



A STUDY ON OMBUDSMAN SYSTEM AND ITS IMPACTS IN INDIA

AUTHOR

Mr.Iniyavan

3rd year BBA,LLB(Hons),
Saveetha School of Law,
Saveetha Institute of Medical and Technical Sciences (SIMATS),
Chennai-77,

ABSTRACT

An ombudsman is an official who is charged with representing the interests of the public by investigating and addressing complaints of maladministration or a violation of rights. The ombudsman is usually appointed by the government or by parliament, but with a significant degree of independence. Role of Ombudsman in India institutions like Lokayukta, Lokpal, CVC (Central Vigilance Commission) act as Ombudsman to control the maladministration in governance. It is given the responsibility of addressing citizen's grievances supervises the general administration and functioning of the government. It has given the power of investigating on corruption cases, malpractices in administration. But it has been not been completely successful in controlling the corruption due to several reasons. These institutions can only investigate on the complaints, don't have the power to punish. Citizens are not well aware of information about these institutions, and these are not easily accessible. Functioning of the institutions is not transparent, culprits after investigations often go unpunished. Many state governments intentionally make delays in appointing officials to these institutions to safeguard their political intentions. To make Ombudsman institutions successful it is necessary to give them more powers. For the purpose of the study, empirical research is used. Convenience sampling method is used in this study to collect the samples. When population elements are selected for inclusion in the sample based on access, it is called convenience sampling. The total number of responses collected in the Survey is around 200. Ombudsman is a public authority designated to explore people's (citizen's) grumblings and the complaints against maladministration, particularly that of public power. He is an official of parliament. Judges, Lawyers, or Higher Officers are able to be an Ombudsman. The aim of this research is whether the ombudsman is influenced by political parties or an independent official.

Keywords: Ombudsman, Redressal, Consumer, Government, Administration

INTRODUCTION

The ombudsman is a piece of the arrangement of managerial law for investigating crafted by the chief. He is the representative not of the chief but rather of the council. The ombudsman appreciates an enormous proportion of freedom and moral obligation and is basically a gatekeeper of right conduct. His capacity is to protect the interests of residents by guaranteeing organization as indicated by law, finding examples of maladministration, and disposing of imperfections in organization. Techniques for authorization remember carrying strain to bear for the mindful position, publicizing a refusal to redress unfairness or an inadequate authoritative work on, carrying the make a difference to the consideration of the governing body, and affecting a criminal indictment or disciplinary activity. At the point when Sweden made the workplace of ombudsman in the constitution of 1809, the holder of that office was busy with common undertakings and was selected by the council. He was free of both chief and legal executive and had full powers to ask into the subtleties of any regulatory or leader act and into certain legal exercises whenever answered to him by people

as a maltreatment of rights. The Swedish ombudsman's duty currently involves common undertakings, including the judiciary, the police, jails, and the policy implementation, both focal and nearby, yet barring priests and the ruler. He can go about as a public examiner (despite the fact that he doesn't frequently do as such); as a recipient of grievances from wronged residents; or as a reviewer of such foundations as correctional facilities, mental clinics, homes for delinquent youngsters, and retreats for drunkards to find on the off chance that they are being controlled as per the law. There is no uncertainty about the estimation of the ombudsman in the states wherein the organization has been set up. Some portion of the ombudsman's handiness lies in his capacity to console residents who accept they have been shamefully treated that cautious investigation into their protests demonstrates their doubts to be unfounded. In many nations the ombudsman has minimal positive force other than the option to review and to request the fullest data. He may, nonetheless, suggest a specific understanding of, or a specific alteration of, the law. He can likewise prescribe that the public authority pays to a complainant. There is a lengthy history between the Lokpal and the Lokayukta. The Lokpal and Lokayukta principles are not unique to India. In 1809, Sweden founded the Ombudsman institution, and the concept of an ombudsman was developed. Following World War II, the institution of ombudsman expanded and evolved considerably. In India, the former law minister Ashok Kumar Sen became the first Indian to propose the concept of constitutional Ombudsman in Parliament in the early 1960s. L.M. Singvi coined the term Lokpal in 1963. It comes from a Sanskrit term that means "protector of people." The LokPal Bill was introduced eight times in parliament but never passed. In 1971, Maharashtra became the first Indian state to establish a Lokayukta to oversee corruption in various agencies. The United Nations Convention Against Corruption has been signed by India. The government's commitment to provide clean and responsive governance is shown in the passage of legislation and the establishment of the Lokpal body to prevent and punish corruption. The aim of the research is to identify whether the ombudsman system is Independent, free from influences and competent to solve complex problems. The aim of the study is to understand about ombudsman and its origin and its characteristics.

