In modern democracies the Ombudsman institution is a key device for holding the executive accountable to the legislature. To be more correct, it makes the executive responsive to the people. Essentially, it is an agency of Legislature to hear complaints from the public against administrative arbitrariness. On justified complaints it recommends corrective measures. And if the executive refuses to take action on recommendations, it reports the matter to the legislature. In turn the legislature prevented the executive from acting in an arbitrary manner.

For this reason, replete with other institutional characteristics, independent from executive, non-partisan, formal procedure of investigation, cheap and speedy justice etc., it evolved enormous interest by North and South states irrespective of politico-socio-economic and demographic diversities.

In the pre-Second World War period the Ombudsman remained in embryonic form as the concept was not fully developed. Subsequently, during the last four decades it spread from the model Sweden and other Scandinavian States had evolved to the Afro-Asian and Western countries. The growth it records during the 20th century is unparalleled by any other administrative and
social institution. That is perhaps the reason for which discussion about the Ombudsman has become widespread not only within States at federal and regional levels but also on an international plane. To take a positive instance the first International Conference of Ombudsman at Edmonton (Alberta, Canada) succeeded in drawing thirty nine Ombudsmanic institutions from eight different countries\(^1\). In fact, it has become part and parcel of many political systems be it democratic, socialistic\(^2\), or authoritarian, by showing a general concern for public grievances and attention to their redress in an independent and impartial manner. In addition, by improving administrative machinery, stimulating administration-citizen mutual response and providing justification for authoritative allocation of values, the Ombudsmanic institution provides a strong stimulus for its adoption by more and more developed, developing, unitary and federal political systems.

---

1. International Bar Association (Ombudsman Committee), News Letter (Allentown; Pennsylvania, December, 1976, P.1.

2. In seven socialist countries, Czechoslovakia, Democratic Republic of Vietnam, German Democratic Republic, Hungary, Poland, Romania and the U.S.S.R., the function of Ombudsman is somewhat performed by the Procurator General.
The necessity for an institution like the Ombudsman arises primarily in the context of mounting public grievances. The goals of planning, 'Socialist pattern' of Society, 'development' and 'nation-building' and 'welfare-state' culminated in complexity of the administrative process. It leads to extension of bureaucracy, concomitant proliferation of governmental activities and vesting of discretionary powers in minister and administrative officials. As such executive

3. The number of persons who were serving in Central Government in India increased from 14,45,050 on April 1, 1948 to 17,73,570 in 1957 showing a rise of 23 percent over nine years i.e., an average annual increase of 2.5 percent. See S.N. Chaturvedi, "Machinery For Redress of Citizen's Grievances" IJPA, XII(3), July-September 1966, pp.636-55. The figures he quoted from Government of India, Commission of Enquiry on Emoluments and Conditions of Service of Central Government (Chairman: Justice Jaganadha Das), 1957-59, New Delhi, Manager of Publications, pp.8-14. For further discussion of executive direction, delegated legislation and administrative adjudication and mounting of citizens grievances refer to: Government of India, Report of the Committee on Corruption, New Delhi, Manager of Publications, p.9 & p.45; International Commission of Jurists (British Section), The Citizen and the Administration, The Report, (Chairman: Justice Whyatt), London, 1961, p.xiii (Relationship between injustice and existence of bureaucracy); Namo Caiden, "Ombudsman for Australia", Public Administration, Australia, Vol.xxiii, No.2, June, 1964, p.98 (with greater degree of discretion granted and size or number of governmental authorities incidence of mistakes is more likely to rise); T.C.A. Ramanujachari, "Administrative Tribunals and Commissions of Enquiry" The Indian Journal of Public Administration, (Special Supplement) Vol.IX, No.3, July-September, 1963, p.145. Also see K.C. Davis, "Ombudsman in America", Public Law, Spring, 1962', pp.34-42.
discretion, delegated legislation and administrative adjudication are pointers to the problem of citizens' grievances. If the problem persists for long, it may have adverse effect on the order and stability of a political system. Hence adequate machinery is required for the redress of public grievances.

In an advanced democracy, non-legal institutions like political parties, pressure groups, mass media and public opinion are vital sources of control in administration. But in India this extra-constitutional machinery is very weak. Side by side available conventional remedies, executive, legislative and judicial, are found to be inadequate to investigate into and remedy common man's complaints. The appointment of different Inquiry Commissions did not solve the problem of growing corruption in the administrative mechanism. In several cases the high-level wrong-doings as exposed by the Commissions go unpunished and because of this political corruption tends to become sky-rocketing. A genuine case for the establishment of the Ombudsman institution in India exists as a cure for the citizens' grievances in lessening the incidence of corruption and maladministration.

