

<b>CHAPTER IX –</b>	<b>SAPIT IX –</b>
<b>THE OMBUDSMAN</b>	<b>OMBUDSMAN</b>
<p><b>Article 96. Office of Ombudsman</b></p> <p>(1) There shall be an Ombudsman, whose office shall be a public office.</p> <p>(2) The Ombudsman shall be appointed by the President, acting after consultation with the Prime Minister, the Leader of the Opposition and such other persons, if any, as appear to the President, acting in his own deliberate judgment, to be leaders of parties in the Assembly.</p> <p>(3) No person shall be qualified for appointment as Ombudsman if he is a member of, or a candidate for election to, the Assembly or any local authority or is a local government officer, and no person holding the office of Ombudsman shall perform the functions of any other public office.</p> <p>(4) The offices of the staff of the Ombudsman shall be public offices and shall consist of that of a and such other offices as may be prescribed by the President, acting after consultation with the Prime Minister.</p> <p>[Amended 48/91]</p>	<p><b>Lartik 96. Biro Ombudsman</b></p> <p>(1) Pou ena enn Ombudsman ki pou ranpli enn fonksion ki piblik.</p> <p>(2) Ombudsman pou nome par Prezidan Repiblik, apre konsiltasion avek Premie Minis, Leader Lopoizion ek ninport ki lezot dimounn, si bizin, ki Prezidan Repiblik, lor baz so prop zizman delibere, pou konsidere kouma bann leader bann diferan parti Lopoizion dan Lasanble.</p> <p>(3) Okenn dimounn pa pou gagn drwa nome antan ki Ombudsman si li enn manb Lasanble, ouswa si li enn kandida dan eleksion pou rant dan Lasanble oubien dan enn otorite lokal, ouswa si li enn ofisie dan enn otorite lokal, e okenn dimounn ki okip fonksion Ombudsman pa pou gagn drwa exers okenn lezot fonksion piblik.</p> <p>(4) Bann fonksion staff Ombudsman pou bann fonksion piblik e zot pou inklir enn <i>Senior Investigations Officer</i> plis lezot fonksion tel ki zot finn preskrir par Prezidan Repiblik, apre konsiltasion avek Premie Minis.</p> <p>[Amandman 48/91]</p>
<p><b>Article 97. Investigations by Ombudsman</b></p> <p>(1) Subject to this section, the Ombudsman may investigate any action taken by any officer or authority to which this section applies in the exercise of administrative functions of that officer or authority, in any case in which a member of the public claims, or appears to the Ombudsman, to have sustained injustice in consequence of maladministration in connection with the action so taken and in which –</p> <p>(a) a complaint under this section is made;</p> <p>(b) he is invited to do so by any Minister or other member of the Assembly; or</p> <p>(c) he considers it desirable to do so of his own motion.</p>	<p><b>Lartik 97. Bann lanket par Ombudsman</b></p> <p>(1) Sou rezerv sa seksion-la, Ombudsman pou kapav fer lanket lor ninport ki mezir ki finn pran par enn ofisie ou enn otorite piblik ki konserne par sa seksion-la dan lexersis bann fonksion administratif sa ofisie ouswa sa otorite-la, dan tou bann ka kot enn manb piblik pe afirme, ou pe paret dan regar Ombudsman, ki li finn sibir enn inzistis aköz enn problem administratif ki an lien avek aksion ki finn pran e kot: -</p> <p>(a) finn ena enn konplint sou sa seksion-la;</p> <p>(b) li invite pou fer lanket-la par ninport ki Minis ou manb Lasanble; ouswa</p> <p>(c) li konsidere ki li swetab ki li fer li lor so prop inisiativ.</p>

(2) This section applies to the following officers and authorities –

- (a) any department of the Government;
- (b) the Police Force or any member thereof;
- (c) the Mauritius Prison Service or any other service maintained and controlled by the Government or any officer or authority of any such service;
- (d) any authority empowered to determine the person with whom any contract or class of contracts is to be entered into by or on behalf of the Government or any such officer or authority;
- (e) the Rodrigues Regional Assembly or any officer of the said Assembly;
- (f) any local authority or any officer of such local authority;
- (g) such other officers or authorities as may be prescribed by Parliament:

Provided that it shall not apply in relation to any of the following officers and authorities –

- (i) the President or his personal staff;
- (ii) the Chief Justice;
- (iii) any Commission established by this Constitution or its staff;
- (iv) the Director of Public Prosecutions or any person acting in accordance with his instructions;
- (v) any person exercising powers delegated to him by the Public Service Commission or the Disciplined Forces Service Commission, being powers the exercise of which is subject to review or confirmation by the Commission by which they were delegated.

