CHAPTER 4
REPORT OF FIELD WORK

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4.1 INTRODUCTION
The very purpose of introducing Ombudsman machinery is to curb
corruption and maladministration. With this intention, the
Government of Maharashtra passed ‘The Maharashtra Lokayukta and
Upa-Lokayukta Act, 1971’. In the preceding chapters, functioning of
Lokayuktya in Maharashtra was discussed with the help of the Act as
well as the Annual Consolidated Reports submitted to the
Maharashtra Legislature by the Lokayukta and Upa-Lokayukta. The
functions, powers and role of the Lokayukta have been discussed
there along with the limitations and drawbacks of the Lokayukta
machinery. However, the Act is silent about several things, which are
important in practice such as, disposal of cases, balance cases, vague
or improper complaints, etc. The Annual Consolidated Reports
highlight its working with statistics. Even though this statistics and
information in the reports provide working of Lokayukta in
Maharashtra, that doesn’t serve the whole purpose of understanding
the role played by him especially, his achievements to control
corruption and maladministration. There are many things that do not
find place in the reports. Therefore, it is necessary to read between the
lines. Hence, an attempt was made to throw light on empirical reality
in this study. And for this purpose, it is necessary to take into account
the components that are directly concerned with the Lokayukta,
namely,

a) The complainants;
b) The concerned departments;
c) The functionaries in the Lokayukta office;
d) The persons those adorned the chair of Lokayukta and Upa-Lokayukta

In order to obtain the reactions of these components, with a view to understand and analyze the empirical reality, a survey method was adopted in this study. Accordingly, there were 2 questionnaires prepared for this purpose one each for—the complainants, the departmental authorities where the officials against whom these complaints were made.

Besides these two questionnaires, interviews were scheduled for the Lokayukta, Upa-Lokayukta and the functionaries in the Lokayukta office. Each structured questionnaire consisted of open-ended and close-ended questions. The questionnaires were administered through mail and personal contacts as and when feasible.

This chapter deals with the survey based on the questionnaires and interview schedules conducted. Thus, it is a report of fieldwork done. There are three sections of this report. The first section provides analysis of the responses of the complainants. In the second section, the responses of concerned authority as well as the functionaries in the Lokayukta office are discussed. The third section deals with the interviews of the present and Ex-Lokayukta and Upa-Lokayukta. Finally, a few conclusions are drawn from the data collected.
SECTION 1

ANALYSIS OF QUESTIONNAIRE TO THE COMPLAINANTS

4.1.1 UNIVERSE
According to the objectives and hypotheses of this study, a questionnaire for the complainants was prepared containing 19 questions. The foremost important difficulty was how to select the respondent complainants that is locating universe of survey. In order to search it, efforts were made to procure the comprehensive lists of complainants with their addresses for preceding 3 years from the office of the Lokayukta, Mumbai, with an intention to work out a random sample from the list. However, in spite of constant follow up in this regard, the officialdom could not be moved. The office of Lokayukta on the pretext of secrecy provision did not provide the information on the names and addresses of the complainants. To divulge such information, the Lokayukta office has expressed its inability to maintain secrecy as per section 10 (2) of the Lokayukta Act.

It says,

"Every investigation shall be conducted in private and in particular, the identity of the complainant and of the public servant affected by the investigation shall not be disclosed to the public or the press whether before, during or after the investigation."†

We tried to convince the functionaries as well as the Lokayukta to make available names and addresses strictly for academic, i.e. research purpose. They were also assured to keep the information in
confidence and will be used only for research. However, our efforts were gone vain. The New Information Act, 2002 has proved of no use in this regard.

Without names and addresses, it was not possible to reach to the complainants. It was not possible to work out a random sample for the universe. Therefore, the hope for any random sampling had to be given up. As a result, the only alternative left with us was to choose complainants, i.e., their names and addresses from the annual reports of the Lokayuktas. Fortunately, for our use the reports carry nearly 500 letters of thanks and some references of the cases with the names and addresses of the complainants. We took these names and addresses from the reports for the survey, which were spreaded over 8 years. It was really a tough exercise to procure names and addresses of the complainants from the reports. Because, there were a number of difficulties, such as:

1) The addresses were incomplete;
2) A year wise and department wise comprehensive list of the addresses was not provided in the reports.
3) We were not sure whether the complainant concerned was still residing on the address or not.
4) Out of 500 entries, only 108 addresses were complete and useful for us.

Thus, after the scrutiny 108 names were valid for our survey. This was also a sizable number considering the restraints and the odds that were faced to prepare a sample for investigation.
4.1.2 THE STRUCTURE OF THE QUESTIONNAIRE FOR THE COMPLAINANTS
The questionnaire for the complainants was prepared according to the hypotheses as given in the first chapter. Due consideration was also given on the objectives of this study laid down while framing the questions. The questionnaire has 2 sections. The first section is on the personal information of the respondents such as, name, occupation, and sex. It aimed at understanding as to which the Lokayukta is a helping hand. The second section focuses on the analyses of hypotheses of the study. It consists of 19 questions. These questions relate to:

1) Perception of the complainants on the institution of Lokayukta
2) Procedural aspects of the office of Lokayukta such as affidavit, place of registration, documents attached with the complaints, etc.
3) The frequency of contacts with the Lokayukta including a place of investigation and details such as, physical presence at the time of the investigation of the complainant as well as concerned authority
4) The treatment and response from the Lokayukta and Upa-Lokayukta in terms of disposal of complaint by primary investigation, detail investigation and investigation by other agencies such as CBI, CVC, etc.
5) The time incurred for the disposal of complaint which also includes the response and emphasis given by Lokayukta to complainant visa-vies opposite party.
6) Partiality, impartiality and favoritism on the part of Lokayukta office through
   [a] opinion about institution of Lokayukta;
   [b] perception of the complaints whether decision to approach Lokayukta was proper or not;

7) Relationship between Lokayukta and the departmental authorities including suggestions if any about working of Lokayukta.

During the personal inter-actions with some of the complainants at the Lokayukta office or in the departmental office, we asked them about the investigation system adopted by the Lokayukta and need for modification and improvement in it. Their responses are added to the given responses of the questionnaires. Thus, the questionnaire comprising 19 questions for the complainants was structured. (See, appendix No. I.)

The questionnaire was dispatched to 101 complainants by post. Out of these 101, we could get returned 27 questionnaires by post duly filled in by post from the concerned respondents. So far of the remaining respondents are concern a substantial number of them did not give any response. Thus, we could not get the questionnaire returned complete or incomplete from as many as 61 complainants. Besides, 10 were returned as address was not available and 3 as addressee dead. This is the break-up of 101 (27+61+10+03) respondents to whom the questionnaires were sent by post. Out of these 108 complainants, at the time of visits to the Lokayukta office, we could contact and serve questionnaires to 6 complainants. The remaining 7 complainants were contacted in person in the city Aurangabad. (See, appendix No. II)
Thus, we tried to contact totally 114 complainants. These 114 complainants whom we tried to contact for our survey had lodged their complaints to different government departments and local government agencies in Maharashtra. Hence, we could not select the complainants as well as the government departments as per our plan. As we planned for this survey, we were to select the respondents on the basis of first 5 departments with the highest number of complaints in ascending order or first 5 departments which are generally described as corruption prone departments such as, police, revenue, PWD, etc. On the basis of these criteria, the efforts were made to obtain information including names and addresses of the complainants from the office of Lokayukta. However, it was a sorry state of affairs that we could not get the required information as per proposed survey design. As a result, we were forced to conduct survey of the complainants as per the addresses given in the reports of the Lokayukta.