OBJECTIVES

To Understand about ombudsman and its origin

To analyze independency of Ombudsman

To find whether the Ombudsman System is influenced by political parties

To examine the benefits /advantages of ombudsman

REVIEW OF LITERATURE

Muhammad Asif(2013)(Bukhari 2013)has explained that the institutional Analysis of Ombudsman is a semi legal expert in criminal equity framework and plays out the obligation of request and examination like Mohtasibs in Pakistan, Lokpals and Lokayuktas in India, Parliamentary Commissioner in UK and USA Ombudsmen. This paper analyzes a relative investigation of designs and execution of two built up country's ombudsmen like Parliamentary Ombudsman in England, Hawaii State Ombudsman (USA), and two under agricultural nations like the Mohtasib-e-Punjab (Pakistan) and Haryana State Lokayukta (India). **Mirlinda Batalli(2015)**(Batalli 2015) has observed that the Job of Ombudsman foundation over the Administration the part of Ombudsman organization in expanding the responsibility, effectiveness, straightforwardness in policy management and advancing a more significant level on insurance of common liberties. **Pacha Malyadri(2012)**(Malyadri 2012) has explained that the success of Banking Ombudsman scheme In the current financial framework, greatness in client assistance is the main instrument for supported business development. Client protests are essential for the business life of any corporate element. This is all the more so for banks since they are administration associations. Throughout some undefined time frame, the quantity of protests against manages an account as to lack of their administrations **Steven van Roosbroek(2008)**(Van de walle 2008) has observed that the ombudsmanship has gotten progressively well known. In spite of the fact that there is a lot of writing on ombudsmen, existing exploration seldom centers around individuals who really utilize the ombudsman's administrations. This article looks at the individuals who look for the assistance of ombudsmen in Belgium, and finds out if ombudsmen's intercession noticeably affects residents' trust in government and policy management. **Gary Sander(2013)**(Sander 2013) has explained that the ombudsman and neighborhood government The nearby governments in fair nations started to get more significance since the extent of the public administrations they give have been expanded. In corresponding with this advancement, they utilize more open assets. This reality requires the activity of a review framework while guaranteeing that the framework doesn't harm the self-governing construction of the nearby governments. On the whole fair nations an examination system exists over nearby governments. **Philip**

Langbroek(2011)(Langbrook 2011) has observed that the ombudsman assessment of strategy the executives lead development of new plans in tending to administrative discussions is a further progression in the association between open law and association. "new" choices endeavor to battle with the ordinary models of pre-starter objec-tion systems and primers at administrative gatherings, administrative or basic courts. **Savić Jovan Đ(2002)**(Jovan 2002) has explained that the ombudsman was set up in Sweden almost two centuries prior. In Swedish the term"ombudsman" alludes to "an individual who has an ear to individuals" According to the Webster's New World's Dictionary the ombudsman is characterized as "a named public authority who examines exercises of government offices that may encroach on the privileges of people". In our country there is proposed that the word ombudsman ought to have the importance of "public supporter".**Ali Yagmurlu(2018)**(Yagmurlu 2018) has observed that the the connection among ombudsman and advertising inside policy implementation.Ombudsman Institution was set up with the Law. The idea of Ombudsman alludes to an autonomous official designated by the assembly to deal with grumblings against organization. It has no critical right, yet has the ability to explore, suggest remedial activity and issue gives an account of debate cases.**C. Vijai(2020)**(Vijai 2020) has explained that the Indian banking ombudsman Schemes the Indian financial ombudsman Schemes Ombudsman Scheme is a structured dream for the supporter grumblings. The customers have been content with the administration conceded via way of banks or face inconveniences even as managing you presumably can examine for a financial ombudsman to review underneath the Banking Ombudsman Scheme RBI.**Chris Gill(2013)**(Gill 2013) has observed the eventual fate of ombudsman Schemes Legal Ombudsman to recognize how ombudsman plans are probably going to be created in future. This is an expansive and testing research plan, creating with regards to fast friendly, political and innovative change.**Sasi Kala Devi D (D 2020)** has explained that the performance of Banking Ombudsman scheme in India eventual fate of ombudsman Schemes Legal Ombudsman to recognize how ombudsman plans are probably going to create in future. This is an expansive and testing research plan, creating with regards to fast friendly, political and innovative change.**Marsha L. Wagner(2000)** (Wagner 2000) has observed that the organizational ombudsman Despite the fact that the hierarchical ombudsman's job may in some cases be viewed as just a facilitator of individual critical thinking, truth be told the ombudsperson is undeniably arranged inside the association to make suggestions for fundamental change, in light of examples of protest brought to the workplace.**Sarvesh Mohania (2014)**(Mohania 2014) has explained that the role of Insurance Ombudsman and Complaint Management complaint the board job of protection ombudsman is vital and consistent expansion in number of protests got by different Ombudsman the whole way across the India shows that the arrangement holders are acquiring their certainty and trust in the establishment of Insurance Ombudsman.**Nuno Conde(2009)**(Nuno 2009) has observed that the Media Ombudsman about the responsiveness and accountability in the media Ombudsman **Priyasha Corrie(2008)**(Priyasha 2008) has explained that the public confidence in administration The proceeding with expansion in the occurrences of maladministration subverts the public confidence in organization underscoring the requirement for an ombudsman like establishment in India. The Lokpal/Lokayukta Act has been looked to be declared since the 1970's and work today endeavors for the equivalent have been all to no end, showing the absence of political will to systematize the ombudsman in India. Despite the fact that States, for example, Orissa, Kerala and others have ordered their own State Acts establishing the ombudsman, they haven't made a lot of progress.**Ruth L. Fichbach(1995)** (Fichbach 1995) has observed that the Ombudsman for This individual would expect a few jobs: as asounding board to those requiring secret interview about research issues — fundamental, applied or clinical; as a facilitator for those wishing to seek after a conventional complaint measure; and as aneducator to circulate rules and principles, to raise the cognizance in regards to messy or unpredictable practices to forestall offense and to advance the dependable direct of examination. While there are convincing highlights to this position, numerous perplexing issues should be thought of and settled.**Hing Yong Cheng(1968)**(Cheng 1968) has explained that the spread of the Ombudsman institutions In spite of the fact that the Ombudsman organization started a century and a half prior in Sweden, it started to be promoted uniquely from the center of the 1950's when Denmark had effectively received the framework. By 1968, far and wide acknowledgment of the framework is seen in both the created and non-industrial nations the same. Incredible Britain has now become the primary huge nation to embrace the organization; Guyana has become the principal agricultural nation to do as such. It is expected that by 1970 a few additional nations will join the "Global Ombudsman Club."**Sarojini Sharan(1971)** (Sharan 1971)has observed that Ombudsman in India the Concept of Ombudsman which is significant for independent of the executive.**Richard Kirkham(2006)**(Kirkham 2006) has explained that the challenging the authority of the Ombudsman the Parliamentary the United Kingdom constitution which provides a highly effective form of alternative redress against the Government.**John C.Comer(1984)**(Comer 1984) has observed that the function of government and the Ombudsman is one endeavor to unify resident

