

The Ombudsman Institution and Good Governance: Evaluating Its Role in Public Accountability

Abstract:

This research article examines the role and significance of the Ombudsman institution in promoting accountability, transparency, and efficiency within public administration. It traces the historical development and evolution of the Ombudsman across different legal systems and highlights its function as an independent mechanism for addressing citizens' grievances against administrative authorities. The study analyzes how Ombudsmen contribute to the protection of individual rights, prevention of maladministration, and strengthening of democratic governance through impartial investigations and recommendations. It further evaluates the effectiveness of Ombudsman institutions in enhancing public confidence in government agencies and ensuring access to justice for marginalized groups. The article also discusses major challenges confronting Ombudsmen, including limited enforcement powers, political interference, inadequate resources, and lack of public awareness. By reviewing comparative practices and case studies from various jurisdictions, the study emphasizes the continuing relevance of the Ombudsman as an essential instrument for administrative justice, good governance, and social accountability in modern democratic societies.

Keywords:

Ombudsman, Good Governance, Accountability, Transparency, Public Administration, Citizen Rights, Administrative Justice, Grievance Redressal.

Introduction

The term “Ombudsman” denotes an official tasked with protecting citizens from potential abuses of power by the executive branch. In administrative law, this role ensures oversight of government actions, balancing the prevention of injustice with effective administration. Today, the Ombudsman is crucial for addressing grievances stemming from administrative errors.¹

¹ What is an Ombudsman? Origin, Characteristics and Need/Importance of Ombudsman, *available at:* <https://www.srdlawnotes.com/2018/11/what-is-ombudsman-origin.html>, (last visited on Apr 14, 2026)

Parliamentary and judicial checks on administrative actions are often limited, primarily relying on statutory provisions for administrative tribunals. When individuals face misconduct or inefficiency from officials, they typically seek recourse through accessible ministers or parliamentary questions. However, these remedies can be difficult to enforce. To address maladministration or corruption effectively, the Ombudsman was introduced as an essential institution for resolving grievances and promoting accountable governance.²

Ombudsman institutions are referred to by different names in various countries. In Guatemala, it is called "Procurador de Los Derechos Humanos" (Counsel of Human Rights), in El Salvador, it is known as "Procurador Para la Defensa de Los Derechos Humanos" (Counsel for the Defense of Human Rights), and in Mexico, it is referred to as "Comisión Nacional de Derechos Humanos" (National Commission of Human Rights).³

Ombudsman institutions adopt various forms and functions, serving as impartial investigators, enablers, negotiators, or advocates for citizens. Globally, countries have created distinct entities to uphold human rights, such as the "Plenipotentiary for Human Rights" in Russia, the "Commission on Human Rights and Administrative Justice" in Ghana, the "Civil Rights Protector" in Poland, the "Human Rights Ombudsman" in Slovenia, and the "Parliamentary Commissioner for Human Rights" in Hungary. Each institution has its unique approach to addressing public concerns and human rights issues.⁴

Objectives

- To explore the historical evolution of the Ombudsman institution, tracing its origins and growth across different jurisdictions, and understanding how it has adapted to changing societal needs.
- To analyze the specific functions and powers of the Ombudsman, including their role in addressing citizen grievances, promoting good governance, and ensuring transparency and accountability within public administration.
- To evaluate the effectiveness of the Ombudsman in resolving disputes and protecting individual rights, utilizing case studies and empirical data to illustrate the impact of their interventions.

² Doctrine of Checks and Balances, *available at*: <https://vajiramandravi.com/quest-upsc-notes/doctrine-of-checks-and-balances/>, (last visited on Apr 14, 2026)

³Mora Atonio, "El Libro Del Defensor Del Pueblo" *Defensor Del Pueblo, Madrid* 185-189 (2003)

⁴*Ibid*

- To identify the challenges and limitations faced by the Ombudsman in their operations, including issues related to authority, resource constraints, and public awareness, and propose potential solutions to enhance their effectiveness.

Research Problem

The research problem addressed in the article “Analyzing the Role and Impact of the Ombudsman: A Comprehensive Review” centers on the limited understanding of the Ombudsman’s effectiveness in promoting accountability and transparency within public administration. Despite the growing importance of this institution in addressing citizen grievances, there remains a gap in the literature regarding the specific impact of Ombudsman interventions on governance and public trust. Additionally, the challenges faced by Ombudsmen, such as insufficient authority, resource limitations, and low public awareness, hinder their ability to fulfill their mandate effectively. This research seeks to identify and analyze these challenges while evaluating the overall role of the Ombudsman in various jurisdictions. By doing so, it aims to provide insights into enhancing the effectiveness of the Ombudsman and promoting better governance practices.

