

The Grievances and Ombudsman Commission Act, 1998

Be it hereby passed, by the National Assembly, and assented to, by the President of the Republic, in accordance with the provisions of the Constitution of the Republic of Sudan, 1998, the following Act:

Chapter 1

Preliminary Provisions

Title and commencement

1. This Act be cited as the “Grievances and Ombudsman Commission Act, 1998”, and shall come into force, as from the date of signature.

Repeal and Saving

2. There shall be repealed: a) the Public Control and Administrative Evaluation Act, 1995, b) The General Grievances Act, 1996; provided that all the rules and decisions, made thereunder shall remain in force, until revoked, or amended.

Interpretation

3. In this Act, unless the context otherwise requires:

“Commission”: means the Federal Grievances and Ombudsman Commission.

“General Grievance” means any such grievance, involving patent injustice, as may be presented, to the Commission, against the State organs, after exhausting all the ways of judicial or administrative contests;

“Ombudsman” means securing efficiency, good management and purity, in the work of State organs, and final executive, or administrative rules, or actions;

“State organs” means federal ministers, departments, units, public corporations and institutions, public sector companies and otherwise of the federal State organs.

Chapter II

The Commission

Establishment, Seat and responsibility of the Commission

4. 1. There shall be established, an independent commission, to be known as the “Grievances and Ombudsman Commission”.
2. The seat of the Commission shall be in Khartoum.
3. The Commission shall be responsible to the President of the Republic and the National Assembly.

Constitution of the Commission and term of membership

5. 1. The Commission shall consist of a chairman and two members, from persons possessed of efficiency and propriety.
2. The President of the Republic shall, upon approval of the National Assembly, appoint the Chairman and two members of the Commission.

3. The President of the Republic shall specify the terms of service of the Chairman and two members of the Commission.

4. The term of mandate of the Chairman and two members of the Commission shall be five years, subject to renewal.

Vacancy of Office

6. The office of the Chairman and two members of the Commission shall fall vacant, by a decision of the President of the Republic, in any of the following cases:

- a) loss of capacity;
- b) acceptance, of the resignation, by the President of the Republic;
- c) relief, by the President of the Republic, for health infirmity, or conviction, by a competent court, of an offence in such matter, as may be inconsistent with honour, or honesty;
- d) death

Functions of the Commission

7. Without affecting the jurisdiction of courts, the Commission shall strive, at the Federal level, to remove patent injustice, and secure efficiency and purity, in the work of the State and the final executive, or administrative rules and actions, and spread justice, in the aftermath of final decisions of the Justice Organs. Without prejudice, to the generality of the foregoing, the Commission shall have competence, in coordination with the State organs, to consider and determine the following:

- a) such general grievances, as may relate to the State organs;
- b) such patent injuries, as may result, from the final judicial decrees, or as may be transcended by such decrees, without affecting the finality thereof;
- c) such injuries, as may arise out of abuse of power, or corruption, by State organs; on condition that the same shall have exhausted all the legally available ways of contest, to the competent bodies.
- d) such injuries, as may be by such acts of ministers, governors and occupiers of higher posts, in the State, as may not be subject to the jurisdiction of courts;
- e) consider any such law, as the application of which may lead to patent injustices, and submit, a memorandum of the same, to the competent bodies;
- f) any such other general grievances, as treatment thereof may not have been possible, and patent injustices has resulted from the same;
- g) ascertain that the State organs work efficiently, effectively and with purity, in such way, as may achieve the general policies of the States;
- h) inspect the performance of the State organs, in such way, as may avail the scientific evaluation and reveal the aspects of failure and achievement;
- i) verify the most ideal utilization of the available material and human capabilities;
- j) ascertain the effective and just application of such laws and regulations, as may govern and organise the administrative activity and the relations of the employees therein;

- k) conduct administrative investigations of any such aspects of shortcomings and defects, as may be revealed by any of the measures of the control activity;
- i) consider any consistent general complaints, by individuals, where the same, in whole, constitutes a phenomenon of general defect in the performance of any of the Federal organs;
- m) any such other functions, as may be assigned thereto, by the President of the Republic, or the National Assembly.

8. 1. For executing the functions, provided for in section 7, the Commission shall have the following powers, to:
- a) require information, deeds and documents, relating to any such subject, as may be translated thereto, by any of the State organs;
 - b) Summon any such person, as it may deem the appearance thereof, before it, necessary, to question him, for determining any subject submitted theretofore;
 - c) direct taking such correct measures, as may be necessary, for all such aspects of shortcomings and defects, as may be revealed by the business of control activity;
 - d) make internal regulations, for organising the business thereof;
 - f) study the proposed budget of the Commission, and submit the same, to the President of the Republic;
 - g) propose the terms of service of employees of the Commission, and submit the same, to the President of the Republic;
 - h) lay down the organisational and functional chart of the Commission, and submit the same, to the President of the Republic;
 - i) The Commission shall submit the reports and recommendations thereof, to the President of the Republic, the National Assembly or any of the State organs.

Functions and Powers of the Chairman of the Commission

9. The Chairman of the Commission shall be the first executive responsible therefore, and administratively and actually supervise all the business thereof. Without prejudice, to the generality of the foregoing, he shall have competence to:
- a) preside the sittings of the Commission;
 - b) represent the Commission before all bodies;
 - c) coordinate, between the Commission and the State organs;
 - d) submit annual reports, to the President of the Republic and the National Assembly, on the performance of the Commission;
 - e) any such other functions, as may be assigned thereto, by the President of the Republic, or the National Assembly

Finality of decisions of the Commission

10. Decision of the Commission shall be final, and of mandatory execution.

Finality of Decisions of the Commission

11. The financial resources of the Commission shall consist of the following:
- a) such allocations, as may be appropriated thereto, by the State;
 - b) grants, gifts and legacies;
 - c) any such other resources, as the President of the Republic may approve.

Accounts

12. 1. The Commission shall have an independent budget, to be prepared, as to such sound accountancy bases, as may be followed in preparing budgets, in the State.
2. The Commission shall keep accounts and books, in accordance with sound accountancy bases.
3. The Commission shall deposit the funds thereto, with banks, in current, or deposit accounts.

Auditing

13. The Auditor-General's Chambers, or whoever they may authorise therefore, and under the supervision thereof, shall audit the accounts of the Commission, after the end of every financial year, for submitting the same, to the President of the Republic, and placing it, before the National Assembly.

Chapter IV

General Provisions

Contraventions and sanctions

14. There shall be deemed, to have committed a contravention, every person who refuses, or tardies, without reasonable ground, as to the execution of the decisions of the Commission, and in this case, the matter shall be submitted, to the President of the Republic, to take such as he may deem fit, in order to execute the passed decision, without prejudice, to any such other measures, as may be provided for in any other law.

Taking the Oath

15. The Chairman and members of the Commission shall, before performing the function thereof, take the following oath:
- “I Chairman (member) of the Commission, swear by Almighty Allah, to dedicate my time, for the service of the Commission, and perform my duties, without fear, favour or dishonesty, and not to disclose, to any legally non-authorized person, any such information, as may come, to my knowledge, in the course of executing my duties, whether directly, or indirectly.”

Immunity

16. Save in cases of red-handedness, the Chairman, or any of the members of the Commission, shall not be arrested, confined, any of the procedure of investigation be taken, or criminal proceedings launched against him, in any work relating to

the performance of his functions, save upon permission from the President of the Republic.

Power to make regulations

17. The Commission may make such regulations, as may be necessary, for the implementation of the provisions of this Act.