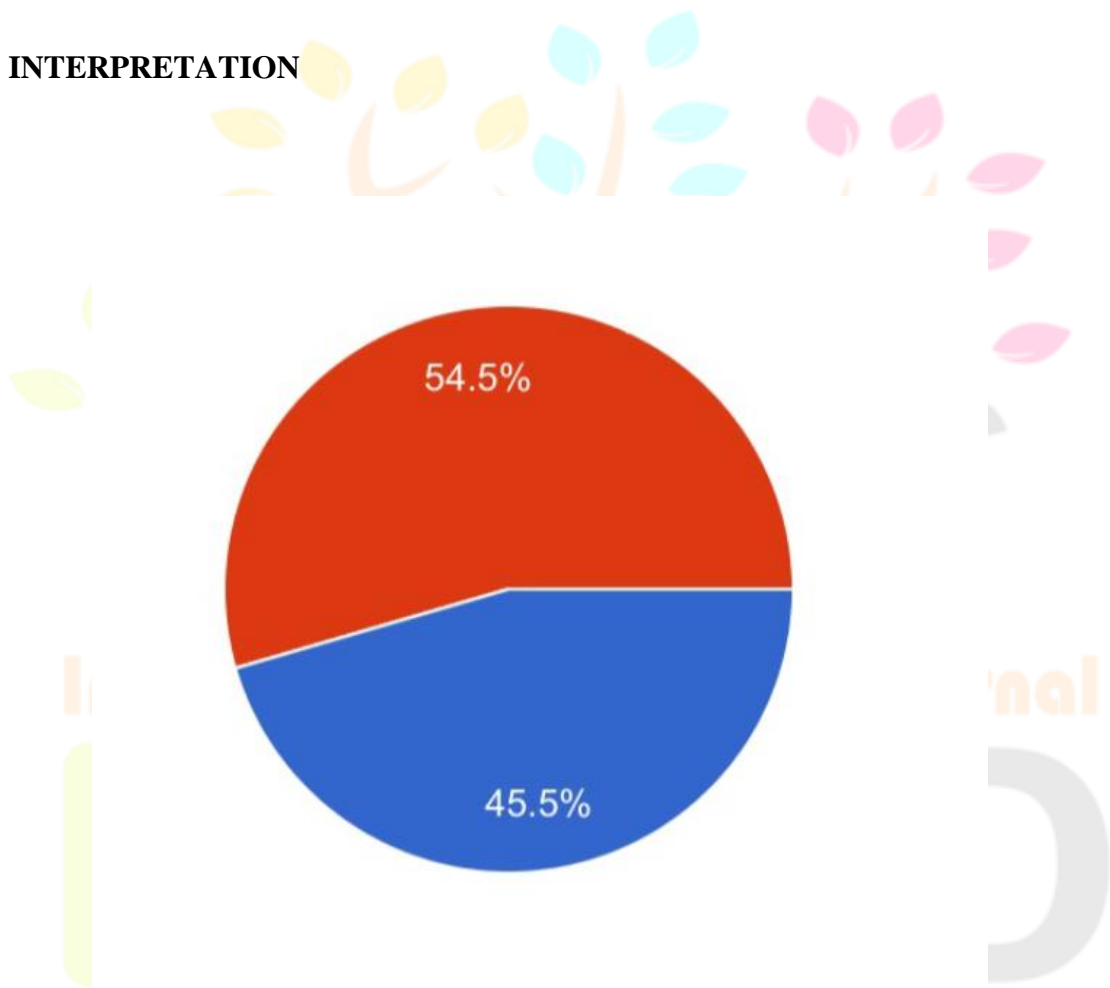
grumbings. Information from residents and public authorities, nonetheless, demonstrate that the focal objection office has not supplanted conventional methods for resident admittance to government.

METHODOLOGY

For the purpose of this study Empirical research is used. It is a way of gaining knowledge by means of direct and indirect observation or experience. This empirical study includes a self tested questionnaire which contains yes or no questions and other choices accordingly by using the survey sampling method. The sample size is 200. This is a non- doctrinal study. This paper depends on both primary and secondary data. The primary data for the present study is collected using sampling techniques. Random sampling is used to collect the primary information from the respondents. A random sample selected from the available general public who are the regular users of online platforms. The primary data which has been analysed using Frequencies, Chi-Square test and Crosstab method, Anova. The secondary data is collected from books, journals, articles and e-sources. The researcher has also utilized books, articles, notes, comments and other writings to incorporate the various views of the multitude of jurists, with the intention of presenting a holistic view. The dependent variables are age and educational qualification.