Review of Literature

- **L. Epstein, J. Knight, *The Choices Justices Make*. Washington, (D.C, Congressional Quarterly Press 1998)**

In *The Choices Justices Make*, Epstein and Knight analyze how U.S. Supreme Court justices make decisions, arguing that justices are strategic actors who make choices to influence outcomes beyond their personal policy preferences. Rather than being purely ideological, justices consider potential reactions from other branches of government and the public to secure decisions that align with their long-term goals. By examining how the Court operates within a political system, Epstein and Knight’s work challenges the perception of judicial decisions as solely principle-driven, suggesting instead that Justices act with pragmatism. This perspective provides insight into the dynamics of judicial decision-making, highlighting the interplay of personal, institutional, and political constraints that shape judicial outcomes.

- **Anil Dharker, *The Topiwala Camera* (The Outlook, New Delhi, 2011)**

In *The Topiwala Camera*, published in The Outlook in 2011, Anil Dharker presents a vivid exploration of Indian society and politics through a series of essays that reflect on cultural, social, and political themes. Dharker’s work captures the changing dynamics of contemporary

India, often critiquing societal norms, media, and the political landscape with wit and incisive commentary. By weaving personal anecdotes with observations of broader societal trends, Dharker offers readers an insightful perspective on India's complexities and contradictions. The essays serve as a lens through which Dharker examines both the enduring and evolving aspects of Indian identity, making his work a thought-provoking commentary on the nation's ongoing transformation.

- **David Simpson, "Clearing the Air: How Delhi Broke the Logjam on Air Quality Reforms", 46 *Environment*, 22-39(2004)**

In *Clearing the Air: How Delhi Broke the Logjam on Air Quality Reforms*, David Simpson explores the significant policy and environmental reforms that helped reduce Delhi's severe air pollution in the early 2000s. He examines how collaborative efforts between government agencies, the judiciary, and public interest groups led to impactful changes, including the adoption of compressed natural gas (CNG) for public transportation. Simpson highlights the complex, sometimes contentious process of implementing these reforms but emphasizes the role of judicial mandates and public pressure in overcoming bureaucratic inertia. This case study provides valuable insights into how coordinated policy action and legal intervention can address environmental crises in urban areas, serving as a model for other cities facing similar challenges.

- **J. Cassels, "Judicial Activism and Public Interest Litigation in India: Attempting the Impossible?," *The American Journal of Comparative Law*: 495-519 (1989)**

In *Judicial Activism and Public Interest Litigation in India: Attempting the Impossible?*, J. Cassels examines the transformative role of judicial activism in advancing public interest litigation (PIL) in India. Cassels discusses how the judiciary, particularly the Supreme Court, expanded its mandate to address issues of social justice and human rights for marginalized communities. Through PIL, the courts took on cases that traditional legal mechanisms had overlooked, positioning themselves as proactive agents of social change. Cassels critically analyzes the challenges inherent in this approach, including questions of judicial overreach and the practical limits of implementing court decisions. This work highlights both the potential and limitations of judicial activism in addressing systemic social issues within India's democratic framework.

- **Jeremy Cooper, "Poverty and Constitutional Justice: The Indian Experience",⁴⁴**

Mercer Law Review 611, 614–615(1993)

In *Poverty and Constitutional Justice: The Indian Experience*, Jeremy Cooper explores how India's judiciary has addressed poverty-related injustices through constitutional interpretation. Cooper focuses on how Indian courts, particularly through the right to life under Article 21 of the Constitution, have expanded protections for the poor, often interpreting the right to include essentials like shelter, food, and health. He examines landmark cases where the judiciary intervened to ensure that the state addresses poverty, using constitutional justice as a tool for social equity. Cooper's analysis highlights the unique role of India's judiciary in transforming constitutional rights into practical mechanisms that safeguard the welfare of impoverished citizens, illustrating an activist approach to combating poverty within legal frameworks.

