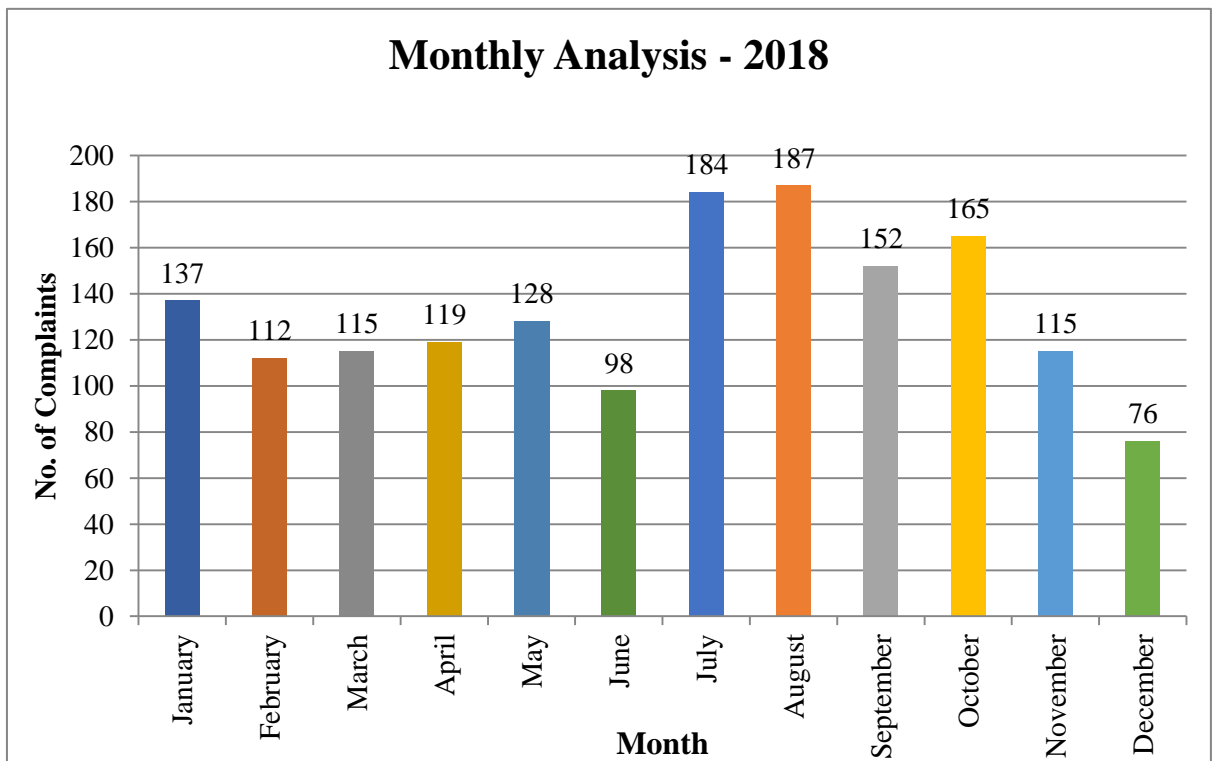
During the year 2018, this office received 1480 complaints directly from the members of the public, in addition to the 18 complaints referred by the Public Petitions Committee of the Parliament for investigation and report. Another 90 complaints which were received by the Human Rights Commission also had been referred to our office for investigation. 616 complaints that were brought forward from the year 2017 also was pending. Accordingly, there were a total of 2204 applications that were to be dealt with during the year under review.

| Table : 1 - OVERALL STATISTICAL ANALYSIS | | | |
|--------------------------------------------------------------------------------------------------------------|------|-------------|-------------|
| Balance complaints carried over from the year 2017 | | 616 | |
| Total number of complaints received during the period 01.01.2018 to 31.12.2018 | | | |
| (a) Directly from complainants. | 1480 | | |
| (b) Referred for investigation and report by the Public Petitions Committee. | 18 | | |
| (c) Referred by the Human Rights Commission after initiation of Investigation | 90 | <u>1588</u> | |
| Total number of complaints to be investigated during the year 2018 | | | 2204 |
| Total number of complaints investigated during the year 2018 | | | |
| (a) Number of complaints made out for relief | | | |
| (1) Settled without inquiry. | 451 | | |
| (2) Referred to relevant authority for suitable action. | 40 | | |
| (3) Complaints which were dismissed after considering the reports sent by the relevant institutions. | 379 | | |
| (4) Complaints which were fulfilled the request after called the reports. | 109 | | |
| (b) Number of Complaints concluded summarily | | | |
| (1) Disposed without investigating due to the same complaint being made to a parallel tribunal/ institution. | 85 | | |
| (2) Inadequate information to proceed to inquiry. | 36 | | |
| (2) No case made out for relief. | 90 | | |
| (4) Outside the jurisdiction of the Ombudsman | 109 | | |
| (5) Inordinate delay in making the complaint | 42 | | |
| (6) Complaints received as copies directed to this office, having sent the complaints to other institutions. | 342 | | |
| (7) Complaints directed to other ombudsman offices such as Financial and Insurance | 26 | 1709 | |
| Total number of complaints investigated and reported on after inter-parties inquiry. | | 16 | <u>1725</u> |
| Balance number of complaints to be investigated and reported on as at 31.12.2018. | | | 479 |