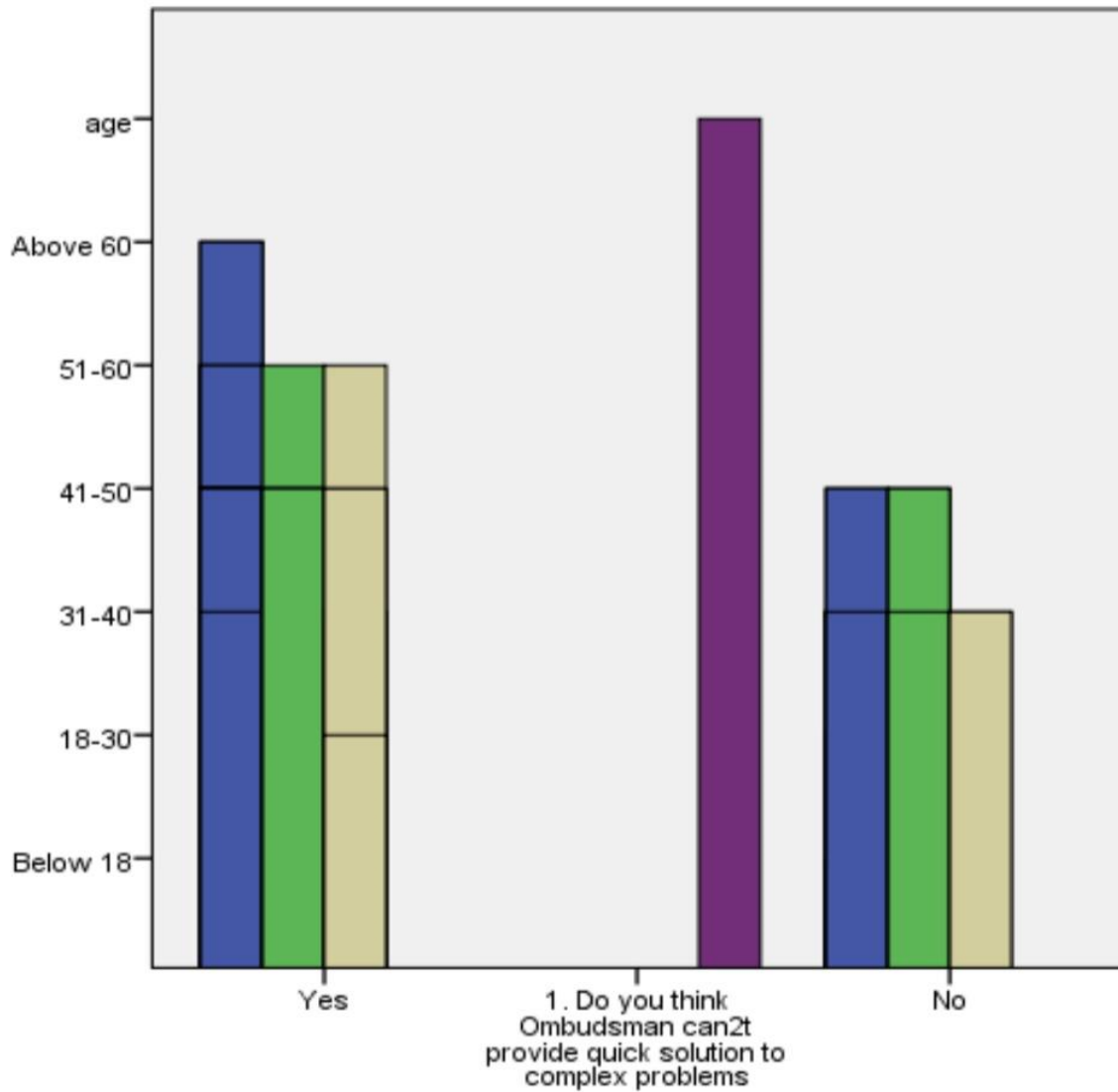
ALYSIS & INTERPRETATION

FIGURE 1



LEGEND: The Fig.1 represents gender distribution of responses seeked through survey.

FIGURE 2



LEGEND: The Fig.2 shows that gender group Ombudsman cannot solve complex problems.