Research Methodology

The research article titled “Analyzing the Role and Impact of the Ombudsman: A Comprehensive Review” utilizes a methodology grounded in Doctrinal Legal Research. This approach involves an in-depth examination of legal propositions through the analysis of statutory provisions and judicial precedents, employing logical reasoning to distill relevant legal principles. The study predominantly relies on primary legal sources, including Acts of Parliament and rulings from higher courts. To enhance the research, it also incorporates content analysis and gathers insights from a variety of secondary sources, such as books, academic journals, newspapers, trade publications, and organizational reports. Furthermore, the research integrates perspectives from scholars, academic institutions, government documents, international organizations, and online resources, thereby providing a holistic understanding of the topic. This comprehensive methodology ensures a thorough exploration of the Ombudsman's role and impact within the legal framework, highlighting its significance in promoting accountability and justice.

Concept of Ombudsman

An Ombudsman is an independent official dedicated to promoting fairness and accountability in governance and public administration. Rooted in the principles of transparency

and citizens' rights, this institution originated in Sweden in the early 19th century and has since been embraced by many countries around the globe.⁵

The primary role of an Ombudsman is to mediate between citizens and government or public and private organizations. It offers individuals a platform to express concerns, seek redress for grievances, and hold authorities accountable. Ombudsmen investigate complaints and maladministration, ensuring that individuals' rights are protected. Operating independently, often under legal or constitutional mandates, they promote good governance, enhance public trust, and uphold the rule of law by addressing improprieties and injustices.⁶ In, the Ombudsman is a vital guardian of democracy and human rights, serving as a bridge between citizens and the institutions that govern them. Its role is pivotal in ensuring fairness, accountability, and justice within a society, thus contributing to the overall well-being of its citizens and the integrity of its institutions.⁷

Nature of Ombudsman

The Ombudsman serves as a beacon of hope for individuals seeking protection from injustices committed by the three main branches of government. Its defining feature is its unwavering independence, free from control by the executive, legislative, or judicial branches. This autonomy provides citizens with direct and unrestricted access to the Ombudsman, ensuring they can quickly seek relief for their grievances—something often difficult to achieve through traditional channels like the courts.⁸

The Ombudsman's unique capacity to initiate fact-finding and decision-making distinguishes it from the courts, enabling proactive issue resolution. However, it can only act when concerns are presented, positioning it as a vital component of the governance framework. Critics describe the Ombudsman as the "people's investigator, guide, and defender," highlighting its significant role as a milestone in citizen-administration relations.⁹

⁵ Ombudsman, *available at*: <https://en.wikipedia.org/wiki/Ombudsman>, (last visited on Apr 14, 2026)

⁶ Integrated ombudsman scheme and conflict mediation in India, *available at*: <https://blog.ipleaders.in/integrated-ombudsman-scheme-and-conflict-mediation-in-india/>, (last visited on Apr 14, 2026)

⁷ What is an Ombudsman? Origin, Characteristics and Need/Importance of Ombudsman, *available at*: https://www.srdlawnotes.com/2018/11/what-is-ombudsman-origin.html#google_vignette, (last visited on Apr 14, 2026)

⁸ The Role and Effectiveness of the Ombudsman Institution, *available at*: https://www.ndi.org/sites/default/files/1904_gov_ombudsman_080105_5.pdf, (last visited on Apr 14, 2026)

⁹ *Ibid*

Established as a separate entity that operates with functional autonomy and operational independence from the legislative and executive branches, the Ombudsman holds the status of a legally recognized governmental official. It functions as a monitoring specialist, guided by administrative expertise, maintaining a non-partisan stance, and adhering to normative universalism. The Ombudsman remains client-centered while avoiding an anti-administration posture, making its services popularly accessible and visible to the public.¹⁰ It is a high-status institution, well-equipped with extensive resources, all of which contribute to its mission of safeguarding citizens' rights, ensuring accountability, and promoting good governance within the state.

*In B.C. Development Corp v. Friedmn*¹¹, The Supreme Court of Canada has stated that the powers granted to the Ombudsman allow him to address administrative problems that the courts, the legislature and the executive cannot effectively resolve. The institution of Lokpal is called by the name ombudsman in foreign countries.