Thus, out of 114 complainants, to whom the questionnaires were provided, 40 complainants had filled in their questionnaires. (27 by mail, 6 at Lokayukta office, 7 at city Aurangabad) The department-wise break-up of these 40 complainants is given below:
**TABLE - 4.1**

Department wise break-up of the complainants

<table>
<thead>
<tr>
<th>No.</th>
<th>Name of department</th>
<th>No. of complaints</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Revenue</td>
<td>11</td>
</tr>
<tr>
<td>2.</td>
<td>Irrigation</td>
<td>03</td>
</tr>
<tr>
<td>3.</td>
<td>PWD</td>
<td>03</td>
</tr>
<tr>
<td>4.</td>
<td>Home</td>
<td>01</td>
</tr>
<tr>
<td>5.</td>
<td>Tribal Development</td>
<td>01</td>
</tr>
<tr>
<td>6.</td>
<td>Education</td>
<td>06</td>
</tr>
<tr>
<td>7.</td>
<td>Health</td>
<td>01</td>
</tr>
<tr>
<td>8.</td>
<td>General Administration Department</td>
<td>01</td>
</tr>
<tr>
<td>9.</td>
<td>Co-Operation</td>
<td>02</td>
</tr>
<tr>
<td>10.</td>
<td>Director of printing, Stationary and publications</td>
<td>01</td>
</tr>
<tr>
<td>11.</td>
<td>Director of Sports</td>
<td>01</td>
</tr>
<tr>
<td>12.</td>
<td>Local Self Government Agencies</td>
<td>09</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>40</td>
</tr>
</tbody>
</table>

**ANALYSIS OF RESPONSES**

We served the questionnaire to 114 complainants. Out of 114, 53 questionnaires came back. 61 complainants didn’t respond. Out of 53 that came back, 40 sent the fulfilled questionnaire where as 13 were unable due to death or changes in the addresses.
<table>
<thead>
<tr>
<th>Returned Responses</th>
<th>Responses Not Returned</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Returned With Fulfilled Questionnaire</td>
<td>Returned With Out Questionnaire</td>
<td></td>
</tr>
<tr>
<td>40</td>
<td>13</td>
<td></td>
</tr>
<tr>
<td>53</td>
<td>61</td>
<td>114</td>
</tr>
</tbody>
</table>

Thus, analysis of 40 responses is made in this study.

It was not possible in given situation to select proportional male and female respondents proportionately. Even the reports of the Lokayukta also do not carry the break-up of complainants into male and female. However, in the first section of the questionnaire, we asked their name, occupation and sex. On that basis, the break-up of 40 respondents in our sample as male or female is given here:
TABLE- 4.3

TABLE SHOWING THE PERCENTAGE OF MALE & FEMALE RESPONDENTS

<table>
<thead>
<tr>
<th></th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complainants</td>
<td>34</td>
<td>06</td>
<td>40</td>
</tr>
<tr>
<td>Percentage</td>
<td>85%</td>
<td>15%</td>
<td></td>
</tr>
</tbody>
</table>

Totally, 15% of female lodged the complaints whereas the male complainants were 85%. To our surprise, the retired persons come to the Lokayukta in more than in-service personnel as shown in the Table- 4.4

GRAPH-I

MALE & FEMALE RESPONSE

![Pie chart showing 85% for Male and 15% for Female]
45% complainants lodged the cases after retirement. It indicates two things—first, they have a fear in their mind about their seniors or leading uncertainty of the job and second, the large number of them rush to Lokayukta for retirement benefits.
As it is said earlier, the main purpose of Lokayukta is to curb corruption or control maladministration, it is expected that the cases of corruption and maladministration should constitute the majority. But it is not the fact. It is observed through the reports that a very small number of cases pertain to corruption. The cases which are included in this survey comprise of subjects like bribery or giving or taking black money fall under ‘allegation’ where as, favoritism, nepotism or misuse of power and post are covered under ‘grievances’ as per the section 2 (b) and (d) of the Act. In the second section of the questionnaire, we asked the complainants what were their complaints. We wanted to know what number of cases of allegation and grievance were lodged to the Lokayukta. This was an open-ended question. Answers given to the question show that only 2 cases of allegation and 38 of grievances were lodged out of 40. Table 4.5 shows the break-up of the cases of allegation and grievances:
TABLE - 4.5
TABLE SHOWING PERCENTAGE OF ALLEGATIONS AND GRIEVANCES

<table>
<thead>
<tr>
<th></th>
<th>Cases Of Allegation</th>
<th>Cases Of Grievance</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complainants</td>
<td>02</td>
<td>38</td>
<td>40</td>
</tr>
<tr>
<td>Percentage</td>
<td>05 %</td>
<td>95 %</td>
<td></td>
</tr>
</tbody>
</table>

GRAPH-III

ALLEGATION AND GRIEVANCES

Thus, there are only 5% of cases about corruption. Mr. Mohni, the Ex-Upa-Lokayukta, during his interview told that per year only 3% of cases of corruption are filed with Lokaykuta. It is surprising to note that the break-up of the complaints in the survey is also supporting his statement. One of the hypotheses of the study is,
"More the effective Lokayukta, greater is the possibility of reaching at the deep roots of corruption with a view to overcome the problem of corruption."

However, our findings show that even though, Lokayukta is effective in dealing with large number of other cases, the possibility of reaching at the deep roots of corruption through Lokayukta is remote. By and large, the Lokayukta is required to handle very few cases of corruption.

It can be concluded that institution of Lokayukta is effective so far as the sundry issues by way of grievances. However, to go to this hypothesis and perception about the Lokayukta, we tried to understand the perception of complainants about Lokayukta. Hence, we asked them the following questions.

1) Are you satisfied that you go to the Lokayukta? Why?
2) What is your opinion about Lokayukta institution?

The answers given to these questions are shown in the Table 4.6--
### TABLE - 4.6
TABLE SHOWING REACTIONS ON THE PERCEPTION OF THE COMPLAINANTS ABOUT APPROACHING LOKAYUKTA

<table>
<thead>
<tr>
<th>Are You Satisfied That You Go To The Lokayukta?</th>
<th>YES</th>
<th>NO</th>
<th>NIL</th>
<th>TOT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complainants</td>
<td>36</td>
<td>03</td>
<td>01</td>
<td>40</td>
</tr>
<tr>
<td>Percentage</td>
<td>90 %</td>
<td>7.5 %</td>
<td>2.5 %</td>
<td></td>
</tr>
</tbody>
</table>

### GRAPH-IV
Perception of Complaints About Lokyukta

The main purpose of the study was to know whether the institute satisfies the complainants or not. The table shows that 90% complainants answered positively to this question, 7.5% answered negatively and 2.5% kept mum. It means, the complainants that come to the Lokayukta are satisfied and found solace in approaching to Lokayukta. Hence, it can be inferred that so far ventilation of corruption, Lokayukta is not very effective; but to redress the
grievances, it tries to prove effective. However, this is a very general perception about the Lokayukta, which is obviously expressed to a question of their satisfaction.

In order to substantiate their response in this regard, the respondents were asked to give reasons as to why they approached Lokayukta in an open-ended question. The answers given by the respondents to this question were as below:

1) Going to Lokayukta is not costly.