(2) Sa lartik-la konsern bann ofisie ek bann otorite swivan:

- (a) ninport ki departman ki tom sou Gouvernman;
- (b) Lafors Polisier ek ninport ki manb ki fer parti ladan;
- (c) *Mauritius Prison Service* ouswa ninport ki lot servis ki mintenir e ki kontrole par Gouvernman ouswa par ninport ki fonksioner ou otorite ki tom sou sa servis-la;
- (d) ninport ki otorite ki abilite pou deside avek kisann-la enn kontra ouswa enn kategori kontra kapav signe par ouswa lor nom Gouvernman ouswa ninport ki lot fonksioner ou otorite;
- (e) Lasanble Rezional Rodrig ouswa ninport ki ofisie sa Lasanble-la;
- (f) ninport ki otorite lokal ouswa ofisie sa otorite lokal la;
- g) ninport ki lot ofisie ouswa otorite ki finn preskrir par Parlman:

Lor kondision etabli ki li pa pou aplik ek sa bann ofisie ek otorite swivan la:

- (i) Prezidan Repiblik ouswa so staff personel;
- (ii) Sef-Ziz;
- (iii) ninport ki Komision ki finn kree par Konstitision ouswa so staff;
- (iv) Direker Pourswit Piblik ouswa ninport ki dimounn ki azir konformeman ek so bann instruksion;
- (v) ninport ki dimounn ki exers bann pouvwar ki *Public Servie Commission* ouswa *Disciplined Forces Service Commission* deleg li, pouvwar ki so lexersis soumet lor kontrol ouswa lor konfirmasion Komision ki finn deleg zot.