*In Durga Hotel Complex v RBI*¹² it was held that Conceptually, an ombudsman is only a non-adversarial adjudicator of disputes. He serves as an alternative to the adversary system for resolving disputes, especially between citizens and government agencies. He is an independent and non-partisan officer who deals with the specific complaints from the public against administrative injustice and maladministration. Certainly, an adversarial adjudication by courts necessarily stands on a higher plane than a decision by the ombudsman. Therefore, if a matter is pending before a court, ombudsman cannot exercise jurisdiction.

Examining the Need for Safeguards against Administrative Abuse of Power

First, significant powers have been granted to the administration, resulting in a vast machinery with extensive discretionary authority that plays a crucial role in shaping today's socioeconomic landscape. This administration possesses a wide range of powers that impact the daily lives of citizens. Second, there is a growing public perception that such extensive powers create opportunities for abuse and misuse by administrative officials, leading to maladministration

¹⁰ Ombudsman: Concept, Development and Working of the Institution, available at: <https://www.legalbites.in/ombudsman-concept/>, (last visited on Apr 14, 2026)

¹¹(1984) 2 SCR 447

¹²(2007)5 SCC 120

and corruption. In their exercise of power, administrators often tend to overlook individual rights and interests in the name of public good.¹³

*In Chandra Bansi Singh v. State of Bihar*¹⁴ it was held that “It is not eccentric to conclude that if there is more administration, there will be more maladministration”. The greater the power given to the executive, the greater the need to safeguard the citizen against its arbitrary or unfair exercise. Therefore, an urgent problem of the day is to evolve an adequate and effective mechanism to contain these dangers by controlling the administration in exercising its powers, safeguarding individual rights, and creating procedures for redressal of individual grievances against the administration.

*In Barium Chemicals Ltd v. Company Law Boards*¹⁵ it was held that The court’s reluctance or inability to look into departmental files remains a major hindrance in the way of challenging an administrative action at the present moment and this saps the efficacy and vitality of judicial review to a considerable extent. Further, in writ petitions, which is the most common technique of challenging administrative action, the courts mostly go by the affidavits filed by the parties concerned. They do not usually call for oral testimony or permit cross-examination or the persons filing affidavits.

*In G. Sadanandan v. State of Kerala*¹⁶, The Supreme Court of India emphasized that the continuous exercise of extensive powers granted by rules to various authorities could dull their sensitivity to the Constitution's paramount requirement. It stated that even during emergencies, citizens' freedoms cannot be infringed without the justifying necessity outlined in the Defence of India Rules. This casual approach to exercising such unfettered powers could ultimately threaten the fundamental values underpinning India's democratic way of life.”

The Role and Limitations of the Ombudsman in Addressing Public Grievances

As everybody is well aware, it is very difficult for an ombudsman to satisfy all expectations of all the members of public who have disputes with government administration. ‘The office should be legally established, functionally autonomous, external to the administration, operationally independent of both the executive and legislature, specialist, expert and non-partisan, normatively

¹³Aditi Singh, Ombudsman, available at: https://www.researchgate.net/publication/344380355_ombudsman, (last visited on Apr 14, 2026)

¹⁴AIR 1984 SC 1767

¹⁵AIR 1967 SC 295

¹⁶AIR 1966 SC 1925

universalistic, client-centered but not anti-administration, and both popularly accessible and visible.¹⁷

The Ombudsman is granted wide powers such as to enter and inspect premises, to require anyone to produce documents or furnish information, to summon and examine under oath anyone possessed of relevant information, to conduct hearings and must give notice of the investigation when it is required to do so. If maladministration is discovered, the Ombudsman can recommend but not order a governmental official to remedy the wrong. An Ombudsman can report bureaucratic abuses to the legislature, which may then take remedial steps.¹⁸

Generally, the Ombudsman is not accountable to any external authority. If the parties involved dissatisfied with Ombudsman's decision, their complaint may seek judicial review, though it rarely succeeds. Judges do not normally overturn decisions of Ombudsman but can require the Ombudsman to reconsider a decision.¹⁹

This section of the Ombudsman Act 1979 mainly focuses on the investigation procedure of the Office of the Ombudsman. The Ombudsman is obligated to report the details found against government authority. The Supreme Court of Canada has adopted a "pragmatic and functional" approach to determining the level of scrutiny a court should exercise when reviewing the decision of a statutory decision-maker.²⁰