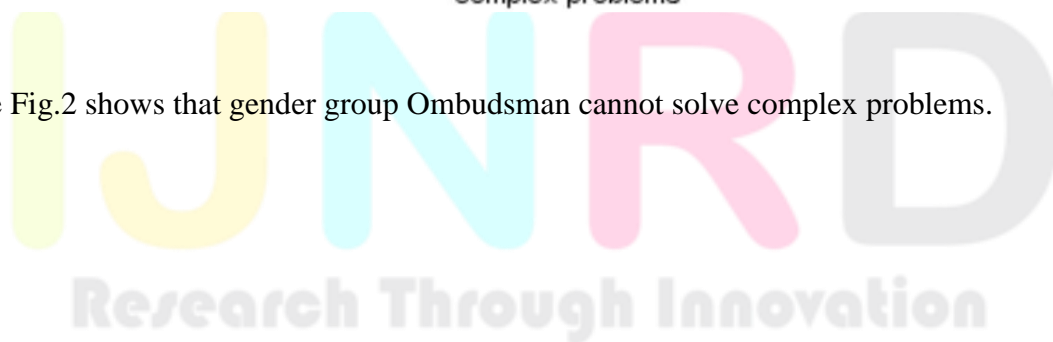
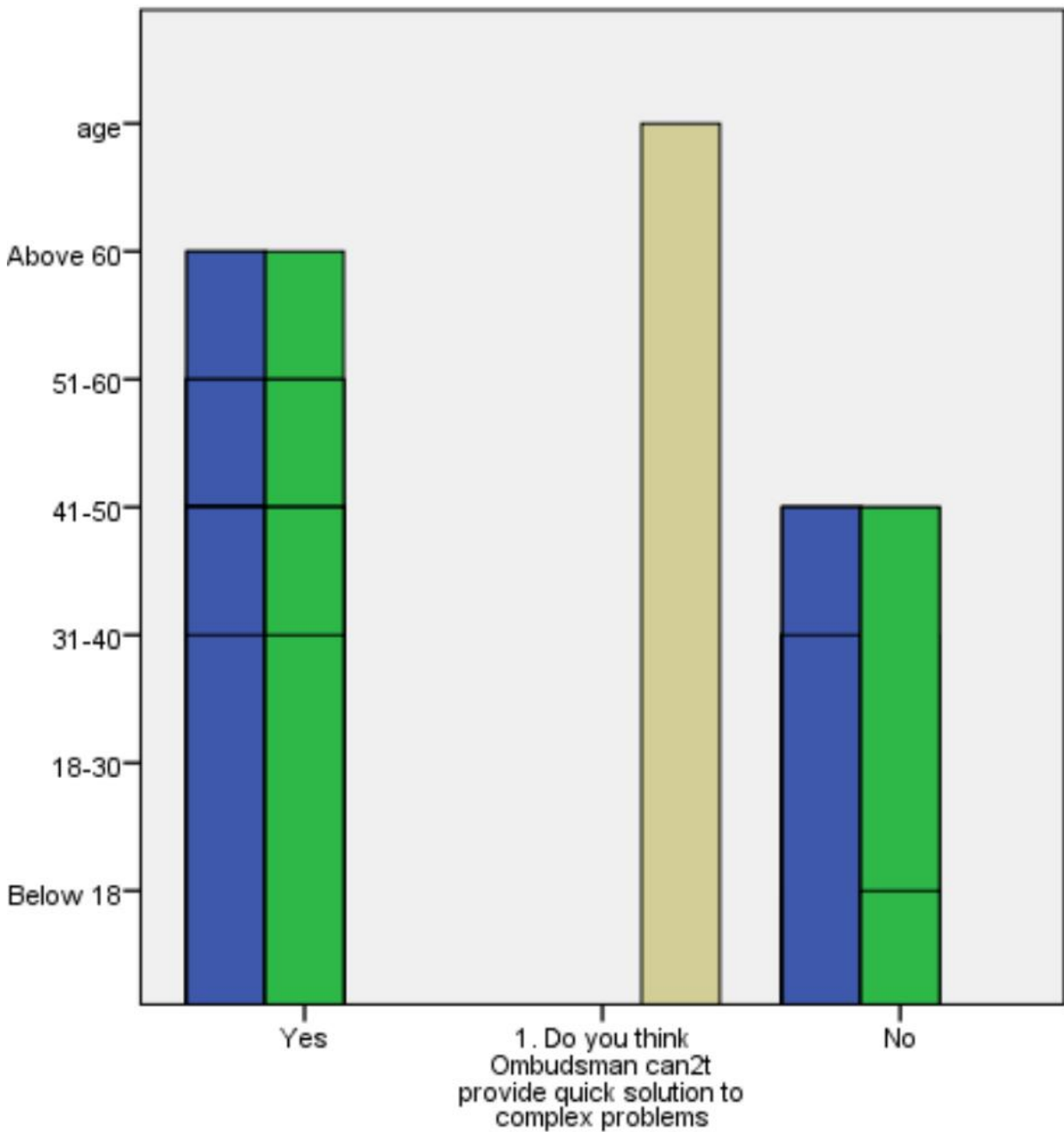


FIGURE 3



LEGEND: The Fig.3 shows that marital status Ombudsman cannot solve complex problems.