<p>(3) A complaint under this section may be made by an individual, or by any body of persons whether incorporated or not, not being –</p> <p>(a) an authority of the Government or a local authority or other authority or body constituted for purposes of the public service or local government; or</p> <p>(b) any other authority or body whose members are appointed by the President or by a Minister or whose revenues consist wholly or mainly of money provided from public funds.</p> <p>(4) Where any person by whom a complaint might have been made under subsection (3) has died or is for any reason unable to act for himself, the complaint may be made by his personal representative or by a member of his family or other individual suitable to represent him; but except as specified in this subsection, a complaint shall not be entertained unless made by the person aggrieved himself.</p> <p>(5) The Ombudsman shall not conduct an investigation in respect of any complaint under this section unless the person aggrieved is resident in Mauritius (or, if he is dead, was so resident at the time of his death) or the complaint relates to action taken in relation to him while he was present in Mauritius or in relation to rights or obligations that accrued or arose in Mauritius.</p> <p>(6) The Ombudsman shall not conduct an investigation under this section in respect of any complaint under this section in so far as it relates to –</p> <p>(a) any action in respect of which the person aggrieved has or had a right of appeal, reference or review to or before a tribunal constituted by or under any law in force in Mauritius; or</p> <p>(b) any action in respect of which the person aggrieved has or had a remedy by way of proceedings in any court of law:</p>	<p>(3) Enn konplint ki tom dan kad sa seksion-la pou kapav depoze par enn dimounn ouswa par enn group dimounn, ki kapav inkorpore ouswa non, me ki pa inklir:</p> <p>(a) enn otorite gouvènmantal ouswa enn otorite lokal ouswa enn lot otorite ou organism ki finn konstitie pou bann bezwin servis piblik ouswa administrasion lokal; ouswa</p> <p>(b) ninport ki lot otorite ou organism kot so bann manb nome par Prezidan Repiblik ouswa par enn Minis ouswa kot bann reveni sorti, swa totalman, swa an mazer parti, depi bann fon piblik.</p> <p>(4) Kan enn dimounn ki ti pou kapav depoz enn konplint dan kad sou-seskion (3) finn desede ouswa dan inkapasite, pou enn rezon ou enn lot, pou azir par limem, konplint-la kapav depoze par so mandater ouswa par enn manb so fami ou enn lot dimounn ki kapav reprezant li; selman, sof dan bann ka ki finn spesifie dan sa sou-seksion-la, okenn konplint pa pou antretenir si li pa depoze par dimounn ki finn sibir prezidis-la limem.</p> <p>(5) Ombudsman pa pou fer lanket lor okenn konplint ki finn depoze dan kad sa seksion-la, sof si dimounn ki finn sibir prezidis-la enn rezidan Moris (ouswa ti enn rezidan Moris, anka li finn desede, dan moman kot li finn mor) ouswa si konplint-la konsern enn aksion ki finn pran par rapor ek li kan li ti Moris ouswa konsernan bann drwa ou bann obligasion ki finn gagne ou finn kree dan Moris.</p> <p>(6) Ombudsman pa pou fer lanket dan kad sa seksion-la konsernan ninport ki konplint ki finn depoze dan kad sa seksion-la dan limit kot li ena enn lien avek:</p> <p>(a) ninport ki aksion pou lekel dimounn ki finn sibir prezidis-la ti ena enn drwa fer apel, demann enn ranvwa ouswa enn revizion devan enn tribinal ki finn konstitie dan kad aplikasion ninport ki lalwa ki anviger Moris; ouswa</p> <p>(b) ninport ki aksion pou lekel dimounn ki finn sibir prezidis-la ena ou ti ena enn rekour atraver enn prosedir devan enn tribinal:</p>
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<p>Provided that –</p> <p>(i) the Ombudsman may conduct such an investigation notwithstanding that the person aggrieved has or had such a right or remedy if satisfied that in the particular circumstances it is not reasonable to expect him to avail himself or to have availed himself of that right or remedy; and</p> <p>(ii) nothing in this subsection shall preclude the Ombudsman from conducting any investigation as to whether any of the provisions of Chapter II has been contravened.</p> <p>(7) The Ombudsman shall not conduct an investigation in respect of any complaint made under this section in respect of any action if he is given notice in writing by the Prime Minister that the action was taken by a Minister in person in the exercise of his own deliberate judgment.</p> <p>(8) The Ombudsman shall not conduct an investigation in respect of any complaint made under this section where it appears to him –</p> <p>(a) that the complaint is merely frivolous or vexatious;</p> <p>(b) that the subject-matter of the complaint is trivial;</p> <p>(c) that the person aggrieved has no sufficient interest in the subject-matter of the complaint; or</p> <p>(d) that the making of the complaint has, without reasonable cause, been delayed for more than 12 months.</p> <p>(9) The Ombudsman shall not conduct an investigation under this section in respect of any matter where he is given notice by the Prime Minister that the investigation of that matter would not be in the interests of the security of Mauritius.</p> <p>(10) In this section, “action” includes failure to act.