4. Examples of a few commissions in which no serious action was taken are: Das Commission (1963-64); Ayyangar Commission (1965); Iyer Commission (1966-67); Madhokar Commission (1969-71); Mulla Commission; Nair Commission; Thomas Commission (1969-71); Mitter Commission (1973-74).
Also the necessity of Ombudsman, an autonomous Commissioner to ensure cost free redressal in news reporting is so felt in India that Times of India appointed Newspaper Ombudsman in early 1989. The avowed purpose of the institution like its counterparts in the U.S.A. and Canada is to ensure credibility in the press and check abuse of power. The fascinating and principal job of Ombudsman will be to rectify the errors and inadequacies in a news report. The experiment is not first of its kind in world. The first newspaper Ombudsman was appointed in 1967 in the U.S. Since then more than 35 news Ombudsmen have been appointed in the world mostly in the U.S., Canada and Sweden.

As to political condition today political parties have acquired a central importance in democratic political systems as well as in communist political systems. India adopted dominant non-authoritarian party system. This unique party system

5. See, Times of India, January 8, 1989, p.1. The former Chief Justice of India Mr. P.N. Bhagwati has been appointed as first Newspaper Ombudsman in India (Non-Governmental Institution) by Times of India to offer cost free redressal of grievances of its readers along with Press Council.

once has been one of the strongest pillars of our institutional structure. To speak a word in its favour, it has served Indian democracy with quite success, say for 20 years. Since mid-1960s the party system has been put under increasing pressure. As such political parties failed to fulfil the role assigned to them in Indian Political system. They failed to establish a close link with the people and policies and ideology of the government.

The political fabric of the country is also affected by defectional politics; as between 1967 and 1983 there had been 27,000 defections\(^7\). More glaring factor that weakened our system is the disunited opposition. To this end declining of political leadership, connection between political executive and permanent executive, corruptions in the high echelons of the society and speedy decline of public morality are other factors for debilitating the system's functioning. This resulted in mounting of grievance to a greater number.

Another factor that has shaken socio-political condition of India is the executive-judiciary confrontation since Golaknath case in 1967. Executive tries to make judiciary pliable by unfair and biased method of

---

appointment and indiscriminate transfer. So the politicisation of judiciary makes it imperative to think of tarnished image of judiciary, which is uncongenial for redressal of grievances.

Concomitantly, Government's various attempts to curb press, which acts as a watch-dog of the people's interests and make governmental process accountable to the public, is quite obnoxious. Further, the backdrop of the problem not only includes political and social conditions; but the economic condition also. India being seventh largest and second biggest in the world from the angle of population explosion (presently 800 millions)¹⁸ is economically not so developed. Obviously, the developing economy of India for planned social changes accrues public grievances in many areas of economic activities.

LITERATURE ON THE SUBJECT

Not much literature in the form of government reports, books and journals are available as to cause and nature of the public grievances; Channels of their redress; and the administrative improvement to make it responsive to citizens.

¹⁸ Source: International Institute for Population Sciences (IIPS).
I. Government Reports:

Several reports of administrative reforms Committees and Committee on Prevention of Corruption touch upon the problem of citizens grievances.

The following reports are worth noticing:

Report on Public Administration by A.D. Gorwala, Planning Commission, 1952: A.D. Gorwala, on examining public administrative system in India, observed that behaviour of power elites is responsible for lack of confidence in the government and administration.

Report of Survey on Public Administration by Paul H. Appleby, Government of India, Cabinet Secretariat, 1953. On surveying Indian administrative system Appleby remarked that "an administrative method that permits letters from citizens to go unanswered, poorly answered or long delayed is not properly considerate or responsive ..... a method that underestimates the value of citizens' criticisms merely because the citizen knows only what displeases him and not the difficulties in the way of pleasing him, is not sufficiently responsive". (Pages 63-64).

Santhanam Committee 1962. Before the Committee on Prevention of Corruption (Santhanam
Committee) public grievances hardly received any due and positive attention. Hence, the Committee, taking note of increasing dissatisfaction of the citizens with administration recommended the setting up of a Directorate General of Complaints and Redress to lessen the burden of Vigilance Commission. However, the proposal, remained unacceptable to the government.

Rajasthan Administrative Reforms Committee (1963). At State level in order to deal with public grievances, Rajasthan took a leading step for setting up of the Committee for the first time under the Chairmanship of H.C. Mathur. Consequently, it recommended the institution of independent Ombudsman like Organisation to give adequate protection to aggrieved citizens.