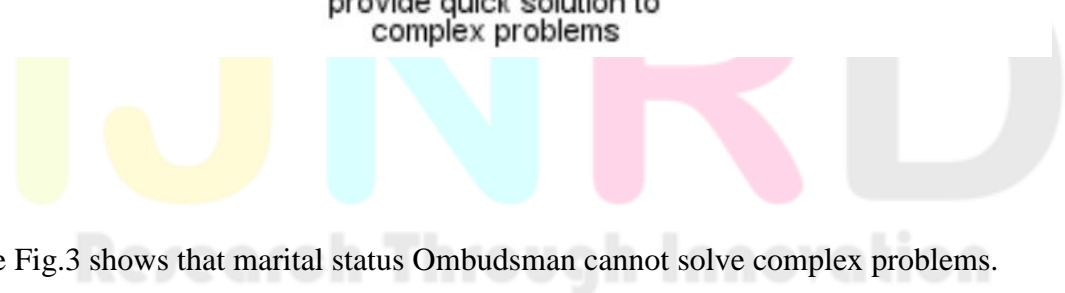
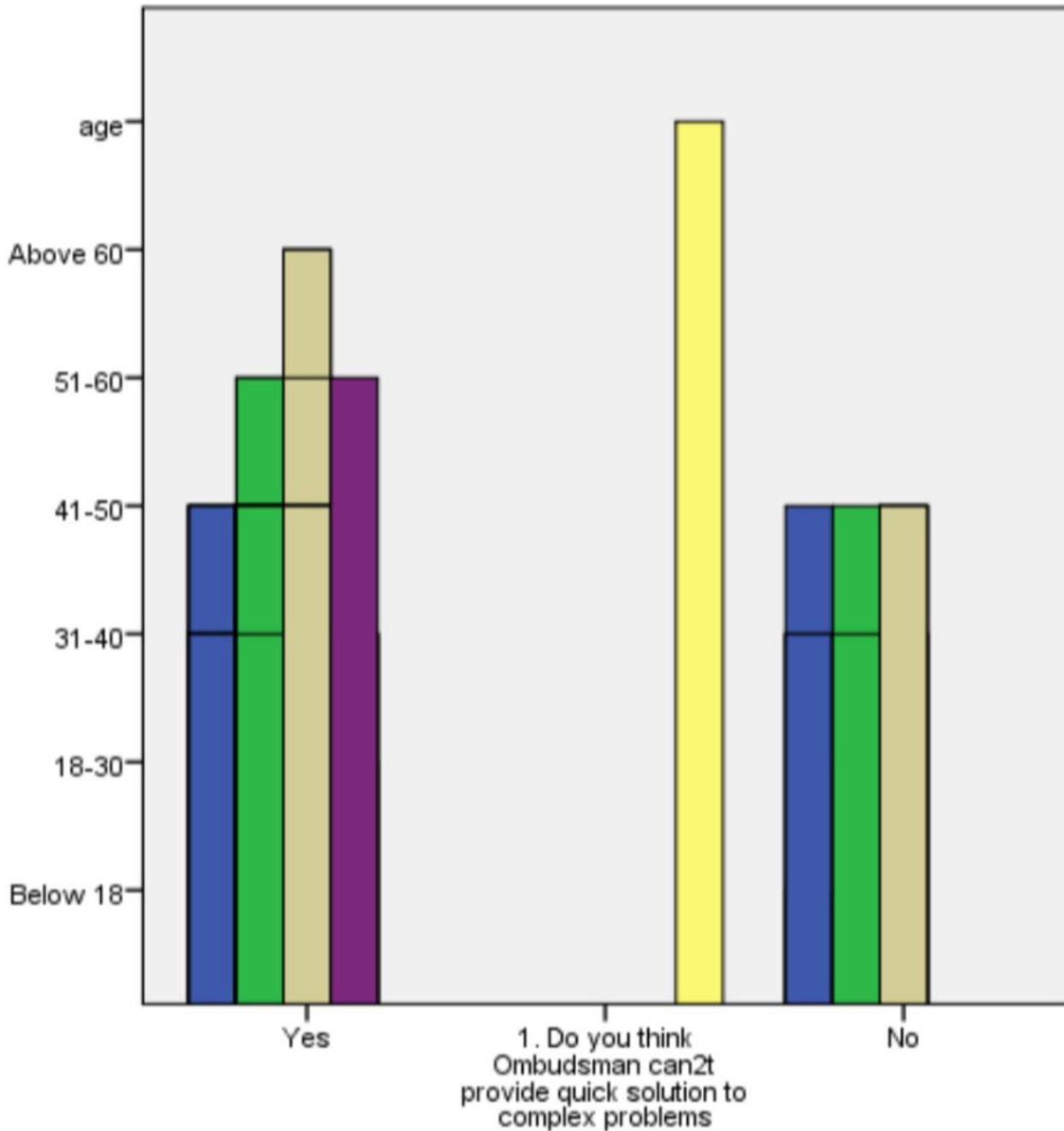


FIGURE 4



LEGEND: The Fig.4 shows that occupation of