</p> <p>[Amended 2/82; 48/91; 5/97; 19/03]</p>	<p>Lor kondision etabli ki:-</p> <p>(i) Ombudsman pou kapav fer enn tel lanket mem si dimounn ki finn sibir prezidis-la ena ou ti ena enn tel draw, ou enn tel rekour, si li satisfè ki dan sa bann sirkonstans partikilie la, li napa rezonab pou atann ki dimounn-la pou donn limem, ou finn fer izaz par limem, sa drwa ou sa rekour-la; ek</p> <p>(ii) nanye dan sa sou-seksion-la napa pou anpes Ombudsman fer enn lanket ki viz pou determine si enn parmi bann provizion Sapit II finn viole.</p> <p>(7) Ombudsman pa pou gagn drwa fer lanket lor enn konplint ki finn depoze dan kad sa seksion-la konsernan enn aksion, si li finn gagn notifikasyon par ekri ek Premie Minis ki aksion-la finn exerce par enn Minis an-personn dan lexersis so bann fonksion lor baz so prop zizman delibere.</p> <p>(8) Ombudsman pa pou gagn drwa fer lanket lor enn konplint ki finn depoze dan kad sa seksion-la si li trouve ki:</p> <p>(a) konplint-la li zis frivol ek blesan;</p> <p>(b) obze konplint la banal;</p> <p>(c) dimounn ki finn sibir prezidis-la pena ase lintere dan obze konplint la; ouswa</p> <p>(d) konplint-la finn, san okenn rezon valab, depoze avek enn retar ki depas 12 mwa.</p> <p>(9) Ombudsman pa pou gagn drwa fer lanket dan kad sa seksion-la lor ninport ki zafer si li finn gagn notifikasyon par Premie Minis ki enn lanket lor sa zafer-la pa pou dan lintere sekirite Moris.</p> <p>(10) Dan sa seksion-la, term “aksion” inklir lefet ki fode pa azir.</p> <p>[Amandman 2/82 ; 48/91; 5/97;19/03]</p>
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<p><b>Article 98. Procedure in respect of investigations</b></p> <p>(1) Where the Ombudsman proposes to conduct an investigation under section 97, he shall afford to the principal officer of any department or authority concerned, and to any other person who is alleged to have taken or authorised the action in question, an opportunity to comment on any allegations made to the Ombudsman in respect of it.</p> <p>(2) Every such investigation shall be conducted in private but, except as provided in this Constitution or as prescribed under section 102, the procedure for conducting an investigation shall be such as the Ombudsman considers appropriate in the circumstances of the case; and without prejudice to subsection (1), the Ombudsman may obtain information from such persons and in such manner, and make such enquiries, as he thinks fit, and may determine whether any person may be represented, by counsel or attorney or otherwise, in the investigation.</p>	<p><b>Lartik 98 Prosedir konsernan bann lanket</b></p> <p>(1) Kan Ombudsman propoz pou fer enn lanket dan kad seksion 97, li bizin donn ofisie prinsipal ninport ki departman ouswa otorite konserne, ek ninport ki lot dimounn lor ki ena enn soupson ki li finn pran ou finn otoriz aksion ki pe debat, posibilite pou komant ninport ki alegasion ki finn soumet ek Ombudsman lor sa size-la.</p> <p>(2) Ninport ki lanket ki tom dan sa kategori-la pou bizin deroul an-prive me, sof dan bann ka ki prevwar par Konstitision ouswa ki finn preskrir dan seksion 102, prosedir ki bizin swiv pou fer lanket-la pou bizin koresponn ek seki Ombudsman konsidere kouma apropiye dan bann sirkonstans ki antour sa zafer-la; ek, san ki sa port prezidis ek sou-seksion (1), Ombudsman pou kapav gagn bann linformasion depi sa bann dimounn-la ek dan enn tel fason, ek fer tel lanket ki li konsidere kouma apropiye, ek li kapav determine si ninport ki dimounn kapav reprezante, swa par enn avoka, swa par enn avwe, ouswa dan enn lot fason, dan lanket.</p>
<p><b>Article 99. Disclosure of information</b></p> <p>(1) For the purposes of an investigation under section 97, the Ombudsman may require any Minister, officer or member of any department or authority concerned or any other person who in his opinion is able to furnish information or produce documents relevant to the investigation to furnish any such information or produce any such document.</p> <p>(2) For the purposes of any such investigation, the Ombudsman shall have the same powers as the Supreme Court in respect of the attendance and examination of witnesses (including the administration of oaths and the examination of witnesses abroad) and in respect of the production of documents.</p> <p>(3) No obligation to maintain secrecy or other restriction upon the disclosure of information obtained by or furnished to persons in the</p>	<p><b>Lartik 99 Divilgasion linformasion</b></p> <p>(1) Pou bann bezwin enn lanket ki pe fer sou seksion 97, Ombudsman pou kapav demann ninport ki Minis, ofisie ouswa manb ninport ki departman ouswa otorite konserne, ouswa ninport ki lot dimounn ki, dan so lopinion, dan enn posibilite pou furni bann linformasion ouswa pou prodir bann dokiman pertinan pou lanket-la, pou furni bann linformasion-la ouswa pou prodir dokiman-la.</p> <p>(2) Dan perspektiv enn tel lanket, Ombudsman pou ena mem pouvwar ki Lakour Siprem konsernan prezans ek interogatwar bann temwin (inklian administrasion serman ek interogatwar bann temwin depi letranze) ek konsernan prodiksyon dokiman.</p> <p>(3) Okenn obligasion pou mintenir sekre ouswa ninport ki lot restriksyon konsernan divilgasion bann linformasion ki finn gagne par, ou ki finn</p>