The Ombudsman scheme serves as a limited substitute for administrative courts. Unlike judges, Ombudsmen lack the authority to enforce decisions or initiate legal proceedings, which restricts their role in advancing public law in a country. However, the increasing number of cases referred to the Ombudsman highlights its growing relevance. Ultimately, while the Ombudsman can make recommendations, its lack of statutory power limits its effectiveness in addressing complaints and enforcing accountability.²¹

Powers and Functions of Ombudsman

(1) An important function of Ombudsman is to protect the rights and freedoms of citizens and needless to say that primarily for this purpose the post of ombudsman was instituted. In the

¹⁷Role of Ombudsman in Administration, *available at*: <https://www.lawteacher.net/free-law-essays/administrative-law/role-of-ombudsman-in-administration.php>, (last visited on Apr 12, 2026)

¹⁸*Ibid*

¹⁹*Ibid*

²⁰*Ibid*

²¹ Role of the Ombudsman in the Administration, *available at*: <https://www.lawteacher.net/free-law-essays/administrative-law/role-of-ombudsman-in-the-administration-administrative-law-essay.php>, (last visited on Apr 15, 2026)

nineteenth and twentieth centuries, there were autocracies in many European states and even the bureaucracies were indifferent to people's freedom. This appalling situation inspired freedom-loving men to find out a solution and ombudsman was the consequence.²²

(2) In the Scandinavian countries, the ombudsman has another function. The ombudsman shall have the power to supervise the general civil administration. On this point, the duty of ombudsman is closely connected with the public administration. Because of the protection of freedom, execution of policies and another fall within the jurisdiction of public administration and whether these are properly performed or not that requires to be examined-and ombudsman does this job.²³

(3) In many states, Ombudsman or institution like this supervises the general administration. It is also called general surveillance of the functioning of the government. This is a very important function. Particularly in the Scandinavian states the Ombudsman or person of this type performs this function. In these countries, the Ombudsman has been found to undertake tour for inspection.²⁴

(4) In some countries, the Ombudsman enjoys enormous power. For example, in Sweden, the Ombudsman has been empowered to investigate the cases of corruption (in any form) not only against the government officers but also against the judges of the highest court! But the supervising power of Ombudsman over the judges does not erode the independence of the judiciary. The judges are prosecuted or fined for corruption, negligence of duties, or delay in delivering judgement.²⁵

(5) In the UK the Parliamentary Commissioner (British type of Ombudsman) also acts as a Health Commissioner. In 1974 the British parliament enacted a law to enhance the jurisdiction of Parliamentary Commissioner to the level of local government. The local councillors can lodge complaints against the local body and can seek redressal of grievances.²⁶

(6) An important function of Ombudsman is the exercise of discretionary powers. The discretionary powers are really vast and how to use these powers depend upon the person

²² Ombudsman: Origin, Nature, Power and Functions |Public Administration, *available at*: https://www.ourarticlelibrary.com/public-administration/ombudsman/ombudsman-origin-nature-power-and-functions-public-administration/63448#google_vignette, (last visited on Apr 15, 2026)

²³*Ibid*

²⁴*Ibid*

²⁵*Ibid*

²⁶*Ibid*

concerned. Discretionary powers include corruption, negligence, inefficiency, miss behaviour etc.²⁷

Lokpal – An Indian Attempt at Establishing an Ombudsman System

A Lokpal is a proposed ombudsman in India. The word is derived from the Sanskrit word “lok” (people) and “pala” (protector/caretaker), or “caretaker of people. “The concept of a constitutional ombudsman was first proposed in parliament by Law Minister Ashoke Kumar Sen in the early 1960s. The first Jan Lokpal Bill was proposed by Shanti Bhushan in 1968 and passed in the 4th Lok Sabha in 1969, but did not pass through the Rajya Sabha. Subsequently, ‘Lokpal bills’ were introduced in 1971, 1977, 1985, again by Ashoke Kumar Sen, while serving as Law Minister in the Rajiv Gandhi cabinet, and again in 1989, 1996, 1998, 2001, 2005 and in 2008, yet they were never passed.²⁸ Forty-two years after its first introduction, the Lokpal Bill is still not enacted in India.