the respondent Ombudsman cannot solve complex problems.

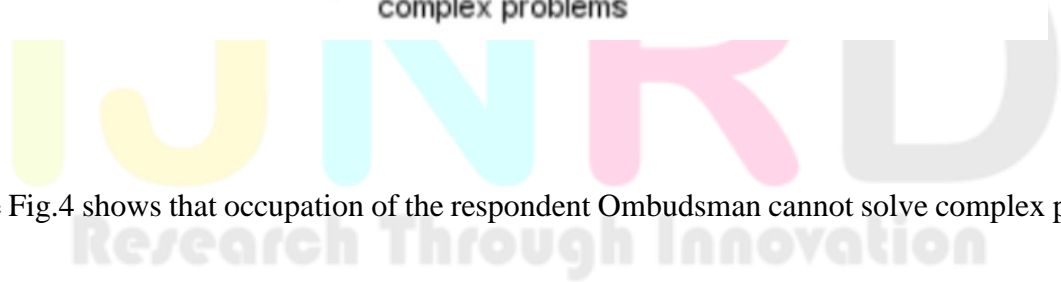
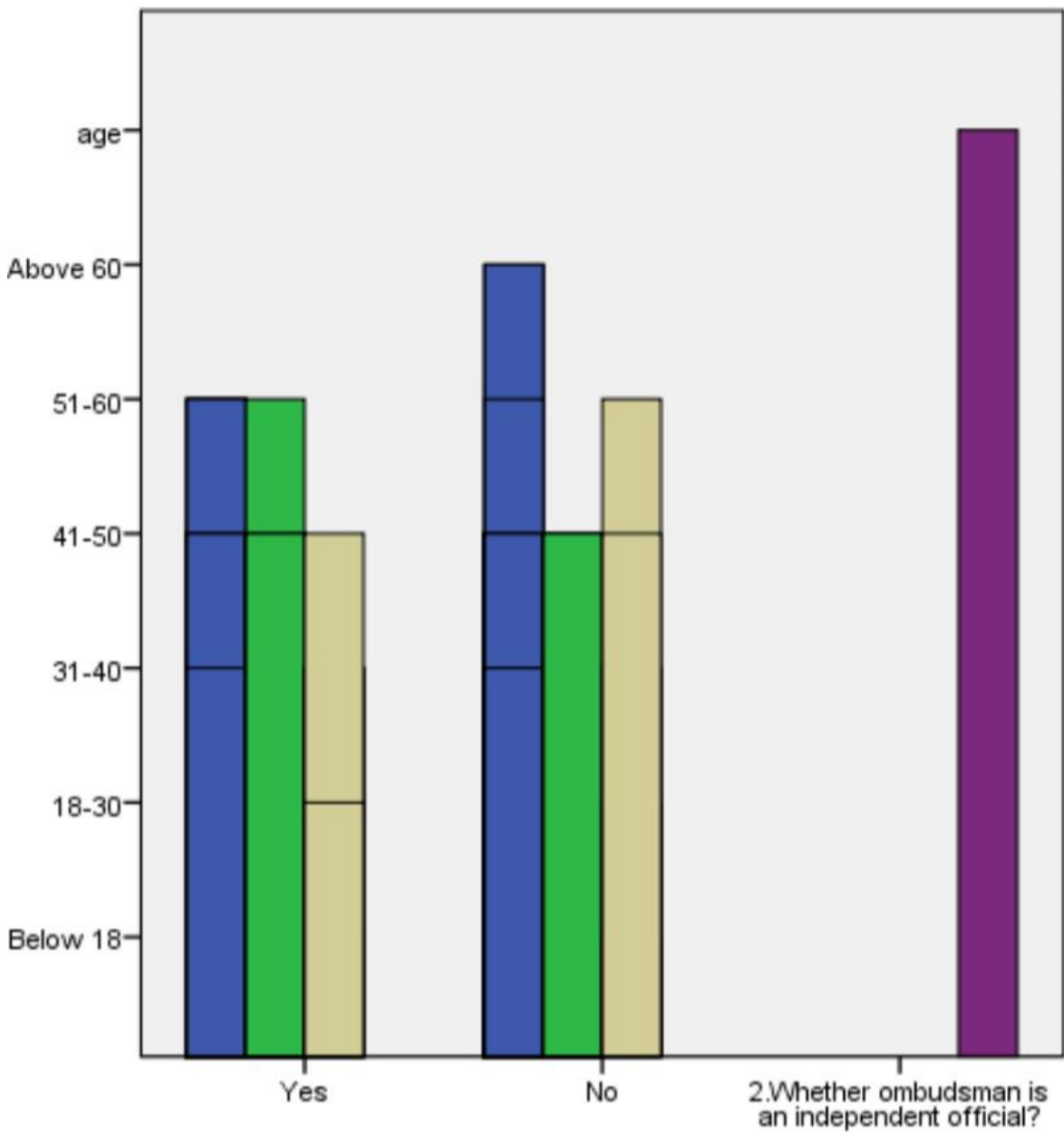