public service imposed by any law in force in Mauritius or any rule of law shall apply to the disclosure of information for the purposes of any such investigation, and the State shall not be entitled in relation to any such investigation to any such privilege in respect of the production of documents or the giving of evidence as is allowed by law in legal proceedings.

(4) No person shall be required or authorised by virtue of this section to furnish any information or answer any question or produce any document relating to proceedings of the Cabinet or any committee of Cabinet, and for the purposes of this subsection, a certificate issued by the Secretary to the Cabinet with the approval of the Prime Minister and certifying that any information, question or document so relates shall be conclusive.

(5) The Attorney-General may give notice to the Ombudsman, with respect to any document or information specified in the notice, or any class of documents or information so specified, that in his opinion the disclosure of that document or information, or of documents or information of that class, would be contrary to the public interest in relation to defence, external relations or internal security; and where such a notice is given nothing in this section shall be construed as authorising or requiring the Ombudsman or any member of his staff to communicate to any person for any purpose any document or information specified in the notice, or any document or information of a class so specified.

(6) Subject to subsection (3), no person shall be compelled for the purposes of an investigation under section 97 to give any evidence or produce any document which he could not be compelled to give or produce in proceedings before the Supreme Court.

[Amended 48/91]

donn, bann dimounn ki travay dan fonksion piblik e ki finn inpoze par enn lalwa ki anviger Moris, ouswa ninport ki regleman, napa pou aplike konsernan divilgasion linformasion dan kad sa lanket-la, ek Leta pa pou ena drwa, dan kad sa tip lanket-la, benefisie okenn privelez konsernan prodikzion dokiman ouswa prezantasion bann prev kouma lalwa permet dan enn prosedir zidisier.

(4) Person pa pou oblize ou pa pou otorize, dan kad sa seksion-la, pou furni okenn ransegnman, pou reponn okenn kestion ouswa pou prodir okenn dokiman ki an lien avek bann deliberasion Konsey Minis ouswa ninport ki Komite ki tom sou lotorite Konsey Minis ek, dan perspektiv sa sou-sekison-la, enn atestasion ki finn delivre par Sekreter Konsey Minis, avek aprobasion Premie Minis, kot pe sertifie ki tou linformasion, kestion ouswa dokiman ki ena lien ek sa bann deliberasion-la, zot definitif.

(5) Attorney-General kapav notifie Ombudsman, konsernan ninport ki dokiman ouswa linformasion ki finn spesifie dan notis-la, ouswa ninport ki kategori dokiman ou linformasion ki finn spesifie dan mem fason, ki dapre li, divilgasion sa dokiman ouswa sa linformasion-la, ouswa bann dokiman ou linformasion ki tom dan mem kategori, pou kontrer ek lintere piblik lor plan defans, relasion exteryer ouswa sekirite interyer; e kan enn notifikasion parey finn done, nanye dan sa seksion-la napa pou interprete koumadir li pe otoriz, ou li pe demann Ombudsman, ouswa ninport ki manb so staff pou kominik ek ninport ki dimounn, dan ninport ki lobzektif, ninport ki dokiman ou linformasion ki finn spesifie dan notis-la, ouswa ninport ki dokiman ou linformasion ki tom dan enn kategori ki finn spesifie dan sa fason-la.

(6) Sou rezerv sou-seksion (3), okenn dimounn napa pou oblize, dan perspektiv enn lanket ki pe fer dan kad seksion 97, pou furni enn temwaniaz ouswa pou prodir enn dokiman ki li napa pou oblize done ou prodir dan kad enn prosedir devan Lakour Siprem.

[Finn modifie dan lalwa N° 48 an 1991]

**Article 99. Disclosure of information**

(1) For the purposes of an investigation under section 97, the Ombudsman may require any Minister, officer or member of any department or authority concerned or any other person who in his opinion is able to furnish information or produce documents relevant to the investigation to furnish any such information or produce any such document.

(2) For the purposes of any such investigation, the Ombudsman shall have the same powers as the Supreme Court in respect of the attendance and examination of witnesses (including the administration of oaths and the examination of witnesses abroad) and in respect of the production of documents.

(3) No obligation to maintain secrecy or other restriction upon the disclosure of information obtained by or furnished to persons in the public service imposed by any law in force in Mauritius or any rule of law shall apply to the disclosure of information for the purposes of any such investigation, and the State shall not be entitled in relation to any such investigation to any such privilege in respect of the production of documents or the giving of evidence as is allowed by law in legal proceedings.