2) The access to Lokayukta machinery is easy especially as compared to the courts.

3) Disposal of cases is done in a reasonable time; i. e. much delay is not incurred.

4) They can get justice on a single post-card also. That is the procedural requirements are not complicated.

Our second hypothesis was about Lokayukta’s impartiality. In order to know the equality of treatment as well as fairness and impartiality, we asked two questions to the respondents:

1) At the time of inquiry, did you feel that Lokayukta is partial with you?

2) Did you feel that Lokayukta was giving more weight-age to your opposite party? Or, whether your opposite party thought that Lokayukta is more favourable to you?

It is important to know how far Lokayukta is impartial in giving treatment to both the parties in front of him, i. e. the complainant, the government official against whom the complaint was registered.

The responses of these questions are given in the Table 4.7 & 4.8.
TABLE- 4.7
TABLE SHOWING WHETHER LOKAYUKTA WAS PARTIAL

<table>
<thead>
<tr>
<th>At The Time Of Inquiry, Did You Feel That Lokayukta Is Partial With You?</th>
<th>YES</th>
<th>NO</th>
<th>NIL</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complainants</td>
<td>03</td>
<td>31</td>
<td>06</td>
<td>40</td>
</tr>
<tr>
<td>Percentage</td>
<td>7.5%</td>
<td>77.5%</td>
<td>15%</td>
<td>--</td>
</tr>
</tbody>
</table>

GRAPH-V
Whether Lokyukta was Partial

15%
8%
77%
TABLE- 4.8
TABLE SHOWING WHETHER LOKAYUKTA WAS FAVORABLE TO
OPPOSITE PARTY

<table>
<thead>
<tr>
<th>Did you feel that Lokayukta was giving more waitage to your opposite party?</th>
<th>Yes</th>
<th>No</th>
<th>Don't Know</th>
<th>Nil</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complainants</td>
<td>06</td>
<td>27</td>
<td>02</td>
<td>05</td>
<td>40</td>
</tr>
<tr>
<td>Percentage</td>
<td>15 %</td>
<td>67.5 %</td>
<td>5 %</td>
<td>12.5 %</td>
<td>100 %</td>
</tr>
</tbody>
</table>

GRAPH-VI
Whether Lokayukta Was Favorable to Opposite Party
As per table- 4.8, 77.5 % complainants didn’t feel that Lokayukta was partial. One of the respondents noted that Lokayukta gives protection to the wrong policies of the government. 67.5 % feel that Lokayukta didn’t give any special importance to the opposite party; i. e. government. But, 7.5 % feel that it was partial and 15% feel that it gives more importance to the opposite party. We tried to know why some people think so. We also talked to them on telephone. By this conversation, we observed that Lokayukta forwarded a special report to the Governor stating that the concerned department did not give attention in many cases. In those cases the complainants felt that the Lokayukta was not favorable to them. So, overall conclusion is that the Lokayukta is neither favorable to government nor partial in its treatment.

The third hypothesis was the success of Lokayukta depends upon the availability of adequate investigating officers and response from the government in this regard. The matter of separate investigating officer is mainly related to the working of the office of Lokayukta and also provisions of the Act and not to the complainants. Therefore, this hypothesis can be tested by the interviews of the Lokayukta. Therefore, it is discussed later.

Our forth hypothesis is “the greater number of complaints lodged to the Lokayukta, fuller will be the utility of the office”—while going through the reports, it was mentioned that the number of complaints has been increasing day by day.

In 1972, in the first year of its inception, the number of cases lodged to the Lokayukta was 903. After 10 years in 1982, it was 2540; in 1992 it was 12288 and in 2002 the number was 15745.
Not only the number has increased but also the number of disposed cases has also risen. In 1972 it was 594, in 1982 was 1691' in 1992 was 8142 and in 2002 was 10179. Table IX shows this comparative increase in number after each 10 years:

**TABLE - 4.9**

**TABLE SHOWING THE COMPARATIVE INCREASE IN THE CASES AFTER 10 YEARS**

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of lodged cases</th>
<th>No. of disposed cases</th>
<th>No. of balanced cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>1972</td>
<td>903</td>
<td>594</td>
<td>309</td>
</tr>
<tr>
<td>1982</td>
<td>2540</td>
<td>1691</td>
<td>849</td>
</tr>
<tr>
<td>1992</td>
<td>12288</td>
<td>8142</td>
<td>4146</td>
</tr>
<tr>
<td>2002</td>
<td>15745</td>
<td>10179</td>
<td>3555</td>
</tr>
<tr>
<td>Total</td>
<td>31476</td>
<td>20606</td>
<td>8859</td>
</tr>
</tbody>
</table>

During the period of last 30 years, totally 31,476 cases were lodged and 10,179 cases were disposed by the Lokayukta. It means the number is in a growing order. That proves its utility in the eyes of the Government and Lokayukta office and the complainants. The usefulness of the office to them can be understood in terms of how many complainants approach the Lokayukta and get themselves registered? Who advised them to go the Lokayukta? How long did their cases took to get dispose off? What time and money are required to spend to get justice from Lokayukta? How many times they were required to visit the Lokayukta office?

Thus, utility of Lokayukta to the complainants depend on these aspects. We asked the complainants a few questions as given below:
1) From where did you get information about Lokayukta?
2) Where was inquiry of your complaint conducted?
3) Was the hearing made in your presence?
4) How many times you visited the Mumbai office?
5) How long your case took to be disposed?
6) After which stage of inquiry, your case was disposed?

And the answers were:

**TABLE - 4.10**
TABLE SHOWING THE SOURCES OF COMPLAINANTS ON INFORMATION ABOUT LOKAYUKTA INSTITUTION

<table>
<thead>
<tr>
<th>From where did you get information of Lokayukta office?</th>
<th>Friends/Relatives</th>
<th>Familiar as Govt. Servant</th>
<th>Newspaper/Media</th>
<th>Unable to reply</th>
<th>Tot</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complainants</td>
<td>14</td>
<td>21</td>
<td>05</td>
<td>---</td>
<td>40</td>
</tr>
<tr>
<td>Percentage</td>
<td>35%</td>
<td>52.5%</td>
<td>12.5%</td>
<td>---</td>
<td></td>
</tr>
</tbody>
</table>

**GRAPH-VII**
Source of complainants of information of Lokyukta

![Graph showing sources of information](image)

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The table shows not only utility but also familiarity and popularity of the institute. 35 % complainants got information through their friends, relatives, colleagues, but 52.5 % knew themselves. It means, 52.5 % as Government Servant, knew on their own.

