The Swedish Institution of Ombudsman has assumed world wide appeal during the last two decades. It has been the subject of debate and discussion. The institution has been viewed and reviewed by Political Scientists from the point of view of a concept and its need and necessity in a particular set up. Judges and lawyers (both academic and professional) have shown some concern in the functioning of the institution and have expressed doubts about its suitability in different constitutional systems. But so far no systematic study has been attempted examining the various constitutional and legal aspects of the operation of this institution. In the light of the fact that this institution has aroused considerable interest in India as also apprehensions have been expressed about its constitutional feasibility, the present study has been undertaken.

A student of Ombudsman is beset with the difficulty of source as also other material. It is no doubt true that the institution has worked in Sweden and Finland for a long time and in Denmark and Norway for comparatively shorter period. But their reports are normally not available in the Indian libraries and even if they are available, they are not in English. Only recently, keeping in view the upsurge for the institution of Ombudsman in the English speaking world, a summary in English is included in the annual reports of the Swedish Ombudsman. This is not so in case of other Scandinavian reports. After 1960, no doubt the institution has come up well in some of the Commonwealth Countries but once again the reports are not easily available. Even otherwise, as the institution is still in its initial stages in most of the countries, a
comparative treatment of its functioning is yet to be attempted by academic writers. It is no doubt true that lot of interest has been shown by certain knowledgeable persons who have helped in spreading the Ombudsman movement and in commenting with insight about the functioning of the institution.

The present writer's interest in Ombudsman was aroused sometime in 1963-69 by Prof. Donald C. Rowat of the Carleton University, Ottawa (Canada) at a group discussion at the Institute of Constitutional and Parliamentary Studies, New Delhi. It was strengthened by Dr. L.M. Singhvi who had introduced the institution in the Indian Parliament. Coupled with this, during the writer's 8 to 9 months sojourn at the Institute as a Parliamentary Fellow, he had the occasion to observe the proceedings of the Joint Committee of the Parliament on the Lokpal and Lokayukta Bill, 1969. This interest ultimately resulted in attempting the present thesis.

The work has been divided into nine chapters. The First Chapter is introductory which draws attention to the fact that in the context of the changed role of a welfare state in which the state has come to assume vast powers, maladministration and corruption have thrown a big challenge. The inadequacy of the existing methods in curbing these evils has been highlighted. At the same time, the working of the French System of Droit Administratif and its suitability in the Indian set up has been examined. In view of the fact, that the need for Ombudsman in India has been expressed time and again, it was thought appropriate to proceed on the assumption of its need in India and mainly concentrate on the constitutional issues.
The Second Chapter traces the origin and development of the institution of Ombudsman. It has been examined how the institution came to be set up in Sweden, why it took long to spread even to other Scandinavian countries, how it came to be adopted in Commonwealth countries and how it is growing outside the Commonwealth. The system of Soviet Procuracy which has bearings with the institution of Ombudsman has also been examined. And finally, the various steps that have been taken so far towards the introduction of the Indian Ombudsman have been listed. The Third Chapter concentrates on the different legislative proposals that have been made in India. In the light of these proposals, provisions of Constitutions and legislations of other Ombudsman Countries have been examined.

Chapters Four to Seven deal with fundamental constitutional problems. Chapter Four examines the issue, how far the institution has been able to function in other federal systems and whether the institution is workable in the Indian federal set up or not. In examining this question, besides drawing upon the experience of other Systems, our own experience with the Commissions of Inquiry Act, 1952 has been a good guide. Chapter Five pertains to a long drawn convention of the English Constitutional System which has been specifically incorporated in the Indian Constitution, whether the principle of Ministerial Responsibility to the Parliament will be violated with the introduction of Ombudsman in India or not. The functioning of the Parliamentary Commissioner in the U.K. since 1967 provides good material for the study of this problem. Besides this, the principle itself has undergone a change in the light of the functioning
of Parliamentary institutions. Chapter Six deals with the impact of Ombudsman on public servants and the administration. This point is important in the context of the special provisions that have been provided in the Indian Constitution in regard to civil servants.

Chapter Seven covers still another important area. It examines the question whether the judiciary needs to be supervised in the last quarter of the 20th century or should it be left to itself. In the light of the Ombudsmanic supervision which is exercised in Sweden and Finland, the Indian response to it has been dealt with as to whether Ombudsman in-aid of judiciary should be introduced or not. Besides this, the chapter also covers the impact of Judicial review over the functioning of Ombudsmen in different systems and whether in the Indian Constitutional set up, judicial review should be retained or not. This is important in view of the functioning of other constitutional and statutory bodies within the Constitutional Scheme of India.

In dealing with the different constitutional aspects as mentioned above, reliance has been placed upon the functioning of Lokayuktas and Up-Lokayuktas in some of the States of India. But it was thought appropriate that a separate chapter should also be devoted to deal with the functioning of these bodies in the States in order to examine how they have functioned and whether any constitutional hurdles have been experienced or not.

The various aspects of the functioning of these bodies in the States have been covered in Chapter Nine of this work. Chapter Nine sums up the 'Conclusions' that have been drawn in regard to the Constitutional feasibility of the institution of Ombudsman in India.
In this manner, the study has been completed based upon the functioning of the institution in different systems of law as also the experience that has been gained in India. The collection of these details was difficult. The task became somewhat easier in view of the two visits that the writer could make in 1973 and 1980 to the U.K. During the course of these visits, some of the available Annual Reports of Ombudsmen of some of the Commonwealth Countries including those of the Parliamentary Commissioner for Administration were collected. Besides this, source and other important material was gathered from different libraries in the U.K. More than this, the writer could also interview and discuss the functioning of the institution with the Parliamentary Commissioners, members of the legal profession, academics and those in public service. The likely impact of the functioning of Lokpals and Lokayuktas on the Indian Constitutional system has also been discussed with some of the Indian Judges and academicians. All this proved helpful in the completion of this work.

It may be mentioned here that in the Foot-notes, the details regarding the publishers have been avoided and have been included in the end in the Bibliographical details. This arrangement has been followed in order to avoid the possible repetition. Indeed, Dr. E.R. Ranganathan, the father of Indian Library Science has explained that the object of giving of bibliographical details in the foot-notes is to facilitate the reader to locate the sources which have been referred. This requirement has been kept in mind in the scheme that has been followed in this work.

Finally, an effort has been made to be up-to-date but in view of the rapid changes that are taking place in the development of Ombudsman, it is not possible to get at the foreign information quickly and be posted with it accurately. This is an inherent difficulty that one experiences in a comparative study of any branch of Public Law. In dealing with Constitutional aspects of Ombudsman, in spite of an effort, there has been some repetition in different chapters. This became necessary in order to make certain points clear and relevant at different places.