(4) No person shall be required or authorised by virtue of this section to furnish any information or answer any question or produce any document relating to proceedings of the Cabinet or any committee of Cabinet, and for the purposes of this subsection, a certificate issued by the Secretary to the Cabinet with the approval of the Prime Minister and certifying that any information, question or document so relates shall be conclusive.

(5) The Attorney-General may give notice to the Ombudsman, with respect to any document or information specified in the notice, or any class of documents or information so specified, that in his opinion the disclosure of that document or information, or of documents or information of that class, would be contrary to the public interest in

**Lartik 99 Divilgasion linformasion**

(1) Pou bann bezwin enn lanket ki pe fer sou seksion 97, Ombidsman kapav demann ninport ki Minis, fonksioner ouswa manb ninport ki department ouswa otorite konserne, ouswa ninport ki lot dimounn ki, dan so lopinion, dan enn posibilie pou fourni bann linformasion ouswa pou prodir bann dokiman pertinan pou lanket-la, pou fourni bann linformasion-la ouswa pou prodir dokiman-la.

(2) Dan perspektiv enn tel lanket, Ombudsman pou ena mem pouvwar ki Lakour Siprem konsernan prezans ek interogatwar bann temwin (inklian administrasion serman ek interogatwar bann temwin depi letranze) ek konsernan prodiksyon dokiman.

(3) Okenn obligasion pou mintenir sekre ouswa ninport ki lot restriksion konsernan divilgasion bann linformasion ki finn gagne par, ou ki finn donn, bann dimounn ki travay dan fonksion piblik e ki finn inpoze par enn lalwa ki anviger Moris, ouswa ninport ki regleman, napa pou aplike konsernan divilgasion linformasion dan kad sa lanket-la, ek Leta pa pou ena drwa, dan kad sa tip lanket-la, benefisie okenn privelez konsernan prodiksyon dokiman ouswa prezantasyon bann prev kouma lalwa permet dan enn prosedir zidisier.

(4) Person pa pou oblize ou pa pou otorize, dan kad sa seksion-la, pou fourni okenn ransegnman, pou reponn okenn kestion ouswa pou prodir okenn dokiman ki an lien avek bann deliberasion Konsey Minis ouswa ninport ki Komite ki tom sou lotorite Konsey Minis ek, dan perspektiv sa sou-sekison-la, enn atestasyon ki finn delivre par Sekreter Konsey Minis, avek aprobasion Premie Minis, kot pe sertifie ki tou linformasion, kestion ouswa dokiman ki ena lien ek sa bann deliberasion-la, zot definitif.

(5) Attorney-General pou kapav notifie Ombudsman, konsernan ninport ki dokiman ouswa linformasion ki finn spesifie dan notis-la, ouswa ninport ki kategori dokiman ou linformasion ki finn spesifie dan mem fason, ki dapre li, divilgasion sa dokiman ouswa sa linformasion-la, ouswa bann dokiman ou linformasion ki tom dan mem kategori, pou kontrer ek lintere piblik lor plan defans, relasyon exteryer ouswa sekirite

relation to defence, external relations or internal security; and where such a notice is given nothing in this section shall be construed as authorising or requiring the Ombudsman or any member of his staff to communicate to any person for any purpose any document or information specified in the notice, or any document or information of a class so specified.

(6) Subject to subsection (3), no person shall be compelled for the purposes of an investigation under section 97 to give any evidence or produce any document which he could not be compelled to give or produce in proceedings before the Supreme Court.

[Amended 48/91]

**Article 100. Proceedings after investigation**

(1) This section shall apply in every case where, after making an investigation, the Ombudsman is of the opinion that the action that was the subject-matter of investigation was –

- (a) contrary to law;
- (b) based wholly or partly on a mistake of law or fact;
- (c) unreasonably delayed; or
- (d) otherwise unjust or manifestly unreasonable.