Monthly Analysis

Total number of complaints received during the year 2018 along with the balance brought forward from the year 2017 was 2204. The lowest number of 76 complaints was received in December whilst the highest number of 187 complaints was received in August. Figures are illustrated in the Graph: 1

Graph: 1 - Total Numbers of Complaints Received During Each Month in 2018



Out of the complainants who lodged complaints during the year, 1183 were male and 405 were female.

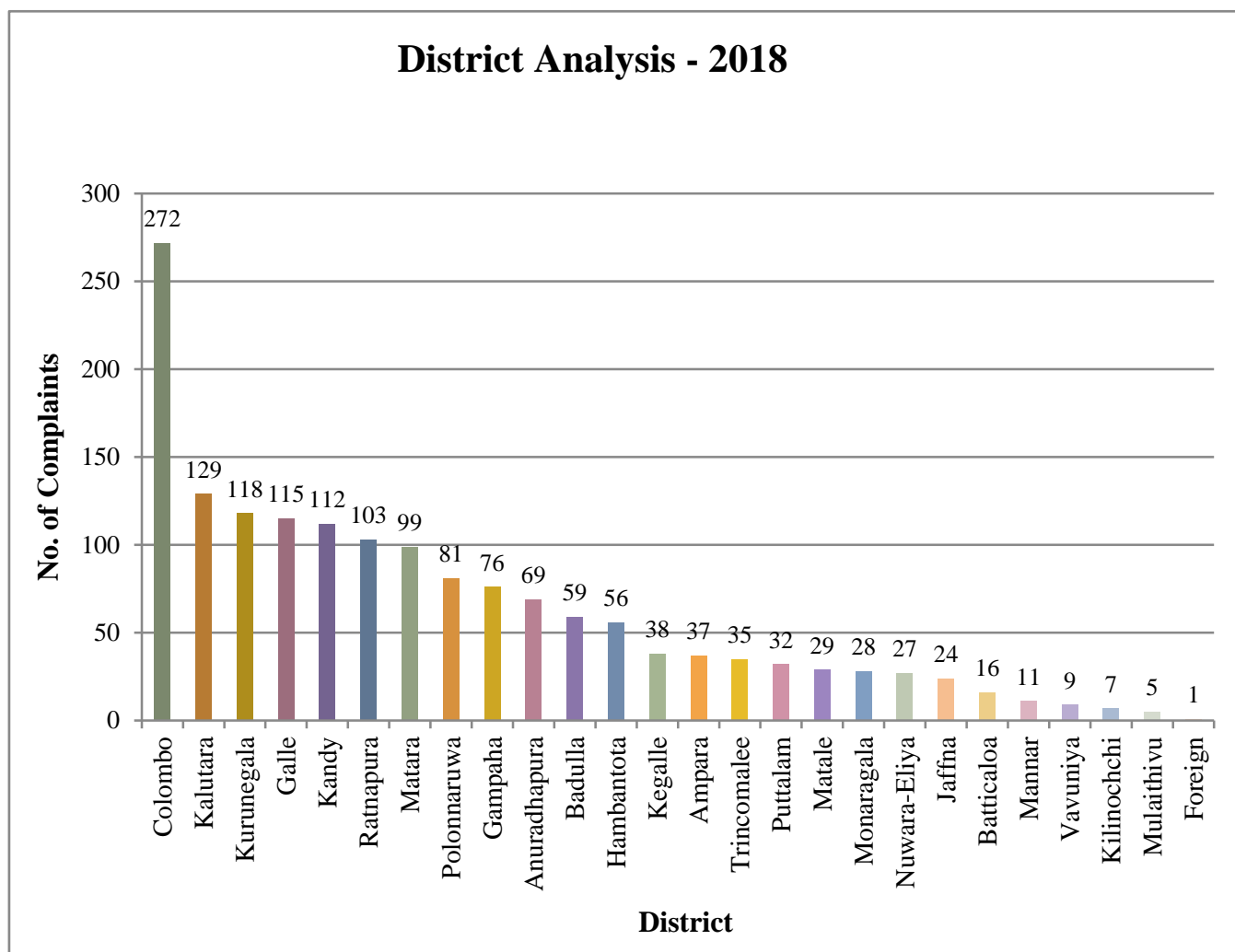
Table: 2 - Total Numbers of Complaints Received in 2018 Categorized According to Gender

