

OMBUDSMAN

INTRODUCTION

- Whenever a citizen feels aggrieved by an action of the Government, he could get remedies in the court of law, he could ventilate his grievances through petitions, through members of Parliament and finally by voting down the government in the general elections.
- The problems of citizen's grievances which has been germinated by a welfare State has caught the attention of the world for establishing an institution like Ombudsman.
- Ombudsman institution or its equivalent will become a standard part of the machinery of Government throughout democratic world.

Importance of Ombudsman

- Judicial control of administrative action is not absolute.
- Few administrative functions fall outside judicial purview.
- No obligation of the administrative branch of justifying its administrative decisions.
- The legislature too could not prove effective in controlling the executive.

Characteristics

- The Ombudsman is an independent and non-partisan officer of the legislature who supervise the administration.
- He deals with the specific complaints from the public against administrative injustice and administration.
- He has the power to investigate , criticize and report back to the legislature, but not to reverse administrative action.

The Lokpal

- There was various attempt to establish the office of Lokpal initially, but the same got defeated on various technical grounds which eventually defeat the purpose of the Lokpal office.
- The Lokpal Bill, 1989
- The Lokpal Bill, 1998
- The Lokpal Bill, 2003

Contd..

- Administrative Reforms Commission-
 - He should be independent and impartial
 - His investigations and proceedings should be conducted in private.
 - His appointment should be as far as possible be a non political one.
 - He should deal with injustice corruption and favouritism.
 - The Lokpal shall have the power of a Civil Court under the C.P.C 1908.

Exception to Jurisdiction

- Exercise of power to determine whether a matter shall go to court or not.
- Action relating to Foreign Government.
- Decision to exercise to his validity of jurisdiction.
- Action taken under Foreigner's Act and the Extradition Act.

Lokayukta in States

- It is to be noted that before the Lokpal Bill several states in India enacted the Lokayuktas statues.
- States like Orissa, Maharashtra, Rajasthan, Bihar, Uttar Pradesh and Madhya Pradesh.
- The same would be appointed by the Governor of the State.

Case Laws

- S.N. Hegde v. The Lokayukta, Bangalore and others AIR 2004 NOC 169.
- K.K. Ramachandran Master v. The Kerala Lokayukta and others AIR 2007 KER 38 (NOC)