(2) Where in any case to which this section applies the Ombudsman is of the opinion –

- (a) that the matter should be given further consideration;
- (b) that an omission should be rectified;
- (c) that a decision should be cancelled, reversed or varied;
- (d) that any practice on which the act, omission, decision or recommendation was based should be altered;

interyer; e kan enn notifikasion parey finn done, nanye dan sa seksion-la napa pou interprete koumadir li pe otoriz, ou li pe demann Ombudsman, ouswa ninport ki manb so staff pou kominik ek ninport ki dimounn, dan ninport ki lobzektif, ninport ki dokiman ou linformasion ki finn spesifie dan notis-la, ouswa ninport ki dokiman ou linformasion ki tom dan enn kategori ki finn spesifie dan sa fason-la.

(6) Sou rezerv sou-seksion (3), okenn dimounn napa pou oblize, dan perspektiv enn lanket ki pe fer dan kad seksion 97, pou furni enn temwaniyaz ouswa pou prodir enn dokiman ki li ti pou oblize done ou prodir dan kad enn prosedir devan Lakour Siprem.

[Amandman 48/91]

**Lartik 100. Bann prosedir apre enn lanket**

(1) Sa seksion-la, li pou aplikab dan tou bann ka kot, apre ki finn ena enn lanket, Ombudsman ariv lor konklizyon ki aksion ki finn fer lobze lanket-la, li ti:

- (a) kontrer ek lalwa;
- (b) baze antierman, ouswa an-parti, lor enn erer legal ou faktiel;
- (c) ena enn retar derezonab; ouswa
- (d) inzis dan enn lot fason ouswa klerman derezonab.

(2) Dan tou bann ka kot sa seksion-la aplikab, e kot Ombudsperson panse:

- a) ki ena nesesite pou re-examinn kestion-la dan enn fason pli aprofondi;
- (b) ki ena nesesite rektifie enn omision;
- (c) ki ena nesesite pou swa anil enn desizyon, swa ranvers li, swa modifie li;
- (d) ki ena nesesite pou re-examinn pratik lor lekel aksion, omision, desizyon ou rekomandasion-la ti baze;



<p>(e) that any law on which the act, omission, decision or recommendation was based should be reconsidered;</p> <p>(f) that reasons should have been given for the decision; or</p> <p>(g) that any other steps should be taken,</p> <p>the Ombudsman shall report his opinion, and his reasons, to the principal officer of any department or authority concerned, and may make such recommendations as he thinks fit; he may request that officer to notify him, within a specified time, of any steps that it is proposed to take to give effect to his recommendations; and he shall also send a copy of his report and recommendations to the Prime Minister and to any Minister concerned.</p> <p>(3) Where within a reasonable time after the report is made no action is taken which seems to the Ombudsman to be adequate and appropriate, the Ombudsman, if he thinks fit, after considering any comments made by or on behalf of any department, authority, body or person affected, may send a copy of the report and recommendations to the Prime Minister and to any Minister concerned, and may thereafter make such further report to the Assembly on the matter as he thinks fit.</p>	<p>(e) ki ena nesesite re-examinn ninport ki lalwa lor lekel aksion, omision, desizion ou rekomandasion-la ti baze;</p> <p>f) ki desizion-la ti bizin finn siporte par bann zistifikasion; ou</p> <p>(g) ki ena lezot mezir ki ti bizin pran,</p> <p>Ombudsman pou transmet so lopinion ek so bann rezon ek ofisie prinsipal ninport ki departman ou otorite konserne e li pou fer bann rekomandasion ki li pou zize kouma apropiye; li pou kapav ousi demann ofisie-la fer li enn rapor, dan enn dele determine, lor ninport ki mezir ki finn propoze pou pran, pou ki ena enn swit konsernan so bann rekomandasion; ek li pou ousi transmet enn kopi so rapor ek so bann rekomandasion Premie Minis ek ninport ki Minis konserne.</p> <p>(3) Kan, dan enn dele rezonab apre ki rapor-la finn prezante, okenn mezir ki paret korek ek apropiye dan lopinion Ombudsman, pa finn pran, Ombudsman, si li panse ki li nesaser, pou kapav, apre ki li finn examinn bann komanter ki finn formile par ouswa lor nom enn departman, enn otorite,, enn organism ouswa dimounn ki konserne la, avoy enn kopi rapor-la ek so bann rekomandasion Premie Minis ek ninport ki Minis konserne, ek li kapav apre, si li estime ki li inportan, soumet enn nouvo rapor Lasanble.</p>
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