| Month | Male | Female | Total |
|--------------|-------------|---------------|--------------|
| 1. January | 103 | 34 | 137 |
| 2. February | 80 | 32 | 112 |
| 3. March | 77 | 38 | 115 |
| 4. April | 88 | 31 | 119 |
| 5. May | 103 | 25 | 128 |
| 6. June | 66 | 32 | 98 |
| 7. July | 134 | 50 | 184 |
| 8. August | 152 | 35 | 187 |
| 9. September | 113 | 39 | 152 |
| 10. October | 121 | 44 | 165 |
| 11. November | 82 | 33 | 115 |
| 12. December | 64 | 12 | 76 |
| Total | 1183 | 405 | 1588 |

District Analysis

The greatest number of complaints received during the year 2018 was from the Colombo District (272), followed by Kalutara district (129) and Kurunegala District (118).

Graph: 2 - Total Number of Complaints received in 2018 categorized according to the complainants' domicile district wise



Subject Analysis

There were a significant number of complaints lodged regarding appointments to office, termination of employment, promotions, salary anomalies, increments, arrears, abuse of power, inaction by the officers concerned, pensions, employees provident fund payments, unauthorized constructions and nuisances etc. during the year 2018.

Table: 3 - Total number of complaints against Public officers received during the year 2018 subject wise

| | Subject | Year 2018 |
|----|-------------------------------------------------------------------------|------------------|
| 01 | Land permits, Grants of State Lands | 232 |
| 02 | Miscellaneous | 183 |
| 03 | Service Absorption, Recruitment, Appointments, Confirmation, Antedating | 163 |
| 04 | Promotions, Seniority | 119 |
| 05 | Salary Anomalies, Increments, Arrears, Allowances | 110 |
| 06 | Pension, W&O | 104 |
| 07 | Transfers from place of work | 103 |
| 08 | Termination of Employment, Reinstatement, Extension | 100 |
| 09 | University / School Admissions, Examination results | 94 |
| 10 | Delay, Incompetence, Negligence, Abuse of power. | 93 |
| 11 | Unauthorized Constructions / Nuisances | 59 |
| 12 | Harassment at Work Place | 51 |
| 13 | Roadways | 39 |
| 14 | Compensation, Poor relief, Samurdhi | 32 |
| 15 | Licenses, Building Permits | 28 |
| 16 | EPF / ETF / Gratuity | 27 |
| 17 | Loans, Recovery, Rescheduling | 17 |
| 18 | Electricity, Water, Telephone Connections, Disconnections. | 17 |
| 19 | Police Abuse of Power / Inaction | 14 |
| 20 | Tsunami Assistance | 3 |
| | Total | 1588 |

Ministry/ Public Institution Analysis

The largest number of complaints was received against the officers of The Ministry of Higher Education and the Ministry of Public Administration. From among the complaints against the Ministry of Public Administration, majority was made against Divisional Secretaries and most of those were relating to issuance of land permits and grants. It has been disclosed at inquiries that some officers working in the Divisional Secretariats are not above board in issuing land permits/grants under the provisions of Land Development Ordinance.

