

Course- B.A LL.B sem 6
Administrative law (unit-4)
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OMBUDSMAN IN INDIA

WHAT IS OMBUDSMAN ?

- ◉ Officer of parliament
- ◉ Acting as an agent for parliament.
- ◉ Safeguard of the citizen.
- ◉ Look into complaints for the citizen.
- ◉ Works as a civil court.
- ◉ May Accountable to the government.

ESTABLISHMENT:

- ◉ 1st adopt in 1809 in Sweden.
- ◉ 1st common law country was New Zealand in 1963.
- ◉ Next England was established the system in the 1966.
- ◉ Recently Australia has established the system.
- ◉ Bangladesh has the law but not entry into force by gazette notification.

TERMS OF OFFICE OF OMBUDSMAN:

***Hold office for a term of 3 years.

***Can't remove without order of president.

***Misconduct & physical incapacity.

***Ombudsman may resign his office by writing.

FUNCTION OF OMBUDSMAN:

- ***May investigate & taken action .
- ***Sometimes it works different from Court .
- ***During investigation time its act like a civil court .
- ***May give punishment .

POWER OF OMBUDSMAN:

- ◉ Investigating power.
- ◉ Restriction of publication of proceedings.
- ◉ Power to punish any person for obstruction.
- ◉ Delegation power.
- ◉ Power of entry.
- ◉ Immunities.

- An **ombudsman** is a person who acts as a trusted intermediary between an organization and some internal or external constituency and represents not only but mostly the broad scope of constituent interests.

- An **ombudsman** is an official,
 - usually appointed by the government or by parliament,
 - who is charged with representing the interests of the public by investigating and addressing complaints reported by individual citizens.

- An Ombudsman
 - Is usually appointed by the organization, but sometimes elected by the constituency.
 - may, for example, investigate constituent complaints relating to the organization and attempt to resolve them, usually through recommendations or mediation.
 - may sometimes identify organizational roadblocks running counter to constituent interests


- The Government of India has designated several ombudsmen for the redress of grievances and complaints from individuals in the banking, insurance and other sectors being serviced by both private and public bodies and corporations.
- The Ombudsman in India are sometimes referred to as Chief Vigilance Officer or **CVO**.
- The CVC (Central Vigilance Commission) was set up on the recommendation of the Santhanam Committee (1962–64).

Lokayukta

In India, the Ombudsman is more commonly known as the Lokpal or Lokayukta.

An Administrative Reforms Commission (ARC) was set up on 5 January 1966 under the Chairmanship of Shri Morarji Desai.

It recommended a two-tier machinery: Lokpal at the Centre (parliamentary commissioner, as in New Zealand) and one Lokayukta each at the State level for redress of people's grievances.



The state-level Lokayukta institution has developed gradually.

- Maharashtra was the first to establish the institution, in 1972.
- Orissa was the first state to present a bill on establishment of Lokayukta in 1970.

Other states followed:

- Bihar (1974), Uttar Pradesh (1977), Madhya Pradesh (1981), Andhra Pradesh (1983), Himachal Pradesh (1983), Karnataka (1984), Assam (1986), Gujarat (1988), Delhi (1995), Punjab (1996), Kerala (1998), Chattishgarh (2002), Uttaranchal (2002), West Bengal (2003) and Haryana (2004).

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- The structure of the Lokayukta is not uniform across all the states.
 - Some states have UpaLokayukta under the Lokayukta and
 - in some states, the Lokayukta does not have *suo moto* powers of instigating an enquiry.

- Kerala State has an Ombudsman for Local Self Government institutions like Panchayats, Municipalities and Corporations.
- He or she can enquire/investigate into allegations of action, inaction, corruption and maladministration. A retired Judge of the High Court is appointed by the Governor for a term of three years, under the Kerala Panchayat Raj Act.
- In the State of Rajasthan, the Lokayukta institution was established in 1973 after the Rajasthan Lokayukta and Up-Lokayuktas Act, 1973 was passed by the State Legislature.

- Electricity Ombudsman
- Insurance ombudsman
- Banking ombudsman
- Income tax ombudsman
- Anti corruption ombudsman

CONCLUSION

- The [2011 Indian anti-corruption movement](#) led by social activist [Anna Hazare](#) includes in its demands the creation of a stronger ombudsman agency (with jurisdiction over all state institutions) through the enactment of a [Jan Lokpal Bill](#), as an alternative to the Lokpal Bill proposed by the government in 2010.

Thank you !!!

