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GOOD GOVERNANCE OF LOKPAL AND LOKAYUKTA

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ABSTRACT: Ombudsman in India is Lokpal and Lokayukta. It is actually a statutory body which has been established by Lokpal and Lokayukta Act, 2013. Hence it does not have constitutional status. Lokpal is a statutory body for union whereas Lokayukta is a statutory body for states. They perform the functions of ‘Ombudsman’ i.e., they inquire into the allegations of corruption of public functionaries and also other matters related to it. Maladministration is considered as the great problem in the present society. It basically hinders the development of the nation, moreover it ruptures the foundation of the nation. Corruption is considered as the root cause of maladministration and a starting point where such thing begins. There are various anticorruption agencies but they are hardly independent. Many of such agencies do not have effective powers but they act like an advisory body and give advices but those advices are not effectively followed or it could also be said as it is rarely followed. In case of modern social welfare state civil servants play a very important role. In modern society public servants not only act as a mere executor of public policy, they also act as an initiator and also formulator of a policy. Public servants give expert advice for good administration, meanwhile they also become a controller of administration. Effective control must be exercised in order to hold them responsible for their acts. Such control mechanism is exercised by few agencies, where Lokpal and Lokayukta are one among such agencies. The article mainly speaks about Lokpal and Lokayukta and its good governance.

KEYWORDS: Ombudsman, Corruption, Jan Lokpal Bill, Good Governance

I. INTRODUCTION

Ombudsman is an official who is appointed by the government in order to investigate into the complaints which is generally made by individuals against any government department or any other public entities. The office of national ombudsman i.e., for union is Lokpal and the office of state ombudsman i.e., for state is Lokayukta. This concept is actually taken from Sweden. Lokpal and Lokayukta are statutory bodies established by Lokpal and Lokayukta Act, 2013. Let’s see about Lokpal and Lokayukta and its good governance in detail.

II. WORKING OF OMBUDSMAN:

The decision of ombudsman may or may not be legally binding. If it is so legally binding it carries more weightage. Case fees and levies are the general means through which an ombudsman is typically paid. An ombudsman generally identifies systematic issues which would lead to violation of human rights and sort it out accordingly. They also identify if there is any issue like poor quality of public service rendered by the government or any institution which is at question especially at government level. In case of Ombudsman within an organization, it deals with any internal issues that is being alleged. Generally ombudsman exist in a wide range of countries and also in an

organizations within such countries. They can be appointed at national level and also in local level. In case of India it is Lokpal for union and Lokayukta for states.

III. LOKPAL:

A good government is one which provides solution to the problems relating to arbitrary administrative actions of civil servants in order to look into the problems suffered by the individuals who are aggrieved by the decisions made by the civil servants. In order to provide the individual citizens with the independence of being heard of their griefs, India has made attempts for instituting the office of Ombudsman. In 1996 a bill providing for ombudsman was introduced in the house of people (Lok Sabha) on May 9 on the recommendation of Administrative reforms commission, but due to the dissolution of Lok Sabha, the bill was lapsed. In 1971 the bill named 'Lokpal and Lokayukta bill 1971' was reintroduced and the abovementioned same incident happened i.e., dissolution of Lok Sabha happened. On 28 July 1977. A fresh bill called 'Lokpal bill, 77' was introduced in the Lok Sabha and it was also referred to joint committee but when it was under consideration Lok Sabha was dissolved. Another bill named 'Lokpal Bill, 1985' was introduced in the parliament and it was also referred to joint committee and its report was also submitted before the parliament on December 6, 1988 but the government withdrew the bill. Such movement was hugely criticised by the opposition during that period. On December 29, 1989 the Janata Dal Government had introduced a capacious bill in the Lok Sabha. Such proposed bill had jurisdiction over Council of Ministers and also the Prime Minister and it can go into the complaints of corruption which has its meaning as mentioned in the Prevention of Corruption Act, 1988. But this Bill lapsed due to resolution of Lok Sabha in 1989. Finally Lokpal was established by 'Lokpal and Lokayukta Act, 2013'. Lokpal is a multimember organisation consisting of one chairperson and the maximum of 8 members. Under Lokpal Act of 2013 the department of personnel and training is obliged to put forth a list of candidates who are interested to become the chair person or members of the Lokpal. The given list will then go to the proposed search committee, which would shortlist the names and submit them before selection panel. The selection panel may or may not comply with the names suggested by the search committee. The jurisdiction of Lokpal includes Council of Ministers including Prime Minister, members of the parliament, groups A, B, C and D officers and also the officials of central government. The Lokpal mandates the public officials to furnish their assets and liabilities of themselves and their respective dependants. The inquiry wing of the Lokpal is vested with the powers of a civil court. Lokpal has confiscation of assets procured by means of corruption. In cases of matters relating to allegation of corruption, Lokpal has the power to recommend transfer or suspension of public servant. It is an important institution to tackle the problem of corruption.