The institution of Lokayukta is of greater use to the people if they are able to approach it at divisional and district level and not always compelled to go to Mumbai office, of the head-quarter of Lokayukta. Therefore, we asked the complainants the question, where the case was conducted.
TABLE - 4.11
TABLE SHOWING THE PLACE OF CASE INQUIRY

<table>
<thead>
<tr>
<th>Where Was Case Inquiry Made?</th>
<th>In The Office Of Mumbai</th>
<th>At District Level</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complainants</td>
<td>24</td>
<td>16</td>
<td>40</td>
</tr>
<tr>
<td>Percentage</td>
<td>60%</td>
<td>40%</td>
<td></td>
</tr>
</tbody>
</table>

GRAPH-VIII
THE PLACE OF CASE INQUIRY

It shows that in 40% cases the inquiry was conducted at the district or divisional level, which was quite useful to the complainants. Time and money is not consumed or wasted due to this method of inquiry.
The third indicator of utility we observed through the reports is that a complainant doesn’t require to attend a hearing in person compulsorily. It can be made in their absence also. We asked them whether the complainants were present to the hearing or not and the response to this question is stated in the Table 4.12

**TABLE- 4.12**  
**TABLE SHOWING THE PRESENCE OF COMPLAINANT AT HEARING**

<table>
<thead>
<tr>
<th>Was the hearing made in your presence?</th>
<th>Yes</th>
<th>No</th>
<th>Can't answer</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complainants</td>
<td>15</td>
<td>22</td>
<td>03</td>
<td>40</td>
</tr>
<tr>
<td>Percentage</td>
<td>37.5%</td>
<td>55%</td>
<td>7.5%</td>
<td></td>
</tr>
</tbody>
</table>

**GRAPH-IX**  
**THE PRESENCE OF COMPLAINANT AT HEARING**
55 % told that they were not present for the hearing. It means, the office doesn’t require the presence of complainants for hearing. It is understood that in all cases it is not possible to conduct inquiry in the absence of the complainants. The question was how many times and how frequent they visited the Lokayukta office. In order to know it, we asked them a question how many times the complainants had visited the Lokayukta office and the response to this question are as following:
62.5% complainants had never seen the office of the Lokayukta. They lodged their complaints by correspondence. It means, the Lokayukta doesn’t always need the people to go or to follow their cases in person. The office is prompt in this respect. Usually, as soon as the
complaint is lodged, the people get response within 10 to 15 days. Out of 40 people, only 3 complainants visited the office for a several times—but, they answered that they visited by their own, the office didn’t required them to report.

The complainants didn’t need to go to the office time and again, is one of the strong points. Another is their cases are disposed from the point of complainants without frequent visits within a reasonable time period. The answers to the question how much time their case took to dispose is as below:
### TABLE—4.14
**TABLE SHOWING HOW MUCH TIME THE CASES TOOK TO BE DISPOSED**

<table>
<thead>
<tr>
<th>How long time your case took to be disposed?</th>
<th>Less Than 6 Months</th>
<th>6 Months To 1 Yr.</th>
<th>1 Yr. To 2 Yrs.</th>
<th>More Than 2 Yrs.</th>
<th>Pending</th>
<th>Nil</th>
<th>Tot</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complainants</td>
<td>14</td>
<td>11</td>
<td>07</td>
<td>05</td>
<td>03</td>
<td>01</td>
<td>40</td>
</tr>
<tr>
<td>Percentage</td>
<td>35%</td>
<td>27.5%</td>
<td>17.5%</td>
<td>12.5%</td>
<td>7.5%</td>
<td>2.5%</td>
<td>100%</td>
</tr>
</tbody>
</table>

**GRAPH—XI**
**HOW MUCH TIME THE CASES TOOK TO BE DISPOSED**

35% complainants got justice within a period of 6 months. Some of cases were disposed i.e. 27.5% in a period of 6 months to 1 year to
dispose. Only 5 respondents i.e. 12.5% were required to wait for 2 years to get their cases settled. Remaining only 7.5% complainants answered that their cases were pending. In these pending cases, the Lokayukta reminded two or three times to the Governor, but no action was taken. It means, this part of pendency is due to the executive and not from the side of Lokayukta office. It also shows Lokayukta’s helplessness after making a special report to the Governor. We asked Ex-Lokayuktas about this obstacle from the side of executive. (This point is discussed later.)

In order to probe further as to what stage the complainants could get their cases disposed we put them following question and the responses were as following:

After which stage of inquiry, your case was disposed?

The replies are noted below:
TABLE - 4.15
TABLE SHOWING THE SPEEDY DISPOSAL OF THE CASES

<table>
<thead>
<tr>
<th>After which stage of inquiry, your case was disposed?</th>
<th>Primary Enquiry</th>
<th>Secondary Investigation</th>
<th>Detail Investigation</th>
<th>Don't Know</th>
<th>Tot.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complainants</td>
<td>32</td>
<td>03</td>
<td>04</td>
<td>01</td>
<td>40</td>
</tr>
<tr>
<td>Percent</td>
<td>80 %</td>
<td>7.5 %</td>
<td>10 %</td>
<td>2.5 %</td>
<td>100%</td>
</tr>
</tbody>
</table>

GRAPH-XII
THE SPEEDY DISPOSAL OF THE CASES

In a very large number, i.e. 80% cases are disposed after a primary or nominal enquiry. It means, Lokayukta gives justice at primary stage as per as possible. In 7.5% cases, the complainants in which, the information by the concerned authority was not provided timely, and hence took the stage of secondary investigation. Only 10% cases
needed in detail investigation, through the machineries such as CBI or CVC.

We can conclude by these responses that to the questions 1 to 6 stated above, the complainants are satisfied by and large. We asked the complainants the reason of their satisfaction and the reasons given by them are:

1) The cases are disposed without continuous record.
2) The complainant doesn’t need to attend hearing. Many of the complainants had never seen the Lokayukta office and got justice through a single post card or single page application.
3) The complainant doesn’t need advocate or mukhtyar to lodge a case. It doesn’t need money. After complaining, the office make investigation through its own machinery and the complainant doesn’t need to make any effort.
4) Finally, the people get justice speedily and without money.

These are the reasons that the Lokayukta effectively prove its utility and more and more people are lodging their complaints to the Lokayukta. This is one side of success of the Lokayukta. The Ex-Lokayuktas and Ex-Upa-Lokayuktas also supplemented this findings in their interview. The reports also add their voice that by these reasons, the Lokayukta is getting popularity among the common citizen.

But, some people are not satisfied towards the institute. Though, 80 % said that they are satisfied, 7.5 % are not satisfied and 2.5 % avoided answering this question. We tried to go through this problem, that is why Lokayukta is not absolutely effective? Of course, every thing under the sky could not come to the Lokayukta. But, what are its exact
limitations was our point of research. The maximum reports make an outcry that the government offices do not provide the document/information on time. Hence, non-satisfaction of the people and pendency of the cases according to the reports is due to the fact that Government offices do not provide timely and adequate information to the Lokayukta office and also the government offices do not take action on the queries and special report by Lokayukta. This is what Lokayukta reports say about the state of affairs on information and document. In order to understand the co-relation and effectiveness of Lokayukta and to supply adequate information and document by concerned departments, two questions were asked to the complainants—

1) In your case, did the concerned authority provide any necessary information/documents on time?

2) Was the concerned authority present at the time of hearing?

