



BEST Learning Centre

Joining us to write your Own Success Story

LOKPAL AND LOKAYUKTA

Indian Polity

Copy Right @ Best Learning Centre

First Edition January 2020

All Rights Reserved

LOKPAL AND LOKAYUKTA

Global Scenario

- **Modern democratic states** are characterized by a **welfare orientation**.
- Hence, the **government** has come to play an important role in the socio-economic development of a nation.
- This has resulted in the **expansion of bureaucracy** and the multiplication of administrative process, which in turn increased the **administrative power** and **discretion** enjoyed by the civil servants at different levels of the government.
- The success of democracy and the realization of **socio-economic development** depend on the extent to which the citizens' grievances are redressed.
- Therefore, the **following institutional devices** have been created in different parts of the world to deal with the **redressal of these grievances**:
 1. The Ombudsman System
 2. The Administrative Courts System
 3. The Procurator System
- **'Ombud'** is a Swedish term and refers to a person who acts as the representative or spokesman of another person.
- According to **Donald C. Rowat**, Ombudsman refers to **"an officer appointed by the legislature to handle complaints against administrative and judicial action."**
- The Swedish Ombudsman deals with the citizens grievances in the **following matters**:
 - (i) **Abuse of administrative discretion**, that is, misuse of official power and authority
 - (ii) **Maladministration**, that is, inefficiency in achieving the targets
 - (iii) **Administrative corruption**, that is, demanding bribery for doing things
 - (iv) **Nepotism**, that is supporting one's own kith and kin in matters like providing employment
 - (v) **Discourtesy**, that is, misbehavior of various kinds, for instance, use of abusive language.

POSITION IN INDIA

Some of the existing **legal and institutional framework** to check **corruption and redress citizen's** grievances in India consists of the **followings**:

- Public Servants (Enquiries) Act, 1850
- Indian Penal Code, 1860
- Prevention of Corruption Act, 1988
- All-India Services (Conduct) Rules, 1968
- Central Civil Services (Conduct) Rules, 1964
- Railway Services (Conduct) Rules, 1966
- Central Bureau of Investigation, 1963
- Lokpal (Ombudsman) at the Centre
- Lokayukta (Ombudsman) in states

The **Administrative Reforms Commission** (ARC) of India (1966–1970) **recommended** the setting up of **two special authorities** designated as '**Lokpal**' and '**lokeyukta**' for the **redressal of citizens** grievances.

- The **Lokpal** would deal with **complaints against ministers and secretaries** at **Central and state levels**.
- The **lokeyukta** (one at the Centre and one in every state) would **deal with** complaints **against other specified higher officials**.
- The **ARC** also **recommended** that the institutions of **Lokpal and lokeyukta** should have the **following features**:
 1. They should be demonstratively independent and impartial.
 2. Their investigations and proceedings should be conducted in private and should be informal in character.
 3. Their appointment should be, as far as possible, non-political.
 4. Their status should compare with the highest judicial functionaries in the country.
 5. They should deal with matters in the discretionary field involving acts of injustice, corruption or favoritism.