

CLASS- B.A.LL.B VIIIth SEMESTER
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OMBUDSMAN

Meaning

The meaning of Ombudsman is-an official appointed to investigate individuals' complaints against maladministration, especially that of public authority. The precise meaning of the term Ombudsman is grievance officer. An Ombudsman is a public officer whose function is to investigate the grievances, raised by citizens regarding maladministration of the authority. In other words if there are gross lapses in the functioning of the public administration the citizens have power to lodge complaint against the concerned authority. He is an officer of parliament

Origin

The concept of Ombudsman at first originated in Sweden, a Scandinavian state, in 1809 more than two centuries ago. From the beginning of the twentieth century the system began to draw attention of several other European states.

For example Finland created the institution of Ombudsman in 1919, Denmark in 1955 and Norway in 1961. The institution of Ombudsman drew the attention of several European states, and they did borrow the term. Some countries used the term Parliamentary commission and New Zealand is one of them.

From the' beginning of 1960s the British government was seriously thinking about instituting a body to remedy people's grievances against public administration and to provide a constitutional safeguard against the misuse of power. In 1966 the British government appointed a Parliamentary Commissioner. In 1973 Parliamentary Commissioner also acted as Health Commissioner.

Powers and Functions:

(1) An important function of Ombudsman is to protect the rights and freedoms of citizens and needless to say that primarily for this purpose the post of ombudsman was instituted

(2) In the Scandinavian countries the ombudsman has another function. The ombudsman shall have the power to supervise the general civil administration. On this point the duty of ombudsman is closely connected with the public administration.

(3) In many states Ombudsman or institution like this supervises the general administration. It is also called general surveillance of the functioning of the government.

(4) In some countries the Ombudsman enjoys enormous power. For examples in Sweden the Ombudsman has been empowered to investigate the cases of corruption (in any form) not only against the government officers but also against the judges of the highest court

(5) In UK the Parliamentary Commissioner (British type of Ombudsman) also acts as a Health Commissioner. In 1974 the British parliament enacted a law to enhance the jurisdiction of Parliamentary Commissioner to the level of local government. The local councillors can lodge complaints against the local body and can seek redressal of grievances.

(6) An important function of Ombudsman is the exercise of discretionary powers. The discretionary powers are really vast and how to use these powers depend upon the person concerned. Discretionary powers include corruption, negligency, inefficiency, misbehaviour etc.

Ombudsman in India

The functions of the ombudsman which were successful in the other countries inspired the established of Lokpal and Lokayuktas in India also. Lokpal is the Indian Ombudsman and Lokayuktas is the State Ombudsman.

In 1962, M.C. Setalvad suggested the idea of establishing an Ombudsman at the All India Lawyers' Conference.

The Administrative Reforms Committee made a proposal to the Government in 1968. In 1971, the bill was again introduced, however to end up in failure.

Lokpal in India

Lokpal is a national anti corruption ombudsman to look into complaints against public servants which are defined under the Lokpal Act 2013. This body is constituted to check the menace of corruption in India.

Composition of the Lokpal

The office of Lokpal Comprises of a Chairman and upto 8 members. The chairman of the Lokpal can be current or former judge of the Supreme Court or the chief justice of High Courts.

Or

An eminent person i.e. he is a person of neat and clean image and outstanding ability having special knowledge and expertise of not less than 25 years in the matters relating to;

- i. Anti Corruption Policy
- ii. Public administration
- iii. Vigilance
- iv. Law and Management
- v. Finance including insurance and banking

Powers of Lokpal is given under section 25 of the Act, 2013. If the Lokpal receives a complaint under the prevention of corruption act 1988, then it can initiate the investigation. If the complaint found true in the investigation then the Lokpal can ask the government to take disciplinary action against the accused public servants or can file a corruption case in a special court.