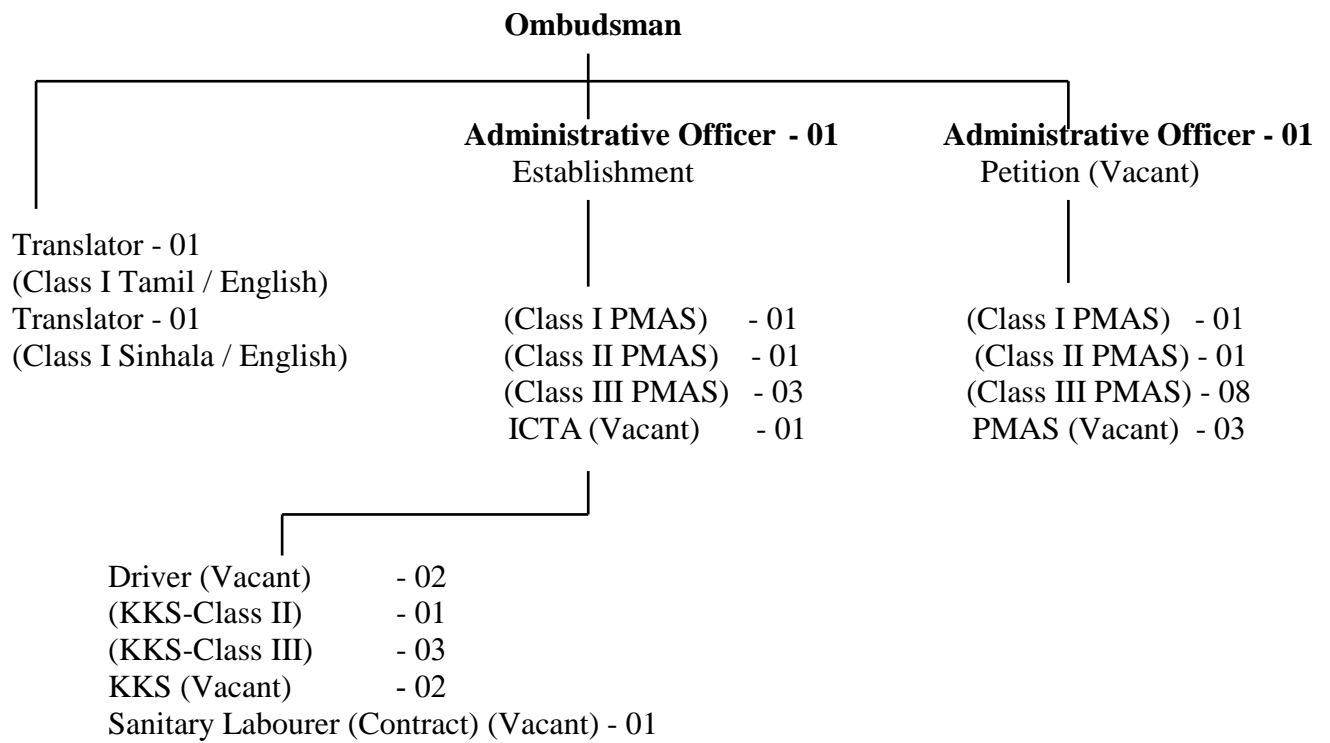
Table: 4 - Number of complaints against officers of Ministries, Departments Authorities and Public Institutions – 2018

| Ministry, Department, Authority etc. | Number 2018 |
|-----------------------------------------------------|--------------------|
| Education and Higher Education | 239 |
| Different Institutions | 230 |
| Public Administration | 223 |
| Provincial Councils & Local Government | 215 |
| Defense & Internal Security | 92 |
| Health and Indigenous Medicine | 75 |
| Corporations/Authorities(CPC,CEB,SLPA,RDA) | 68 |
| Pensions | 63 |
| Public Services Commission (Central and Provincial) | 49 |
| Transport (SLCTB, CGR, CMV) | 47 |
| Irrigation &Mahaweli Authority | 42 |
| Lands & Land Reforms Commission | 42 |
| Agriculture | 31 |
| Posts and Telecommunication | 29 |
| Finance | 24 |
| State Banks | 22 |
| Labour | 18 |
| Social Services / Samurdhi / REPPIA | 17 |
| National Water Supply & Drainage Board | 17 |
| Cooperative Development | 16 |
| Forests | 10 |
| Registrar General | 8 |
| Plantations | 6 |
| Justice | 5 |
| Total | 1588 |

Office Staff

This office has an approved cadre of 32. However, as the organization chart shows, there were only twenty two (22) officers attached to this office at the end of the year 2018 (vide the chart below).

Organization Chart



Annual Budget

A sum of Rs.24,009,000.00 was allocated for recurrent expenditure and a sum of Rs.1,233,000.00 for capital expenditure, making a total of Rs.25,242,000.00 for the year 2018. The actual expenditure for the year was Rs.25,033,000.00 saving a sum of Rs.209,000.00

