

COMMUNIQUÉ

Complaints to Ombudsman

In the wake of recent amendments made to the Ombudsman Act, the following is brought to the attention of one and all.

2. The role of the Ombudsman is to investigate into complaints against Ministries/Departments, local authorities and the Rodrigues administration (the Rodrigues Regional Assembly) and seek redress to injustice, if any, sustained as a consequence of any alleged maladministration that may have been committed by any officer or authority in the exercise of administrative functions.

3. The Ministries/Departments do not include (i) the President or his personal staff, (ii) the Chief Justice, (iii) any Commission established under the Constitution e.g. the Public Service Commission, (iv) the Director of Public Prosecutions or any person acting in accordance with his instructions and (v) any person exercising powers delegated to him by the Public Service Commission or the Disciplined Forces Service Commission, wherever such powers may be reviewed or confirmed by the Commission.

4. Every complaint made to the Ombudsman shall be in writing and should be made within 12 months of the alleged maladministration. No complaint will be entertained by the Ombudsman unless the complainant –

- (a) has, before making the complaint, made a written representation to the relevant department or authority and not received within 5 working days –
 - (i) a written substantive reply; or
 - (ii) a written reply in which the authority states the action it is initiating and the date by which a substantive reply shall be made, such date being not more than 45 days of the date of receipt of the written representation by the authority;
- (b) is dissatisfied with any reply given to him;
- (c) has sufficient interest in the subject matter of the complaint;
- (d) specifies the nature of the complaint, the reasons for his grievance and the redress being sought; and
- (e) encloses every document or other information, if any, which is relevant to the complaint.

Furthermore, the Ombudsman shall not conduct an investigation in respect of any complaint which appears to him to be merely frivolous or vexatious or where the subject-matter of the complaint is trivial.

5. Where the department or authority receives a written representation, it will have to make a written reply or written substantive reply, as the case may be, within the time limit referred to in paragraph 4(a).

6. On receipt of a complaint, the Ombudsman shall, within 5 working days of the date of receipt –

- (a) make a written reply to the complainant, stating the action the Ombudsman is taking; and
- (b) where the department or authority has failed to make the reply referred to in paragraph 5, order the department or authority concerned to make, not later than 7 working days from the date of the order, a substantive reply to the complainant.

7. The authority will have to comply with an order referred to in paragraph 6(b) and at the same time, forward a copy of its reply to the Ombudsman.

8. The Ombudsman may order any department or authority to submit its comments and to provide such information and documents relating to his investigation, within such time as may be specified in the order and the department or authority will have to comply with the order.

9. Where a department or authority does not make the reply referred to in paragraph 5 or does not comply with an order referred to in paragraph 6(b), the Ombudsman will request the principal officer of that department or authority to take such action as he considers appropriate.

10. The Ombudsman will endeavour, within 45 days of the date of receipt of a copy of the written reply referred to in paragraph 7, to forward to the principal officer of the department or authority concerned a report giving his opinion, reasons and recommendations with a request for the principal officer to notify him, within a specified time, of the steps the department or authority proposes to take to give effect to the recommendations.

Office of the Ombudsman
4th Floor, Bank of Baroda Building,
Sir William Newton Street,
Port Louis
Tel. 208 4131, 208 4256
Fax 211 3125
Email: omb@mail.gov.mu
Website: <http://ombudsman.gov.mu>

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