Punjab Administrative Reforms Committee (1964-66) under the Chairmanship of K. Hanumanthaiya, recommended a system of grievances' tribunal and easy accessibility of officers to the people.

Andhra Pradesh Administrative Reforms Committee (1964) (Chairman : K.M. Unninathan) recommended methods for streamlining receipt and disposing of complaints.

Kerala Administrative Reorganization and Economy Committee (1965-67, Chairman K.M. Vellodi)
suggested ways for acknowledgement of complaints, their speedy disposal and appointment of a receptionist. All this recommendations have a bearing on public grievances.

Special Consultative Group of Members of Parliament on administrative reforms (1965). On the report of the sub-committee on administrative tribunals and machinery for redress of grievances the said Committee advocated for a high power committee to deal with the problem.

Administrative Reforms Committee (1966; Chairman Morarji Desai) was entrusted to look into two problems: (1) the adequacy of the existing arrangement for the redress of grievances; and (ii) the need for introduction of any new machinery or special institution for redress of grievances. In its interim report the ARC recommended the creation of statutory machinery Lokpal and Lokayukta for centre and States - to investigate into complaints against maladministration. The proposal in a modified form included in Lokpal and Lokayukta Bill of 1969 and that of 1971, to create Lokpal and Lokayukta at the centre only as the ARC suggestions were not accepted by many states. In effect the proposal provided impetus for successive Lokpal Bill of 1977 and the present 1985 Bill.
Maharashtra Administrative Reforms Inquiry Committee (1968). It recommended the appointment of Lokayukta and Up-Lokayukta - the two tier system to deal with public grievances and to provide relief to citizens against administrative arbitrariness.

Two other studies of district administration sponsored by the Planning Commission are: (1) A study of Sabarkantha district by G.D. Patel (1962-64) and (2) Administrative Survey of Surat district by N.B. Desai. Both the studies highlighted the delay in disposal of citizens' grievances.

Empirical Studies

The academic empirical studies conducted by Indian Institute of Public Administration are few. Mainly they are the following.

Citizens' Grievances in Development Administration; and The Experience of citizens in getting water connections - A.P. Barnabas. The first study is concerned with interaction between officials and villagers so far as grievance is concerned. It, at last, suggested for the creation of a Commissioner of Grievances at the Centre. The second study primarily put emphasis on the two way communication system between public and administration.

This empirical study was conducted in the block of the each of the four States, namely, Andhra Pradesh, Maharashtra, Orissa and Rajasthan to find out procedural lapses for the redress of citizens' grievances and to recommend remedial measures thereof. It suggested well defined procedure for the proper functioning of Lokpal and Lokayukta in India. And it disapproved the idea of creating a separate State Directorate of Public Grievances. Instead, it proclaimed that the responsibility and work should rest with the departmental head assisted by full time or part time grievance officer, if necessary.

The Citizens and Administration in a Developing Democracy - An Empirical Study in Delhi State by: Samuel J. Eldersveld, V. Jagannadham and A.P. Barnabas. It relates to the perception and attitude study of citizens and administrators hailing from health, police, post and telegraph, community development and Delhi Transport Undertaking. It focussed the mutual nexus between citizen and administrators for developmental activities. It revealed the communication gap between the administrators and administered with regard to the latter's expectations and former's performance.
The two studies primarily covered urban government, more correctly municipal administration in connection with citizens' grievances and securing their redress. It highlighted delay in processing building plans, prevalent corruptions and indifferent attitudes of officials to urbanites. Side by side it recommended the establishment of citizens' Advice and Service Bureau to protect the urban people from red-tapism and harassment.

Besides other field studies have also been conducted to focus public grievances.

(a) One such study is: "Public Grievance pattern in Sagar District" - A. Avasti. The study critically explored the public grievance pattern in the district administration of Sagar. It observed the direct linkage between delay and public grievance and further analysed classification and causes of grievances.

(b) 'Citizens' Grievances and Administration' -
R.K. Tiwari. The study was undertaken to see how
the system of redressal of grievances functioning
in Delhi Administration so far as issue of permits
and licence, supply of essential commodities are
concerned. However, the study is not categorical as
to sample and respondents.

(c) "Peoples' contact with Administration".
A field study in a District - S.R. Nanekar and
N.S. Patil. Mainly the study was to exhibit a
contract between people and officials such as
District Collector, Chief Executive Officer of Zilla
Parishad, Block Development Officer, etc.

