

# Contents

Preface	09
---------	----

## Part One – Origin of Ombudsman Systems

<b>Chapter One: Administrative Power within Constitutional Framework</b>	<b>16</b>
<b>A Basis of Administrative Legitimacy</b>	<b>17</b>
1. Basis of Administrative Legitimacy – (i) Constitutional Norms	17
2. Basis of Administrative Legitimacy – (ii) Public Interest	19
3. Opinions of Portuguese Scholars	24
<b>B Categorisation of Administrative Power</b>	<b>36</b>
1. Approaches to Categorisation	36
2. Administrative Discretion	37
<b>Chapter Two: Checking of Administrative Power</b>	<b>45</b>
<b>A Checking Power with Power</b>	<b>45</b>
<b>B Checking Power with Rights</b>	<b>46</b>

## Part Two – Comparative Studies of Ombudsman Regimes in Korea, India and Macao

<b>Chapter Three: Overview of Ombudsman Regimes in Korea, India and Macao</b>	<b>49</b>
<b>A Overview of Ombudsman System of Korea</b>	<b>49</b>
1. Institution of Ombudsman Systems of Korea	49
2. Position of Ombudsman of Korea within Constitutional Framework	51
<b>B Overview of Ombudsman System of India</b>	<b>51</b>
1. Institution of <i>Lokayukta</i> Organisation in India	51
2. Position of <i>Lokayukta</i> Organisation within Indian Constitutional Framework	54
<b>C Overview of Ombudsman System of Macao</b>	<b>55</b>
1. High Commission Against Corruption and Administrative Illegality of Macao	55
2. Commission Against Corruption of Macao Special Administrative Region	57
3. Position of Ombudsman System of Macao within Constitutional Framework	58
<b>Chapter Four: Powers and Operation of Ombudsman Entities in Korea, India and Macao</b>	<b>59</b>
<b>A Powers and Operation of Ombudsman of Korea</b>	<b>59</b>
1. Organisational Structure of Ombudsman of Korea	59
2. Powers of Ombudsman of Korea	59
3. Operation of Ombudsman of Korea	62

**B Powers and Operation of Lokayukta Organisation in Madhya Pradesh, India** \_\_\_\_\_ 66

1. Organisational Structure of Lokayukta Organisation in Madhya Pradesh, India \_\_\_\_\_ 66
2. Powers of Lokayukta Organisation in Madhya Pradesh, India \_\_\_\_\_ 68
3. Operation of Lokayukta Organisation in Madhya Pradesh, India \_\_\_\_\_ 70

**C Powers and Operation of Commission Against Corruption of Macao** \_\_\_\_\_ 71

1. Basic Concept of Duty and Authority \_\_\_\_\_ 71
2. Organisation of Commission Against Corruption of Macao \_\_\_\_\_ 75
3. Powers of Commission Against Corruption of Macao \_\_\_\_\_ 81

**Chapter Five: Role of Ombudsman in Political System of Korea, India and Macao** \_\_\_\_\_ 105

**A Role of Ombudsman in Governance of Korea** \_\_\_\_\_ 105

1. Relationship between Ombudsman and Legislature, Administration and Judiciary \_\_\_\_\_ 105
2. Independence and Role of Ombudsman of Korea \_\_\_\_\_ 106

**B Role of Lokayukta Organisation in Madhya Pradesh in Political System of India** \_\_\_\_\_ 108

1. Relationship between Lokayukta Organisation in Madhya Pradesh, India and Legislature, Administration and Judiciary \_\_\_\_\_ 108
2. Independence and Role of Lokayukta Organisation in Madhya Pradesh, India \_\_\_\_\_ 108

**C Role of Commission Against Corruption in Political System of Macao** \_\_\_\_\_ 109

1. Relationship between Commission Against Corruption of Macao and Legislature, Administration and Judiciary of Macao \_\_\_\_\_ 109
2. Role of Commission Against Corruption of Macao \_\_\_\_\_ 116
3. Monitoring Committee for Discipline of CCAC Personnel \_\_\_\_\_ 123

**Part Three – Value of Ombudsman System in Asia**

**Chapter Six: ‘Third Wave’ of Democratisation and Democratic Constitutionalism of Korea, India and Macao** \_\_\_\_\_ 125

**A Characteristics and Mission of ‘Third Wave’ Democracies** \_\_\_\_\_ 125

1. Characteristics of ‘Third Wave’ Democracies \_\_\_\_\_ 125
2. Mission of ‘Third Wave’ Democracies \_\_\_\_\_ 126

**B Overview of Democratic Constitutionalism of Korea, India and Macao** \_\_\_\_\_ 128

1. Overview of Democratic Constitutionalism of Korea \_\_\_\_\_ 128
2. Overview of Democratic Constitutionalism of India \_\_\_\_\_ 135
3. Overview of Democratic Constitutionalism of Macao \_\_\_\_\_ 139

**Chapter Seven: Constitution of Modern States and Development Trends in Contemporary Public Administration** \_\_\_\_\_ 144

<b>A</b>	<b>Constitution of Modern States</b>	<b>144</b>
1.	Civil Society	144
2.	Potency of State	145
<b>B</b>	<b>Trends in Contemporary Public Administration</b>	<b>147</b>
1.	Some Concepts	147
2.	Democratisation of Public Administration	148
<b>Chapter Eight: Response: Possibility of Realising</b>		
	<b>Values of Ombudsman System</b>	<b>151</b>
<b>A</b>	<b>Assessment of Civil Society in Korea, India and Macao</b>	<b>151</b>
1.	Political Parties and Civil Society in Korea	151
2.	Political Parties and Civil Society in India	154
3.	Associations and Civil Society in Macao	155
<b>B</b>	<b>Overview of Public Administration Reform in Macao and Korea in Recent Years</b>	<b>158</b>
1.	Overview of Public Administration Reform in Macao	158
2.	Overview of Public Administration Reform in Korea	160
<b>C</b>	<b>Significance of Deliberative Democracy to Ombudsman System</b>	<b>162</b>
1.	Concept of Deliberative Democracy	163
2.	Ombudsman System – Deliberative Politics	165
	<b>Conclusion</b>	<b>168</b>
	<b>Bibliography</b>	<b>170</b>