Answering the first question, the responses are as below: Surprising to note that the findings of the responses of 40 complainants we surveyed do not confirm the assertion of the reports. Following table gives the break-up of the answers:
TABLE - 4.16
TABLE SHOWING THE RESPONSES BY THE GOVERNMENT OFFICES TO THE CASE ENQUIRY MADE BY THE LOKAYUKTA

<table>
<thead>
<tr>
<th>In your case, did the concerned authority provide any necessary information/documents on time?</th>
<th>Yes</th>
<th>No</th>
<th>Don't Know</th>
<th>Nil</th>
<th>Tot</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complainants</td>
<td>23</td>
<td>04</td>
<td>08</td>
<td>05</td>
<td>40</td>
</tr>
<tr>
<td>Percentage</td>
<td>57.5 %</td>
<td>10 %</td>
<td>20 %</td>
<td>12.5 %</td>
<td></td>
</tr>
</tbody>
</table>

GRAPH-XIII
THE RESPONSES BY THE GOVERNMENT OFFICES TO THE CASE ENQUIRY MADE BY THE LOKAYUKTA

Though, the reports of Lokayukta stated that the government offices do not provide documents on time, 57.5 % respondents told that in their cases, it was provided. Further, the Ex- Lokayuktas and Ex-Upa-
Lokayuktas also supported this in their interviews to this researcher. We asked them about the discrepancy in the reports and the replies of the respondents in this regard. It is very clear that only 10% complainants faced difficulties in getting the documents from the concerned officer. They were not provided papers on time. As against this, 57.5% reported that they could get the documents regarding their complaints from the officers concerned on time. We asked the Lokayukta and Upa-Lokayukta about the discrepancies in the statements of reports and the responses of the complainants. But, our efforts had gone vain. The Lokayukta were sticking to the position taken in the reports. We asked the complainants whether the concerned were present at the time of inquiry and the answers was as follow:
TABLE - 4.17
TABLE SHOWING THE PRESENCE OF THE CONCERNED AUTHORITY TO THE HEARING

<table>
<thead>
<tr>
<th>Was the concerned authority present at the time of hearing?</th>
<th>Yes</th>
<th>No</th>
<th>Nil</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complainants</td>
<td>22</td>
<td>15</td>
<td>03</td>
<td>40</td>
</tr>
<tr>
<td>Percentage</td>
<td>55%</td>
<td>37.5%</td>
<td>7.5%</td>
<td>100%</td>
</tr>
</tbody>
</table>

GRAPH-XIV
THE PRESENCE OF THE CONCERNED AUTHORITY TO THE HEARING

This shows that 55% of the concerned authorities were present at the time of hearing, whereas 37.5% were not present.
Finally, it was important to know the opinion of the complainants about Lokayukta. Hence, the question was asked—
What is your opinion about Lokayukta institution?
The question was open and the responses were as different as following:

1) Only due to Lokayukta I got justice.
2) Lokayukta is very good machinery.
3) Lokayukta helps people to solve their administrative difficulties.
4) It is a democratic device that controls administration.
5) It is the highest institute that gives justice within a lowest time.
6) Only Lokayukta can control unending corruption. The central level machinery must come up.
7) It is trustworthy, impartial, people oriented machinery.
8) It gives justice without spending our money and time.
9) It is a single helping hand of a common man.
10) It is a single non-corrupt government institute in the state.

These opinions about the institution of the Lokayukta are positive. Hence, it can be said that the institute could impress as many as 38 persons out of 40 were interviewed. However, 2 were not positive about the institute. The following are their impressions:

1) Lokayukta protects the government servants and wrong policies adopted by the government.
2) Lokayukta gives justice, but the result was not implemented and I am not justified yet.

Thus, Lokayukta’s recommendations and thoughts aimed at wrong deeds are not fully and timely implemented.
We asked to the complainants to suggest some changes in the present Lokayukta system in Maharashtra. And there are a few suggestions of these respondents about the working of the Lokayukta:

1) Lokayukta’s results must be binding on the government and non-government organizations.

2) There should be decentralization of Lokayukta’s working. Lokayukta must work at district place.

3) Lokayukta must have more powers in implementing its recommendations.

4) Lokayukta institute must get more publicity.

5) There must be 2 Upa-Lokayuktas to help Lokayukta. One of them a retired District Judge and one Retired IAS so that it can dispose more and more cases.

These suggestions display that the people are not only familiar with the institute but also are conversant with its working. People give thought over the functioning of Lokayukta for the ventilation of their grievances.

Thus, the surveys of the complainants were made.
SECTION-- II
4.4 SURVEY OF THE CONCERNED AUTHORITIES

Besides the responses of the complainants, obtaining the opinion and reactions of the concerned officers involved in those particular cases were also our aim. For that purpose, we arranged the survey of the concerned authorities. But, unfortunately response to this survey was very dull.

At first we dispatched the questionnaires to all 114 government officers against whom 114 complaints were lodged. But not a single officer responded. Meanwhile, we got 40 responses by the complainants. So we decided to send the questionnaire once more to those 40 officers who were involved in 40 complaints so that we could cross-examine a minimum 40 of concerned persons. We served questionnaires to 9 officers personally. Out of those, besides, visiting 3 or 4 times, only 2 got filled. Remaining 7 from Amravati, Beed and Sholapur didn’t send back the questionnaires. Remaining 31 questionnaires were provided by post; but we could not receive replies. We talked on telephone to some of the offices; but the response was naught. It was not possible to go in person to all those 40 officers. Because, those were from all over Maharashtra. Second thing was we tried to contact the officers of Amravati, Sholapur and Beer in person; but because pessimistic response by those offices, we had to drop the idea. Consequently, we cancelled to go other cities also in person. Due to this difficulty, we couldn’t get the opinion of the officers and conclude that government officers are lethargic and irresponsible in general about the functioning of Lokayukta. This apathy on the part of officers affects Lokayukta’s working.
This questionnaire contained two sections. The first section was related to the particular cases, but could be filled by any predecessor of the office. Whereas, the second section was expected to be fulfilled by that particular officer or the administrative wing of that department.

4.4 SURVEY OF THE FUNCTIONARIES IN THE LOKAYUKTA OFFICE

In addition to the complainants and government officers, we interviewed the Lokayukta functionaries. It is because the procedure relating to deal with the cases was very much there in the Act. We wanted to know an actual procedure and working of Lokayukta in this regard.

Though, we didn't get chance of surveying the functionaries, we had informal discussions with them whenever we visited the Lokayukta office, Mumbai.

Through this informal discussion and on our observation of working of the staff, we could conclude that the functionaries in the Lokayukta office are efficient and helpful to the complainants or visitors of the Lokayukta. Efficient and co-operative staff in the Lokayukta office is one of the reasons of getting a speedy justice.

SECTION III

4.5 INTERVIEWS OF EX, SITTING LOKAYUKTAS AND UPA-LOKAYUKTAS

As perception of the complainants is important, so is the perception of the Ex- Lokayuktas and Ex-Upa- Lokayuktas because those are the
actual functionaries at the helm of delivery system. They provide services to the people on their grievances. Therefore, we made frequent visits to Lokayukta office and interviewed the Ex-Lokayuktas and Ex-Upa- Lokayuktas. There are as many as 7 persons turn by turn those who adorned the chair of the Lokayukta. At the time of survey, three of them, Mr. Shimpi, Mr. Setalwad, Mr. Kotwal were not alive. Mr. Deshpande and Mr. Kamat were not available due to illness. Hence, we interviewed remaining 3 ex-persons. 6 persons have adorned the chair of the Upa- Lokayukta. Among those, Mr. Mohni, Mr. Jayaraman and Mr. Iyyer were available. Mr. Nadkarni and Mr. Bhave are not alive whereas, Mr. Shivramkrishnan was not available due to his ill health.

We approached these persons of the high offices with a view to discuss and obtain their clarification on some aspects of the functioning of the office of the Lokayukta. Especially, we had in our mind the framework prepared for the complainants as well as the field offices. It was therefore, decided to know and understand their views and hence we raised these points during interviews with the Lokayuktas and Upa-Lokayuktas:

1) The difficulties they come across in the way of their functioning as successful Lokayuktas or Upa-Lokayuktas in respect of adequacy of staff and budget, intervention on the part of the government, the ministers and secretaries, etc.