(d) Patterns of communication in Rural
Rajasthan - Iqbal Narain, K.C. Pande and Mohanlal Sharma.
In a study entitled 'The Rural Elite in an Indian State'
as conducted in five districts of Rajasthan (Ganganagar,
Nagaur, Bharatpur, Jhalawar and Bhilwara), the above
problem was dealt with. It necessarily, involved a
study of pattern of communication between political
people and villagers.

10. Indian Journal of Public Administration, Ibid.,
pp.583-590.

11. Indian Journal of Public Administration, Ibid.,
pp.558-565.

12. Indian Journal of Public Administration, Vol.XXI,
No.3-11, July-September, pp.461-485.
(e) Finally, Public Grievances and the Lokpal - A Study of the Administrative Machinery for Redress of Public Grievances - R.K. Dhawan. To focus in detail the problem of citizens' grievances in rural areas, R.K. Dhawan conducted the empirical study in a selected backward Barbanki district of Uttar Pradesh. It meticulously analysed the nature of grievances and relationship between villagers and officials of the State. Further, the study touched another angle of citizens' grievances relating to treasury administration and common man. Again, the study explained in detail the inadequacies of available executive, legislative, judicial and other voluntary remedies for redress of citizens' grievances. Coming to institutional measures, it analysed the genesis of Ombudsman idea, ARC Report, Lokpal and Lokayukta Bill 1969, 1971 and 1977, Ombudsman institutions abroad, and the case for Indian Ombudsman with suggestions for collegial type. However, Ombudsman in Indian States are dealt here very briefly.

(f) The Citizen Administration and Lokpal - Jagannadham and Makhija (1966) and Lokpal: Ombudsman in India - M.P. Jain, (1970). Also other two above full-length studies are worthy of mention here. Because they examined in detail the Ombudsman plan and its implementation in India. The first study was largely directed towards evaluation of ARC report on the machinery for Redress
of citizens' Grievances. But Jain's study mainly included the examination of ARC Report, the Lokpal and Lokayukta Bill 1968 and the Report of the Joint Select Committee from legalistic point of view. These studies accept the suitability of Ombudsman for India without analysing it properly.

**Review of other classic literature**

Besides a good number of books, journals appeared to deal with the problem of grievances and devices for their redress.

To start with, citizens grievances arise due to non-availability or inadequacy of essential commodities, inconvenience and harassment by administration, delay in transacting official business, inconvenience in Treasury for receiving payment from the government and corrupt practice. Apart from the field studies dealing with nature of grievance noted above R.K. Dhawan and Government of administrative Reforms Commission (Report Treasuries) have dealt with the matter vividly. Corruption by administrative elites and political elites hampers the efficiency of administration in any political system. James C. Scott, Stanish Law Andreski, Joseph G. Jabbra, John B. Montario, A.G. Noorani and M. Hidayatullah analysed the problem from different angles. To make the
administration free from corrupt practices and to redress citizens' grievances, the institution of Ombudsman became worthwhile in India. Not only in India but also in post 1960 era the institution finds faster growth in developed and developing countries of the world. The reasons for which the institution acquired such wide international popularity have been explained by W.A. Gellhorn, L. Fitzharris Timothy, D.C. Rowat and Bernard Frank.


John B. Montario, Corruption: Control of Maladministration, Bombay, Manaktalas, 1966.


This massive adoption compelled the political scientists to explore the meaning, nature, characteristic, role-function and dysfunction of the institution.


A world wide comparative chart is given by K.M. Weeks. 15

Further, Ombudsman institutions in Finland, Canada, Sweden, Britain, America, Denmark, France, New Zealand, Norway, Australia and Israel etc. are dealt by the authors Mikael J.V. Hiden, Karl A. Friedmann and Anderson Stanley V, Bexelius Alfred, Frank Stacey, L.B. Hill & Wyner J. Egan, Roger Warren Evans, M.P. Jain & A.G. Davis,

---


(8) (J.) EAGAN "Ombudsman: Danish Official to Protect the Private Citizen from Government". Holiday, November, 1966 (p.28).


(10) (J.) EAGAN "Ombudsman: Danish Official to Protect the Private Citizen from Government". Holiday, November, 1966 (p.28).


In India, the idea of redress of public grievances by an independent institution arises because of inadequacies of existing executive, legislative, judicial, supra-departmental (Vigilance Commission) channels. Realising the need ARC recommended the creation of Lokpal and Lokayukta, which culminated in Lokpal and Lokpal Bill of 1968 and 1971. Subsequently, due to dissolution of respective Lok Sabhas, the plan for Ombudsman institution lapsed. Again fresh attempt for Lokpal was taken in 1977. But it was futile. Further, the urgency of the situation forced the adoption of Lokpal Bill of 1985. And finally on 6 December 1988, it was withdrawn on the recommendation of the Joint Committee of Parliament. All these facets are dealt with from different angles by S.N. Jain, M.P. Jain, R.K. Dhawan, D.R. Saxena, G.B. Sharma, V. Jagannadham and H.R. Makhija and L.M. Bhatia.


