CHAPTER VII

CONCLUDING OBSERVATIONS
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In the preceding pages the institution of Ombudsman in India has been discussed in its different aspects. In the first chapter care has been taken to explain the need for an independent and impartial machinery in the context of rising grievances due to planned social change, and administrative arbitrariness. In discussing the need for Ombudsman in a growing welfare and democratic state in India the backdrop of socio-economic and political conditions is analysed in a nutshell.

The second chapter deals with the genesis of the institution of Ombudsman in Sweden and its gradual spread in 1960s onwards to other Scandinavian, European and Afro-Asian countries. The causes of the widespread of the Ombudsman in different continents and the factors conducive to its success in Scandinavian and Commonwealth countries have been discussed in this chapter.

The question as to the nature of grievances and the circumstances generating them in India form the contents of the next chapter. Mainly, people's dissatisfaction with the administration provides scope for grievance generation in rural and urban areas and at district, State and central levels. To deal with the grievances of the general public internal mechanism in administrative, legislative and judicial channels exist
in India. The inadequacies of the different existing channels of redress of grievances have been discussed. Our Chief concern has been the grievances of the general public rather than public servants, grievances to deal with which Central Administrative Tribunals exist.

In the fourth chapter an attempt has been made to show the emergence of the Ombudsmanic idea in India and discuss the recommendations of the Administrative Reforms Commission to set up the Ombudsmanic institutions of the Lokpal and Lokayukta. In this context the Bills of 1968, 1971, 1977 and 1985 which proposed the creation of Lokpal – the Indian version of Ombudsman – at the centre have been analysed. The reasons for which neither of these Bills could take the shape of an Act have also been explained.

The experiment with the institution of Ombudsman in several states of India forms the subject matter of the fifth chapter. That no uniform pattern as to the structure and function of Ombudsman is found in the states has been pointed out. At the same time the role performance of the institutions of Ombudsman in three states or Bihar, Maharashtra and Uttar Pradesh has been discussed in view of the relatively longer period for which the institutions operated in these states. The systemic deficiencies of the institutions in the states have also been stated.
The suitability of the institution of Ombudsman to India's federalized structure and parliamentary system of government with rule of law has been questioned by several critical students of the institution. The questions raised by them have been tackled in the sixth chapter. Some critics have also anticipated vastness of the country and its huge population as hazards in the successful working of the Ombudsman in India. That such objections are not really convincing have been shown in this chapter. In view of the failure of earlier plans to take shape we have suggested a collegial model of Lokpal for the Union and a collegial model of Lokayukta for the states which can be compatible with the federal and parliamentary system of government in India.

If legislation is enacted on the model suggested by us in Chapter VI to establish the institutions of collegial Ombudsman at the Centre and in the various states, the functioning of the institutions cannot be expected to be smooth in view of certain problems that may naturally arise in developing countries. The scope of public administration is broadening but with it corruption and patronage is also growing. After their liberation from colonialism developing countries such as India have been involved in the task of state and nation building through socio-economic change and this has called for leadership of strong and dynamic executive. Instead of consensual model of politics a conflict model of politics is very
likely to operate in these countries. The lack of consensual politics, the dominance of strong executive and the need for rapid socio-economic development are likely to erode independent and non-partisan milieu for the functioning of the Ombudsman. In India the one-party dominant system and the lack of a strong opposition contribute to an atmosphere not favourable for the functioning of independent and impartial Ombudsman institutions.

To state these problems and difficulties does not mean to deny altogether the necessity of Ombudsman institutions in developing countries like India. Experience in Scandinavian and other democratic countries have brought out the concrete advantages and gains of having Ombudsman institutions. First, the Ombudsman makes the administrative system more alert and responsive to the demands upon the political system by redressing citizens’ grievances. It reduces the frequency of maladministration and administrative abuses and their incidence upon the life of the citizens. Through redress of citizens' grievances the Ombudsman strengthens in the minds of the citizens a faith in the efficacy of the political and administrative system.

In view of these advantages it appears better to establish the institutions of Lokpal and Lokayukta and allow them to function by facing the odds and problems of
developing societies. Democratic institutions have evolved and grown not through ideal conditions from the very beginning but by facing and fighting out odds and problems. Similarly, Ombudsman institutions in India cannot expect ideal conditions from the very outset; it is only by operating and struggling through the various problems of developing societies and giving redress to aggrieved citizens that Ombudsman institutions will strike their roots deeper and deeper in the psyche of the people. In the context of widening gap between complex system of administration and the people the Ombudsman institutions will play the role of a bridge.

Since no Act has yet been passed by the Parliament, it is necessary to push through the Parliament the required Bill. But that cannot be done without the necessary political will which can grow only out of national consensus. A dialogue among all the major national parties of India is necessary to evolve a consensus about the amendment and follow up legislation that will set up the collegial Lokpal at the Union level. Once this is done the States will follow in passing enabling legislative measures for the institution of the collegial Lokayuktas.

When the institutions of Lokpal and Lokayuktas are set up and begin to perform their roles their continuous working at the Union and State levels will open up fascinating area of further study and analysis by students of political science.