2) Their views and opinions on jurisdiction of Lokayukta.

3) What is their stand on the methodology on enquiry of the cases? Are they satisfied with the present arrangement or subscribe to the view for separate investigating team?
4) What measures they have taken to improve over all system of Lokayukta?

5) Besides these points, efforts were also made to understand the winning contribution of individual respondent.

**TABLE - 4.18**

**TABLE SHOWING THE LIST OF LOKAYUKTAS AND UPA-LOKAYUKTAS INTERVIEWED**

<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Post</th>
<th>Period</th>
<th>Date of Interview</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Mr. R. C. Iyyer</td>
<td>Sitting-Upa-Lokayukta</td>
<td>8 March 1999-31 March 2004</td>
<td>17 Nov. 2003</td>
</tr>
</tbody>
</table>

**JUSTICE P. S. SHAH, EX-LOKAYUKTA**

P. S. Shah noted that non-response on the side of government was a major difficulty in the functioning of Lokayukta. He is not satisfied in his tenure due to delay in implementing his recommendations by the government offices. He also voiced like Mr. Kantharia that the government never interrupted in his workings but was never interested with his working or implementing his recommendations. He added that the Lokayuktas have a very low budget. The reports say that the Lokayukta office has an inadequate staff, which is one of the reasons...
of pending cases. Mr. Shah didn’t agree to it. We cross-questioned that their reports said that the staff was not adequate; but he answered that he got adjusted with the number of staff available. He expressed his opinion that Lokayukta must have power of implementing its own suggestions. “Extended powers and jurisdiction, adequate and experienced staff, incentives to staff, finality in powers will make Lokayukta more effective,” he says. He also added that he could not justify one of the complaints. In that case, Ex-Minister was accused. But, as Ex-Minister is out of Lokayukta’s purview and he was helpless. But, the complainant appealed in the High Court against Lokayukta’s decision. Recently, the Court made it clear that the word ‘Ex’ does not matter. What is important that the person held the post at the time when it vented. Mr. Kantharia and Mr. Shah added that if Maharashtra Lokayukta will get its own investigating team and more powers like Karnataka Lokayukta, it can deal with the cases of maladministration to reduce it. At last, we questioned him about his measures to improve the Lokayukta system. He answered that his results only are his winning contribution.

**JUSTICE H. H. KANTHARIA, EX-LOKAYUKTA**

Justice Kantharia pointed out indifference on the part of the executive and the legislature as hurdle in the effective functioning of the Lokayukta. Due to this difficulty according to him, large number of cases are to be kept pending. He also faced odd position as incumbent of Lokayukta because of recommendatory and not mandatory status. He did not give any specific comment on paucity of budget. He told
about adequacy of staff that it was good and adequate. We reminded him that the reports say that it was not; but he disagreed. He is of the opinion that Chief Minister, Ex-Ministers, Ex-Secretaries must be brought under Lokayukta’s purview. He was in favor of separate investigating team at the disposal of Lokayukta. Kantharia is a person who thinks that Lokayukta institute needs more publicity. His significant contribution as a Lokayukta is that he took initiative to publicize the institute, he delivered the speeches inside and outside the country in the public functions as well as on AIR. He also published articles on this issue. He tried to create trust among the citizens that Lokayukta is ‘lokanche ayukta’. He never took remuneration while talking or writing on Lokayukta. Because, he thought that giving publicity to the institute was his duty. He also pinpointed that P. C. Alexander, as the then Governor supported him. But, he agreed that as a Lokayukta he couldn’t reduce lethargy of the government. He called Lokayukta ‘doot’ i. e. god sent man. He expressed his expectation that Lokayukta must get more power. He explained that Lokayukta is not for controlling corruption only but also to get ventilation of public grievances.

MR. V. P. TIPNIS, SITTING-LOKAYUKTA

Mr. Tipnis told that the government offices many times didn’t provide document on time. He used to fire them. He also added that he had a good rapport for the Governor. He told that he is happy with his staff, but added that there was need for more financial provisions from the government. On the question of jurisdiction of Lokayukta, he answered that it needs extension of the jurisdiction but present
jurisdiction also makes him effective in functioning. He opined that if Lokayukta would get separate investigating team, it would be better—but the present system is also good for him. Totally, he is happy with the machinery. The measure he has taken to improve the system is that he made a record of special reports to the Governor. He submitted the special Reports to the Governor in large number and made him to think and act on Lokayukta’s reports in some cases. The question arises how far of his reports were implemented. He answered that 60% were implemented till date. He was in oppose to give publicity to the institute and his opinion about that was that a learned man must know about such machinery and any one should come to it if known about the machinery. The notable thing about Mr. Tipnis is that he is the first Lokayukta who delegated his powers to the Registrar and Additional Registrar. He thought that it is necessary to give speedy justice to delegate and dispose the cases quickly and this is his winning contribution that he disposed more cases. He also decreased a large number of pendency. He disposed the cases that were pending since last 8 to 10 years which according to him was not large but disrespected the post of Lokayukta. He made it clear that Lokayukta machinery is not working against corruption only. Basically the idea of Ombudsman came up as a redressal of public grievances, it is the Lokayukta.

We asked the Upa-Lokayuktas first three questions. They answered as below-

**MR. MOHNI S. P., EX-UPA-LOKAYUKTA**

Mr. Mohni focused an ethical and philosophical difficulty that it is not fair that only the Ex-Judges are appointed as Lokayukta. In his
opinion, Judges prefer evidences and judicial process that are not necessary for Lokayukta’s function. “Judges are experienced and experts in law and judiciary; but sometimes they catch and realize administrative problems,” is his opinion. He suggested an alternative that sometimes the Lokayukta must be from the civil services or that investigation must be beyond the law sometimes. He didn’t agree that the inadequate staff, inadequate accommodation or finance is the limitations in Lokayukta’s functioning. According to him, efficiency is never bothered by these limitations. He supported that the separate investigating team could make Maharashtra Lokayukta more effective. He subsequently provides example of Rajas than and Karnataka Lokayukta that they have a separate team and can work independently.

MR. N. JAYRAMAN, EX- UPA-LOKAYUKTA

Mr. Jay Raman told that the limited jurisdiction of Lokayuta was his main difficulty in working. He suggested that Ex-public servants, Ex-Ministers, Universities, Judges, Speaker, Election commissioner must be brought under Lokayukta’s purview. This will make them more effective. He supported separate investigating machinery. To a question about his views about Lokayukta system, he told that it is necessary in all the States as well as at the Center. He persuaded the Central Government to bring up Lokpal. For that purpose, he wrote to the Central Government many a times. He also published articles in the newspapers and magazines on the issue. He regretted that his efforts were in vain.
MR. R. C. IYYER, SITTING-UPA-LOKAYUKTA

Mr. Iyyer pinpointed that if the Anti Corruption Bureau of the State Government should be placed under the control of the Lokayukta, it would be more effective in controlling corruption. According to him, the basic problem is that in the cases of corruption, government tends to delay in taking a decision or circumvent the recommendation & the legislature is not alert enough to call government in question on that issue. He is satisfied with his staff but not with budget. He could not attend the International Ombudsman Conferences due to lack of budgetary provisions. He also could not arrange the timely divisional visits many times. he supported the separate investigating team. His view on the institution is that it is able to provide substantial relief to a large number of persons at very low cost.