The Lokpal Bill provides for the filing, with the ombudsman, of complaints of corruption against the prime minister, other ministers, and MPs. The Administrative Reforms Commission (ARC) recommended the enacting of the Office of a Lokpal, convinced that such an institution was justified, not only for removing the sense of injustice from the minds of citizens but also to instill public confidence in the efficiency of the administrative machinery.²⁹

Following this, the Lokpal Bill was, for the first time, presented during the fourth Lok Sabha in 1968, and was passed there in 1969. However, while it was pending in the Rajya Sabha, the Lok Sabha was dissolved, and thus the bill was not passed³⁰. The bill was revived several times in subsequent years, including in 2011. Each time, after the bill was introduced to the House, it was referred to a committee for improvements, to a joint committee of parliament, or to a departmental standing committee of the Home Ministry. Before the government could take a final stand on the issue, the house was dissolved again. Several conspicuous flaws were found in the 2008 draft of the Lokpal Bill. The basic idea of a Lokpal is borrowed from the Office of the Ombudsman, which has the Administrative Reforms Committee of a Lokpal at the Centre, and Lokayukta in the states.

Anna Hazare campaigned for the Jan Lokpal Bill, which passed on December 27, 2011, with modifications. However, Hazare, his team, and various political parties criticized the Lokpal Bill

²⁷*Ibid*

²⁸Lokpal, *available at*: <https://en.wikipedia.org/wiki/Lokpal>, (last visited on Apr 15, 2026)

²⁹Components of Redressal Mechanism, *available at*: <https://byjus.com/free-ias-prep/components-redressal-mechanism/>, (last visited on Apr 15, 2026)

³⁰*Supra*, note 28

as ineffective. By December 29, 2011, it was referred to the next parliamentary session amidst significant controversy and allegations of staging by opposition parties.³¹

*In Institution of A.P. Lokyukta/Upa/Lokyukta v. T. Ramma Subba Reddy*³², The Supreme Court of India emphasized that Lokayuktas and Upa-Lokayuktas, as high judicial figures, must be equipped with adequate powers and sanctions to ensure their directives are effective. The court advocated for legislation to maintain public confidence in these institutions. It stressed the need to eliminate political influence in their appointments, asserting that power must serve a valid purpose.

Jan Lokpal Bill

The Jan Lokpal Bill or the Citizen's Ombudsman Bill is a draft anti-corruption bill drawn up by prominent civil society activists, seeking the appointment of a Jan Lokpal, an independent body that would investigate corruption cases, complete the investigation within one year and conduct trials for the case within the next year.³³

Drafted by Justice Santosh Hegde, former Supreme Court Judge and Lokayukta of Karnataka, along with Prashant Bhushan, a Supreme Court lawyer, and Arvind Kejriwal, an RTI activist, the draft Jan Lokpal Bill proposed that individuals found guilty of corruption would face imprisonment within two years of the complaint, with their ill-gotten wealth confiscated. It also aimed to empower the Jan Lokpal to prosecute politicians and bureaucrats without needing government approval. The movement, India Against Corruption, included prominent figures like retired IPS officer Kiran Bedi, Anna Hazare, Swami Agnivesh, Sri Sri Ravi Shankar, and Mallika Sarabhai. Its website describes the movement as a collective expression of anger against corruption, emphasizing the urgency of enacting the Jan Lokpal Bill to deter corrupt practices.³⁴

Anna Hazare, an anti-corruption crusader, began a fast-unto-death, demanding that this bill, drafted by Civil Society, be adopted. The website of India Against Corruption movement calls the Lokpal Bill of the government an "eyewash", and hosts a critique of that government bill. It also lists the difference between the bills drafted by the government and civil society.³⁵

Features of the Jan Lokpal Bill

1. **Lokpal and its role:** The bill proposes to establish autonomous and independent institutions called Lokpal at the central level and Lokayukta for states. These shall have powers of

³¹*Ibid*

³²(1997) 9 SCC 42

³³Jan Lokpal Bill, available at: https://en.wikipedia.org/wiki/Jan_Lokpal_Bill, (last visited on Apr 15, 2026)

³⁴*Ibid*

³⁵*Ibid*

superintendence and direction for holding a preliminary inquiry, causing an investigation to be made and prosecution of offences in respect of complaints under any law for the prevention of corruption.³⁶