IV. LOKAYUKTA:

This is a body with same functions as that of Lokpal but with certain exceptions they could look into any such complaints received against ministers of the concerned state and also any other senior officer. States like Bihar, Orissa, Maharashtra, Karnataka, Madhya Pradesh, Rajasthan and Himachal Pradesh contain the office of Lokayuktas. In Maharashtra Lokayukta Act, all the ministers are included in the jurisdiction but chief minister is totally excluded from its jurisdiction. In case of Lokayukta of Rajasthan the primary goal of this body is to provide safety and protection from sudden and violent eruption as a result of continued maladministration. In order to make government accountable for its action, the chief minister should also be brought under the jurisdiction of Lokayukta. Lokayukta has the power to investigate any action taken by the public servants. The office of Lokayukta is very useful by because it is tasked with speedy redressal of public grievances. It has the authority to suggest punishment to those who involve in maladministration but it is up to the concerned state government either to accept or reject the suggestion. Formation of the office of Lokayukta is considered as a great move toward the development in the administration of the Republic of India. But there are certain loopholes in this institution which needs to be corrected in order to have better administration. This institution must be given with more autonomy in order to fight against corruption. There should be some kind of transparency in the appointment of members in this institution.

V. GOOD GOVERNANCE OF LOKPAL:

LOKPAL BILL AND GOOD GOVERNANCE: The Jan Lokpal bill intends to enforce a body that is against corruption. Such a body is empowered to prosecute the public officials who are involved in the maladministration without the prior permission of the government. The term 'Lokpal' was coined by a member of the parliament. In order to encourage suggestions and objections from the people of India Lokpal campaign has setup a website called IndiaAgainstCorruption.org. The various stages and attempts of introduction of Lokpal bill was discussed above.

LOKPAL WITH ITS ETHICAL GOVERNANCE: Increasing public grievances and increase in the burden of administration has direct relation. All public officials and Ministers come under the jurisdiction of Lokpal. The court would deal with the matters related to corruption against ministries and legislative assembly, whereas office of Lokpal hold the public officials responsible for the acts of maladministration.

VI. GOOD GOVERNANCE OF LOKAYUKTA:

Like Lokpal, Lokayukta is also a great tool to fight against corruption. It is with the concerned state government to provide autonomy and independent powers to the office of Lokayukta. The Lokayukta has effective enquiry process where it pierces into the layers of administration and enquires over the complaints of maladministration. It also provides for the speedy disposal of cases related to the matters of corruption. The enquiry of matters of maladministration is done by competent authorities who are bureaucrats rather than politicians. It is an autonomous body which is independent of interference of government. It provides for the improvement of the administration of state which is free from corruption.

VII. STEPS TO BE TAKEN IN ORDER TO IMPROVE THE GOVERNANCE OF LOKPAL AND LOKAYUKTA:

1. Lokpal and Lokayukta has been tasked with the function of redressal of public grievances and it provides much needed change in the administration of the union and the states but the office of Lokayukta has been instituted only in 19 states. For the uniform improvement of administration in every state Lokayuta has to be instituted almost in all states.
2. The Lokpal is not independent from the political influence since the members of the appointment committee belong to political parties. Such appointment of members could be manipulated. The appointment of members of Lokayukta have been left to the discretion of states. In order to improve the governance of Lokpal and Lokayukta the appointment of members must be independent of political influence and a proper code of procedure must be followed where competent authorities could be appointed.
3. In case of absence of leader of opposition the members and the chairman of the bodies are likely to favour the ruling party. When appointing the members of Lokpal the opposition leader is considered as the special invitee. When such opposition leader is absent, the chairman and members of Lokpal would become more lenient towards the ruling party. In order to avoid such favouritism there should be leader of opposition.
4. In spite of the fact that the Lokpal and Lokayukta have been instituted as a statutory body there is no any prescribed norms for its operation. To improve the uniformity in functioning of such bodies a defined code of procedure must be followed.
5. Lokpal and Lokayukta must be transparent and citizens should be given with the right to access information and it should be accountable to public for the acts done by them.
6. Lokpal and Lokayukta must be financially and administratively distinct.

VIII. CONCLUSION:

In this modern society corruption is considered as a great barrier for the good governance of state. To have a healthy society corruption should be eradicated. For the eradication of corruption there is an effective tool called Lokpal for union and Lokayukta for states. These institutions investigate into the complaints of corruption and provide redressal for the public grievances. Thus these institutions are important to eradicate the arbitrary administrative actions and also to avoid maladministration. There are various control mechanism of administrative actions but operation of these bodies are the effective one.

IX. REFERENCES:

1. <https://www.drishtiiias.com/important-institutions/drishti-specials-important-institutions-national-institutions/lokpal-lokayukta-ombudsman-upsc-governance-transparency>
2. <https://blog.ipleaders.in/lokpal-and-lokayuktas/>
3. <https://upscwithnikhil.com/article/polity/ombudsman-lokpal-and-lokayuktas>
4. <https://www.geeksforgeeks.org/lokpal-and-lokayukta-act-2013/>
5. <https://ilearncana.com/details/Lokpal-and-Lokayukta/1883>
6. M. Sharma, Indian Administration, Anmol Publications Pvt. Ltd., First edition 2003.
7. I.P. Massey, Administrative Law, Eastern Book Company, Eighth edition 2012.
8. Parishkar Shreshth, Lokpal and Good Governance, Palarch's Journal of Archaeology of Egypt, Egyptology 17(7), 11030-11037. ISSN 1567-214x.