HEAD 22 - Office of the Parliamentary Commissioner for Administration

01 - Operational Activities

01 - General Administration and Establishment Services

Rs.000

| Object | Description | 2018 | 2018 |
|--------|------------------------------------|----------------------|--------------------|
| | | <u>Net Provision</u> | <u>Expenditure</u> |
| | Total Recurrent Expenditure | 24009 | 23869 |
| | Total Personal Emoluments | 10170 | 10163 |
| 1001 | Salaries & Wages | 7163 | 7162 |
| 1002 | Over Time & Holiday Payments | 135 | 135 |
| 1003 | Other Allowances | 2872 | 2866 |
| | Traveling Expenses | 630 | 621 |
| 1101 | Domestic | 30 | 25 |
| 1102 | Foreign | 600 | 596 |
| | Supplies | 940 | 896 |
| 1201 | Stationary & Office Requisites | 565 | 562 |
| 1202 | Fuel | 260 | 227 |
| 1203 | Diets and uniforms | 115 | 107 |
| | Maintenance Expenditure | 926 | 9 |
| 1301 | Vehicles | 569 | 569 |
| 1302 | Plant Machinery & Equipment | 150 | 139 |
| 1303 | Building & Structures | 207 | 195 |

| | | | |
|------|--------------------------------------|--------------|--------------|
| | Contractual Services | 10858 | 10802 |
| 1401 | Transport | 10 | 8 |
| 1402 | Postal & Communication | 570 | 562 |
| 1403 | Electricity & Water | 1488 | 1452 |
| 1404 | Rents & Local taxes | 7970 | 7970 |
| 1409 | Other | 820 | 810 |
| | Transfers | 485 | 484 |
| 1505 | Subscription & Contribution Fees | 350 | 350 |
| 1506 | Property loan Interest | 135 | 134 |
| | Capital Expenditure | 1233 | 1164 |
| | Acquisition of Capital Assets | 1183 | 1162 |
| 2102 | Furniture & office Equipment | 1183 | 1162 |
| | Capacity Building | 50 | 02 |
| 2401 | Training & Capacity Building | 50 | 02 |
| | Total Expenditure | 25242 | 25033 |
| | Total Financing | 25242 | 25033 |
| | Financing | | |
| | Domestic | 25242 | 25033 |

CONCLUSION

The Ombudsman system provides a forum which enables citizens to have access to an independent, impartial and inexpensive dispute resolution mechanism which can resolve their grievances, protect their fundamental rights and restore their dignity and confidence in the democratic process. Good governance is a basic requirement of modern society. The government machineries responsible for carrying out routine business of administration are vested with vast powers to run the administration smoothly in the best interests of the public at large. The powers so given do not mean that the same are to be applied in violation of rules, regulations, natural justice and equity.

The office of the Ombudsman has been established to diagnose, investigate, redress, and rectify the injustices if any, done to a person through maladministration during the process of running routine administration. The exercise of the powers arbitrarily or refusal & delaying tactics in the discharge of official obligations for corrupt or biased motives is the main factor to be considered and rectified by the institution of Ombudsman.

Seeking redress from courts has become very expensive. Going to court or a tribunal is a question of affordability. Furthermore, the Ombudsman is often more effective than a court in addressing administrative shortcomings, because the Ombudsman has the power to point out systematic issues based on the number of complaints received over years. It is also a very flexible and cost-effective means. In addition, an Ombudsman Institution has advantages over a traditional court system as it generally provides for a low-threshold access especially for vulnerable groups of the population and this helps to strengthen their capacity to seek a remedy.

Having said that I need to comment on the attitude taken by the officials, towards achieving the goals intended by the enactment of the Ombudsman Act. Looking at the files maintained by this office, I have observed that there have been instances of some public officials making decisions according to their own whims, ignoring laws, regulations and rules or giving them their own interpretations. Officials executing their duties forget that in the course of committing wrong actions that the fundamental rights and human rights have been violated causing to individuals a deprivation of legitimate dues and in addition pain of mind.

I have also noticed that some officials are disinclined or unable to settle issues conciliatorily. Furthermore, it had been noticed that some officials apparently are not competent enough or are unable to deal with issues especially in regard to questions of disputes. This practice of not settling issues cordially stems from the attitude of treating a complainant as an adversary and adopting an unwillingness to accept official fallibility.

While problems and difficulties have been somewhat highlighted, I should state that at the same time there has been considerable degree of co-operation extended by officials, departments and authorities which enabled me to discharge my duties more effectively.

In conclusion, I must state that the staff in this office has managed to dispose a fair number of complaints received despite the difficulties that they are faced with. The cadre of the office has not been filled. There is no accountant or a book-keeper appointed to the office. Reluctance of officers to serve in this office is noticeable particularly when the allowances paid to the staff of the institutions which discharge the same functions are not being paid to the staff of this office.

Finally, I must mention that I would be failing in my duty, if I do not appreciate the hard work performed by the members of the staff in this office. I owe a profound debt of gratitude to the staff who have worked against all odds to achieve the target we were aiming at.

Justice K.T.Chitrasiri
Parliamentary Commissioner for Administration
(Ombudsman)