2. **Structure:** The Lokpal will consist of a chairperson and a maximum of eight members of which fifty percent shall be judicial members. Fifty percent of members shall be from amongst Scheduled Caste (SC), Scheduled Tribe (ST) and Other Backward Classes (OBC), minorities and women. It has an inquiry wing for conducting the preliminary inquiry and a separate independent prosecution wing. Officers of the Lokpal will include the secretary, director of prosecution, director of inquiry and other officers.³⁷
3. **Process of selection:** The selection of chairperson and members of Lokpal shall be through a selection committee. The Selection Committee shall comprise of the Prime Minister, Speaker of the Lok Sabha, Leaders of the Opposition in both houses, a Union Cabinet Minister nominated by the Prime Minister, one sitting judge of the Supreme Court, and one sitting Chief Justice of the High Court's both nominated by the Chief Justice of India, an eminent jurist nominated by the central government and a person of eminence in public life with knowledge of public administration, policy making, anticorruption policy, vigilance and finance.³⁸
4. **Jurisdiction:** The Prime Minister is included under the Lokpal's jurisdiction with specific exclusions. Inquiries cannot be conducted regarding allegations related to international relations, national security, public order, atomic energy, and space. Any preliminary inquiry or investigation against the Prime Minister requires a decision by the full Lokpal bench with a three-fourths majority, and such proceedings will be held in camera. The Lokpal covers all public servants, including Group A, B, C, and D employees. Complaints against Group A and B officers will be referred to the Central Vigilance Commission (CVC), which will send its report back to the Lokpal for further action. For Group C and D employees, the CVC will take action under the CVC Act, with oversight from the Lokpal. Entities receiving foreign donations exceeding Rs. 10 lakh per year, as per the Foreign Contribution Regulation Act (FCRA), are also under Lokpal's jurisdiction. However, the Lokpal cannot initiate suo moto inquiries.³⁹

³⁶Anil Dharker, *The Topiwala Camera*, 112-115 (The Outlook, New Delhi, 2011)

³⁷*Ibid*

³⁸*Ibid*

³⁹*Ibid*

- 5. Other significant features of the Bill:** No prior sanction is necessary for prosecuting cases investigated by the Lokpal or initiated with its direction and approval. The Lokpal has provisions for the confiscation of property acquired through corrupt means, even during ongoing prosecutions. It serves as the final appellate authority on decisions made by public authorities regarding public services and grievance redressal related to corruption findings. Additionally, the Lokpal possesses supervisory powers over any investigative agency, including the Central Bureau of Investigation (CBI), for cases referred to them.⁴⁰

Criticisms of the Jan Lokpal Bill

1. Naïve Approach- The bill has been criticized as being naïve in its approach to combating corruption. According to Pratap Bhanu Mehta, President of the Centre for Policy Research Delhi, the bill “is premised on an institutional imagination that is at best naïve; at worst subversive of representative democracy”.⁴¹ The very concept of a Lok pal concept has received criticism from Human Resource Development Minister Kapil Sibal in that it will lack accountability, be oppressive and undemocratic.⁴²
2. Extra Constitutional- The pro-bill activist Arvind Kejriwal rejects the claim of Lok pal being extra-constitutional with the explanation that the body will only investigate corruption offenses and submit a charge sheet which would then tried and prosecuted through trial courts and higher courts, and that other bodies with equivalent powers in other matters exist. The proposed bill also lists clear provisions for the Supreme Court to abolish the Lok pal.⁴³
3. Scope- The matter of whether the Indian Prime Minister and the higher judiciary should or should not be prosecutable by the Lokpal remains as one of the major issues of dispute. Anna’s own nominee for co-chairing the joint panel Justice Verma, the former Chief Justice of the Supreme Court, has expressed his constitutional objections for including the Prime Minister and higher judiciary under Lokpal. According to him, “this would foul with the basic structure of the constitution”⁴⁴.
4. Criticism from the CBI Director- The CBI Director, in a presentation before the Standing Committee of the Parliament, has strongly argued against the vivisection of the CBI and

⁴⁰*Ibid*

⁴¹Youtube, available at: <http://www.youtube.com/watch?v=kc5Ql00ftKg>, (last visited on Apr 15, 2026)

⁴²Youtube, available at: <http://www.youtube.com/watch?v=QT5kB5Hm4Ys>, (last visited on Apr 15, 2026)

⁴³Youtube, available at: <http://www.youtube.com/watch?v=S6rK-fLEuNA>, (last visited on Apr 15, 2026)

⁴⁴Ministry of Law and Justice. “Government Issues Notification to Constitute a Joint Drafting Committee to Prepare Draft Lok Pal Bill.” Press Information Bureau, Government of India.