V. Jagannadham and H.R. Makhija, Citizen Administration and Lokpal, Delhi, 1969.


Further, suitability and viability of the institution along with implementational hazards and suggestions for improvement of the Ombudsmanic Institution are explained by P.K. Tripathy, B.K. Gupta, P.B. Mukharji, P.S. Chaudhari and Ramesh Kumar Arora.

The experiment on Ombudsman institution in ten states of Indian Union either in genuine form or in its variation finds an analysis in the works of D.C. Rowat and G.B. Sharma.

The above analysis of the existing studies, except that of R.K. Dhawan, failed to deal with the problem of citizens' grievances at different levels, inadequacies of existing channels of redress, lokpal plan.


Ramesh Kumar Arora, "Case for Ombudsman in India", Commericum, Jan. 1967, (pp.23-55).
past and present, genesis and nature of Ombudsman abroad, State Ombudsman Institutions, suitability of the Lokpal plan and proposals for an improved integrated Ombudsman for Indian Federation. The present study attempts to highlight on the areas of the problem as stated above.

The author has divided the whole gamut of problem into seven parts. In Chapter I, a comprehensive but general discussion of the problem of grievances, politico-socio-economic condition of Indian Political system, review of government reports, empirical studies as to nature of grievances, other literature on the subject, chapterisation, scope of study, issues of the study and methods of study are discussed in detail.

The second Chapter deals with genesis, nature, characteristics of the office of Ombudsman, causes of its world wide adoption, the role-function and underlying reasons for its astounding success in Scandinavian countries.

Chapter - III, entitled, "CITIZENS' GRIEVANCES IN INDIA AND CHANNELS OF REDRESS", focusses hand the nature and causes of grievances in Rural and Urban areas, grievances due to implementations of government programmes and treasury administration. Necessarily, a detailed analysis as to existence of a variety of channels of redress of grievances is made in the study, pointing out inherent inadequacies and lacunae.
The fourth chapter of the thesis presents the birth of the idea of Ombudsman, recommendations of different Administrative Reforms Commissions including ARC, Comparative analysis of Lokpal plans of ARC, 1968; 1971, 1977 and 1985 Bills.

In fifth chapter, the Ombudsman institutions in Indian States are vividly examined in so far as its structural and functional aspect is concerned.

The sixth chapter provides an analysis relating to hazards of implementation of Ombudsman plan to the extent it affects parliamentary supremacy, Rule of Law, judiciary and federalism. However, the author here attempts to examine the suitability of single Ombudsmanic institution to Indian political system within the framework of peculiar demographic condition - large area, dense population and quantum of grievances. Also last part of this chapter bears a suggestion of collegial improved model Lokpal for centre and Lokayukta for states through a constitutional amendment.

Finally, in the last chapter a brief discussion of the whole problem of public grievance, channels of redress, Lokpal Plans and suggestions for viability and improvement of the independent grievance handling mechanism - Lokpal for centre, Lokayukta for states - is given in a pinpointed manner.
Scope of Study

As explained above the scope of the thesis encompasses within its study, (1) nature of public grievances and factors that are conducive to its occurrence; (2) machinery in India at central, state and district levels to redress such grievance and its inadequacies; (3) Lokpal Plan 1985, in comparison to previous plans and ARC proposals pointing out inadequacies and deficiencies; (4) categorical analysis of State Ombudsman institutions in details, exposing the inadequacies, and finally, (5) suggesting an integrated model and collegial Ombudsman for Indian federation.

Issues of the Problem

As such after defining the scope it is pertinent here to place the basic issues of the problem of grievances and their redress by Ombudsman.

The issues are:

1. The nature and underlying causes of grievances.
2. Adequacy of existing administrative, Legislative, Judicial, Supra-departmental, Constitutional and voluntary organisation in redressing grievances.
3. Need for an independent machinery.
4. Suitability of Lokpal Plan as envisaged in
Lokpal Bill 1985, to large, populous and federal state.

5. Requirement of collegial and Integrated Ombudsman system both for centre and state by constitutional amendment.

Method of Study:

The dissertation is mainly based on the following primary and secondary published materials:
(a) Study of existing published government reports, documentation including debates and discussion in the Parliament; (b) Study of relevant books, articles in periodicals; and (c) Empirical studies conducted by various scholars.