Thus, the 6 persons opined their views on Lokayukta. Raveling here the gist of interviews, it can be said that the Lokayukta institute requires:

1) Chief Minister, Ex-Ministers, Ex-Public Servants under his purview,
2) Separate investigating team,
3) To work as a mandatory body,
4) To oblige the government office to provide a timely & adequate information/document.
5) Governor must recommend its special reports.
6) Legislature has to take interest in its working.
4.5 CONCLUSION

Lokayukta in Maharashtra is an important tool with the citizen to ensure smooth and corruption free administration. To sum up, the first section of this chapter, fortunately, very dignified persons adorned the chair of Lokayukta and tried their best to make the post effective and dignified. But there are a number of limitations to jurisdiction of Lokayukta. There is a continuous demand for the amendment in the Lokayukta Act. One more notable thing is that due lack of separate investigating team, Maharashtra Lokayuta could not work effectively. The second section of this chapter dealt with the direct functioning of the Maharashtra Lokayukta. Basically, due to lack of jurisdiction and separate investigating team, the Lokayukta could not be utilized fully by the citizen. Another thing is that the utility argued by the office stated in the first section is not absolute. The figure given by the office is considered either solved or disposed under various sections but this disposal is largely on the side of the office and not on the side of citizens. Office says that the cases are disposed but the complainant is not justified. In this chapter, tables of interest taken by ministry with the Lokayukta's working are also given. Legislature never discussed the report of Lokayukta, which shows a very poor response to the Lokayukta office from the side of Legislature. One more aspect is that there is very less number of ministerial cases lodged to Lokayukta. All these facts about the Lokayukta office shows that it need to amend some sections of the Lokayukta Act. What is important is that the Chief Minister should come under Lokayukta's purview. In the next chapter, survey and interviews in this regard are discussed.
REFERENCES:


CHAPTER 5
CONCLUSION

INTRODUCTION
The modern society is complex. Therefore, the role of the state in the management of the public affairs is pivotal. Bureaucracy is an apparatus of a state. It exercises the powers of the state. In democratic political system, the politicians and the bureaucrats are the two power Centres. These power Centres take decisions, prepare policies and execute them. Obviously, the administration influences every aspect of the common man’s life, such as drinking water, sanitation, food grains, housing, roads, electricity, health, education, employment, etc. The common man encounters number of difficulties in getting the goods and services from the long chain of bureaucracy. Delays, non-execution, indifferent attitude, insensibility, ill treatment, sense of insecurity are the matters of daily experiences of the people. Thus, the citizens who are constitutionally the custodians of democratic set up, are at the mercy of huge the bureaucratic syndrome. There is a dire need of effective machinery to redress the grievances of the citizens. To add to these grievances is the phenomenon of corruption. Both the politicians and bureaucrats make use of the lever of power in their hands for individual benefits and hence indulge in large-scale corruption, irregularities and bribes. Especially, when the nexus is between the two there is always the multiplication of corrupt practices. However to curb the rising corruption is the big issue of the civilized society. The system of Ombudsman i.e. Lokpal at the Centre and Lokayukta at the States, are engaged in the process of redressing the
grievances of the citizens and eliminating the corruption. To understand and to analyze the functioning of Maharashtra Lokayukta is the main object of this study.

There are number of devices to control corruption. A comprehensive review of the legal measures, organizational set up, the special establishments, committees and commissions to cope up with the problem of corruption in general and in the events of big scandals in particular was made in the first chapter of the study. The main object was to understand the inherent limitation of all these exercises in the absence of an independent and impartial regular machinery to deal with rising corruption were experienced for very long time. Against this background, the idea of introducing Ombudsman like institution emerged in India in the sixties. A detailed description of the evolution of proposed Lokpal at national level is highlighted in the second chapter of this study. It is a matter of sorry state of affairs that the country is badly in need of Lokpal whereas the politicians are determined not to have one. A step by step account of Lokpal Bill is given in the second chapter which reveals that there is lot of confusion about the jurisdiction of Lokpal. A section of politicians and thinkers are of the opinion that some positions such as the Prime Minister, the Chief Election Commissioner, etc are sacrosanct and hence should not come within the purview of Lokpal. They plead for the privileged status of these posts. But they forget that the absence of privilege is the core of democracy. The study points out the lack of consensus about the jurisdiction of proposed Lokpal. The deeper analysis also reveals the reluctance on the part of those who are at the helm of affairs to give serious thought to the very concept of Ombudsman as
the watchdog of the citizen. The way in which the Lokpal bill is withdrawn, lingered with select committee, allowed to be killed due to dissolution of the House, etc. clearly indicates the callous neglect of citizens' agony by not providing timely instrument of ombudsman to them. Thus it seems that there is no political will behind the formation of Lokpal at national level. The will of the people is equally not strong to compel the government to act upon the measure in this regard. There are agitations in this country on flimsy issues. Some of them are really concerned about the sufferings of the citizens. But we could not hear during our study a bold voice of citizens and agitations for the establishment of Lokpal. Therefore, it can be concluded that the overall environment in the country is not conducive to the emergence of Lokpal and its effective functioning at the national level. The first chapter gives the worldwide experience of the system of Ombudsman. Comparatively, high position of the countries with Ombudsman in terms of their ranks in corruption prone countries has proved the utility of the office of Ombudsman. The remarkable thing we could point out through this study is whereas we are not in position to set up Lokpal at the national level in spite of our efforts in this direction for more than thirty years, the other countries are far ahead and successful, in building up network of ombudsman in different fields of social life, public and private, commercial and service-oriented sector, etc. Thus, non-seriousness about Lokpal is the critical area of our political and administrative culture especially, when the concepts such as good governance and citizens' charter are gathering momentum. Our observation is all related to the components, i.e. the complainants the government-i.e. the Governor, the Legislature, the Cabinet, the
officials of departments, the NGOs are responsible for this state of affairs.

**EFFECTIVENESS OF LOKAYUKTA IN MAHARASHTRA**

The object of this study is to understand how far Lokayukta is effective in Maharashtra. The number of complaints is the indicator to prove it. According to the Reports of Lokayukta, the office received 903 complaints in the first year of its formation and the number reached up to 15,745 by 2002. This fact reveals that the people are used to approach Lokayukta for their grievances. The effectiveness is also reflected in the disposed number of cases. It can also be supported by decreasing number of pending cases compared with the number of lodged cases; the number of disposed cases are, 309 in 1972, 849 in 1982, 4146 in 1992, and 3555 in 2002. During our discussion with the Lokayukta we confirmed its effectiveness in quantitative terms also.

**ROLE OF LOKAYUKTA TO CONTROL CORRUPTION**

Lokayukta is viewed as an independent and an impartial device to control corruption. Therefore, to what extent the Lokayukta in Maharashtra has been in a position to control the corruption is a moot question. This can be tested by the cases of corruption handled by Lokayukta. The Lokayukta’s yearly reports as well as the responses of the complainants we analyzed reveal that the large number of complaints the office of the Lokayukta deal with are other than the allegations of corruption. We pointed out that out of the total cases, only 3% cases were on corruption. Our conclusion in this regard is
whereas Lokayukta in Maharashtra is quite effective in redressing the grievances of the citizens; it could not reach the deep roots of corruption. It has proved its utility in the ventilation of grievances and not dealing with the allegations of corruption. When we proceed to probe the role of Lokayukta a little further, we come to know that there is a lack of clarity and consensus on this issue on the part incumbent at the office of Lokayukta and Upa-Lokayukta. We observed that some of them emphasized the need of the ventilation of grievances by Lokayukta. Ventilation of grievances by Lokayukta, as if the task of controlling corruption, is not relevant to its functioning. This is the perspective of some of the interviewees. What is the approach of the government in this regard? The Lokayukta submits yearly reports to the government so as to place it in the House. We could not find any efforts taken on the part of the government to study the findings of the report with a view to eliminating corruption. Neither the Legislature nor the Cabinet in any way considered the reports seriously and tried to know how far the institution of Lokayukta has been successful in wiping out corruption. The house seldom discusses the reports in detail. It can be said that there is wide gap in the perception of western model of Ombudsman as a crusader against corruption and the Indian model wherein the Lokayukta has not so far occupied any space in the battle against corruption.