merger of its anti-corruption wing with the Lokpal, noting that this would seriously cripple the core functioning of the CBI and reduce it to irrelevance. An organization built over the last 60 years comprising competent professionals should not be subsumed under Lokpal. CBI officers concede that in some sensitive political cases there is of course interference from the government but in respect of an overwhelming majority of cases CBI functions, unfettered and uninfluenced by extraneous considerations. For this reason, there is an ever-increasing demand for CBI investigation from all-over the country in respect of important cases.⁴⁵

Central Vigilance Commission

Establishment of Central vigilance Commission (CVC) was recommended by the Committee on prevention of Corruption i.e. the Santhanam Committee, which was appointed in 1962. The Santhanam Committee had recommended that the CVC must be concerned with two major problems facing the administration: -

1. Prevention of corruption and maintenance of integrity amongst public servants; -
2. Ensuring just and fair exercise of administrative powers.⁴⁶

The government accepted the recommendation as regards corruption but not as regards mal-administration and accordingly constitutes CVC in February, 1964 by resolution of Government of India. However, under the 1964 model, the CVC had a much weaker status than the Ombudsman, as it had no statutory basis it acted as an agency of the executive.⁴⁷

Findings

- An Ombudsman is an independent and impartial institution or official dedicated to advocating for fairness, accountability, and the protection of citizens' rights in governance and public administration.
- The concept of the Ombudsman originated in Sweden in the early 19th century and has since been adopted by many countries around the world.
- The primary purpose of an Ombudsman is to mediate between citizens and government or public and private organizations, enabling individuals to express concerns, seek redress for grievances, and hold authorities accountable.

⁴⁵*Ibid*

⁴⁶ Central Vigilance Commission (CVC), *available at*: <https://www.drishtiias.com/important-institutions/drishti-specials-important-institutions-national-institutions/central-vigilance-commission-cvc>, (last visited on Apr 15, 2026)

⁴⁷*Ibid*

- Ombudsman institutions function independently from the entities they oversee, often with their autonomy protected by law or the constitution, which enhances their effectiveness as advocates for citizens.
- Ombudsman institutions differ in nomenclature, form, and roles across various countries, serving as impartial investigators, enablers, facilitators, and advocates for citizens.
- Ombudsmen act as guardians of democracy and human rights, ensuring fairness, accountability, and justice in society while bridging the gap between citizens and governing institutions.
- Ombudsmen offer an alternative and often more accessible way for citizens to address grievances and rectify wrong decisions, maladministration, or corruption in public offices, complementing traditional checks and balances established by parliamentary and judicial bodies.

Conclusion

The effectiveness of the Ombudsman is often scrutinized due to its primarily recommendatory powers, which some view as lacking the necessary enforcement authority. Many perceive the annual report—the primary public document from many Ombudsman offices—as inadequate for influencing administrative procedures, engaging the media, or educating the public. Additionally, the Ombudsman typically does not have the authority to directly change or overturn decisions made by government agencies. There is a growing consensus that the Ombudsman's role as a critic and reformer needs enhancement to effectively influence legislative and policy changes, rather than focusing solely on administrative procedures. In this context, the Ombudsman should broaden its concerns to encompass not only existing laws and codes but also the potential for future reforms, advocating for more comprehensive and impactful changes. This perspective highlights the Ombudsman's potential to address individual complaints while also contributing proactively to systemic improvements in governance and public policy.

Suggestions

- Understanding the role of the Ombudsman should be emphasized to enhance its recognition in governance and public administration, promoting fairness and accountability among citizens and government officials.

- Promoting the independence of Ombudsman institutions should be prioritized through legislative measures that ensure autonomy, enabling unbiased and effective grievance resolution without external interference.
- Encouraging global cooperation among Ombudsman institutions will facilitate the exchange of information, best practices, and innovative approaches, improving their overall functionality and governance impact.
- Raising public awareness about Ombudsman institutions through targeted campaigns should empower citizens to seek redress and hold authorities accountable, ultimately strengthening governance frameworks.
- Providing robust legislative support for Ombudsman institutions should establish their foundation in law or constitutional provisions, ensuring their authority and independence are firmly upheld.
- Fostering collaboration between Ombudsman institutions and other oversight bodies, such as anti-corruption agencies, should enhance the effectiveness of checks and balances in governance.

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