**IMPARTIALITY OF LOKayUKTA**

There is a strong point in the whole system of Lokayukta in Maharashtra, and that is those who occupied the position of Lokayuktas are the High Court Judges and the men of integrity. We
experienced courteous and amicable treatment in the Lokayukta office as well as full co-operation of the interviewees Lokayuktas during our visits. As compared to the other machineries such as the Election Commission, the Union and State Public Service Commissions, etc. The machineries with focus on impartiality, prompt and straightforward working, the image of Lokayuktas has been unquestionable. In respect of other machineries referred above both people of integrity and impartiality as well as those with doubtful integrity occupied them. However, the graph of the Lokayuktas in this regard has been constantly high. In our survey, 90% of the respondents expressed their satisfaction of approaching Lokayukta. They were also treated well. To the specific question whether Lokayukta was impartial to them in dealing with the complainant or against? Was he favorable to government side? The respondents without any hesitation stated- impartiality. The purpose of the Lokayukta of ventilating grievances, therefore, has been fulfilled.

METHODOLOGY OF FUNCTIONING OF LOKAYUKTA
The success, utility of any institution or organization largely depends on the methodology of its working. As the Lokayukta is concerned with the complaints of the citizens, the grievances and the irregularities as well as corruption, there is an urgent need of full-fledged investigating machinery under his control. But to our surprise, this element of the institution finds very little place in its organizational set up. Firstly, there is no uniform method adopted in all the States. In the states like Karnataka and Rajasthan, there is investigating machinery at the disposal of Lokayukta. However, in
Maharashtra, the Lokayukta has to depend on the Police, CBI, etc. for investigation. The concerned departments also are entrusted with work of investigation. This arrangement creates obstacle in its working. Secondly, all the Lokayuktas, who were interviewed, were not very keen on investigating machinery. Some of them insisted upon the need of it. A few pointed out with separate or no separate investigating machinery they could investigate the complaint. Thirdly, the government over a period of long working of Lokayuktas did not care to review the methodology of enquiry. No new technology is being equipped with the Lokayukta for speedy investigation.

About the procedure of disposing complaints for investigation there are certain lacunae in the Act, the rules as well as in the practice. Thus, the cases, which were not investigated due to some reason or the other were also treated and shown in the report as the disposed cases. Table 4.5 and 4.6 of the chapter IV show such cases. There is no mention of actual redressal of complaints that are supposed to be disposed cases. However, the reports include vague, improper, anonymous cases as disposed cases. It is very difficult to assess the performance of the Lokayukta due to mixing of investigated and non-investigated cases.

**LOKAYUKTA AND THE GOVERNMENT DEPARTMENTS**

Much depends on the healthy relation and interaction between the office of the Lokayukta and the government departments. The Lokayukta receives complaints against the officials of different departments. But, our study reveals that the officers of the department do not co-operate and supply information on the complainants regularly and fail to follow the rule as per the Lokayukta Act. This
results into delay in the disposal of complaints. All the interviewees had the same feeling. We also experienced the indifference on the part of the officials. Our survey indicated that not a single respondent official replied and returned our questionnaire duly filled in.

**POSITIVE FEATURES OF LOKAYUKTA IN MAHARASHTRA**

In nutshell the Lokayukta in Maharashtra has positive and strong features as given below:

1) Any person can lodge a complaint to the Lokayukta and can get justice within a short period of time.

2) The number of the people approaching the Lokayukta is increasing.

3) The percentage of disposal of cases and grievance redressal has increased from inception.

4) Lokayukta is free from any Executive, political or governmental control.

5) The persons of dignity and integrity have adorned a chair of the Lokayukta.

6) There is no interference in Lokayukta’s working from the side of the government or executive.

7) Lokayukta can deal with any matter of citizens’ grievances.

8) Lokayukta deals with the governmental matters. In the private sectors, Ombudsman is necessary to control the uncertainty of jobs.
WEAKNESSES OF MAHARASHTRA LOKAYUKTA

The Lokayukta in Maharashtra has some weaknesses:

1) The cases are disposed but grievances are not absolutely redressed.
2) There is a lack of immediate response by the government departments in providing evidences as well as implementing recommendations.
3) Lokayukta does not have its separate investigating machinery.
4) The Executive and Legislature are not so far interested in Lokayukta’s working.
5) NGOs and media do not take notice of the Lokayukta’s working in a significant way.
6) Lokayukta as per the Act, can take a cognizance by its own on any matter but, normally he avoids it. There are a very few cases in which it did so.

These positive features and weaknesses of Lokayukta in Maharashtra shows that though it is a very good institution, it needs to be strengthened. The institute needs more prestige and popularity. It needs administrative reforms.

SUGGESTIONS

Some suggestions are made here on the basis of observations on the working of Lokayukta and interactions with incumbents on the one hand and complainants on the other:

1) There should be discussion, exchange of views, and dialogues on the role of Lokayukta. The model guidelines of such processes will be of immense help in this regard.
2) A high level committee should be appointed to study and recommend amendments to the Lokayukta Act including the reform measures to make Lokayukta more effective to control corruption.

3) A periodical review be undertaken on the Annual Consolidated Reports of Lokayukta regarding his performance on reducing corruption. Instead of leaving the Annual Consolidated Reports undiscussed, there should be some methodology to be evolved so that attention will be given to the findings of the reports. It can be suggested that there shall be a Cabinet Committee to review and comment on the report with action taken on it. Further, the committee of the House appointed for the purpose should also consider the reports along with comments of the Cabinet.

4) It is necessary to give a serious thought to provide independent investigating machinery to the Lokayukta.

5) Stringent actions should be taken on those officials with an entry into their Confidential Reports who do not give cooperation to the Lokayukta.

6) There should be more transparency in the working of Lokayukta. The secrecy clause, if possible could be removed. This will help to gain confidence about the machinery of Lokayukta.

7) The Lokayuktas, be oriented to initiate the cases and process them without waiting for complainants as and when possible. Thus, tradition of sue-motto be cultivated on line with judicial activism.
8) It is suggested that search for mechanism and modality be undertaken to make the findings of Lokayukta be binding and mandatory instead of recommendatory at present.

9) In the era of privatization, the private sectors should come under Lokayukta’s purview. There should be the separate Ombudsman in the private, especially in the co-operative sector so far Maharashtra is concerned.

In short the focus of this study, as far as the future course of Lokayukta is concerned, is on strengthening the link between the phenomenon of rising corruption and Lokayukta as a friend, philosopher and a guide of citizenry as corrective measure in an atmosphere of large complaints of bribery, corruption, irregularities and favoritism handed over to Lokayukta who will come out with punishment and will pave the way for corruption free democratic society.