FIGURE 5



LEGEND: The Fig.5 shows that gender group of Ombudsman is an Independent official.

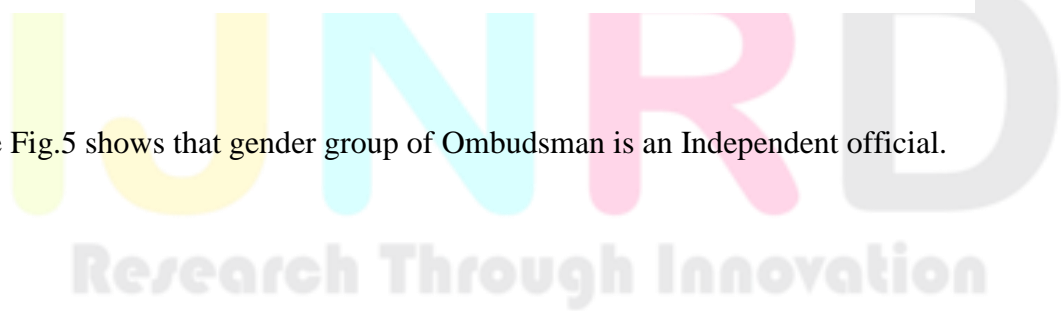
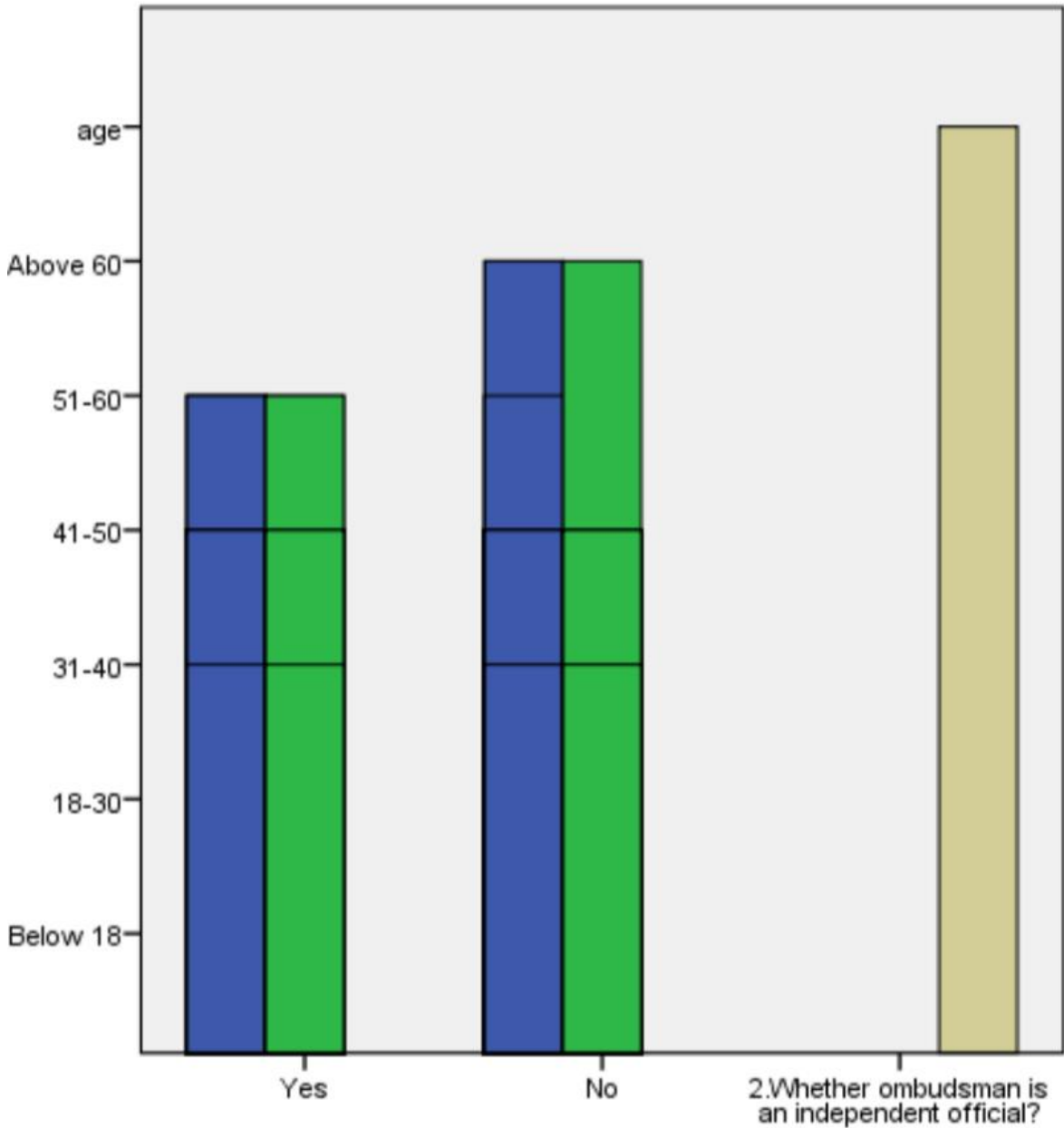
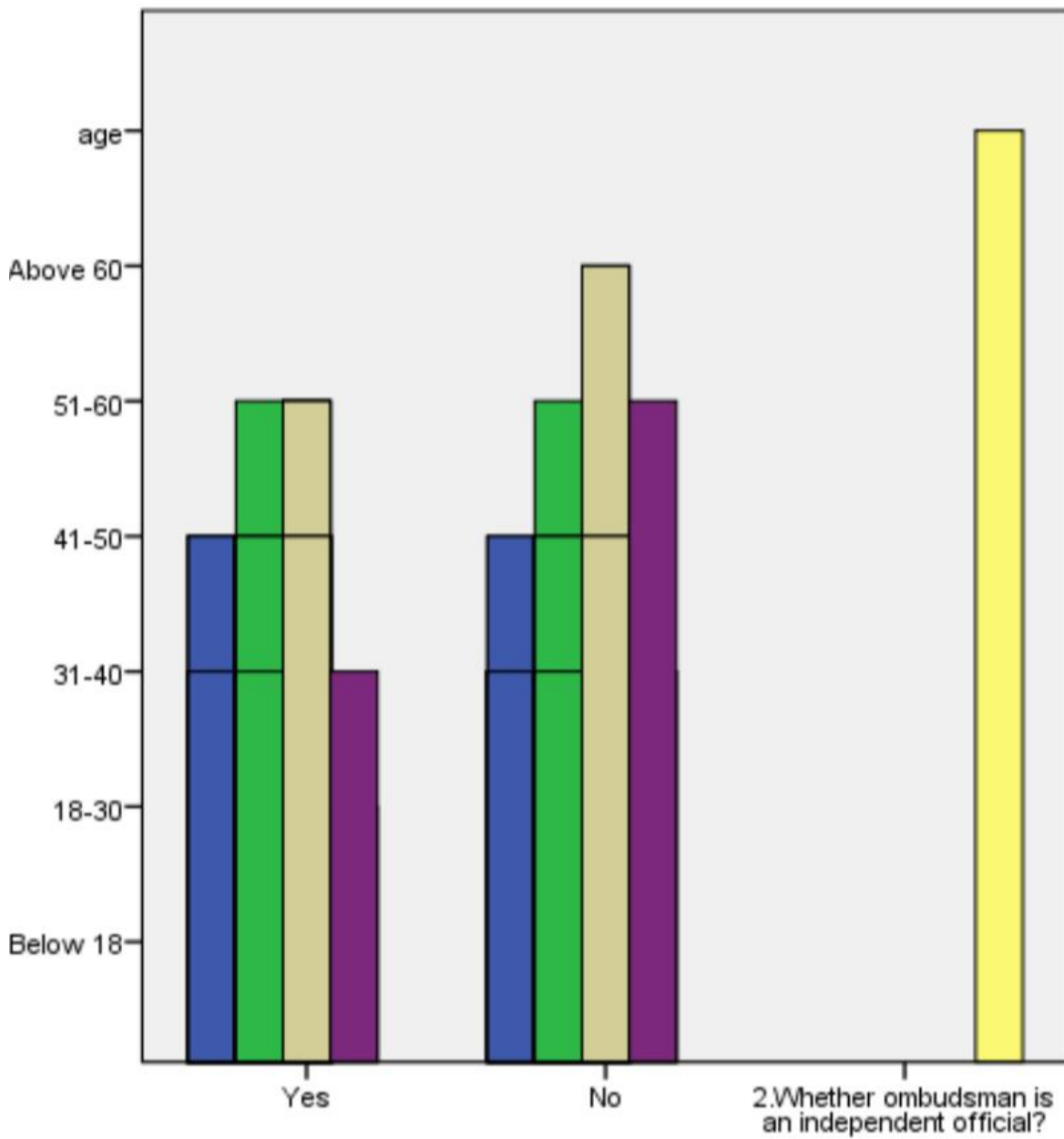


FIGURE 6



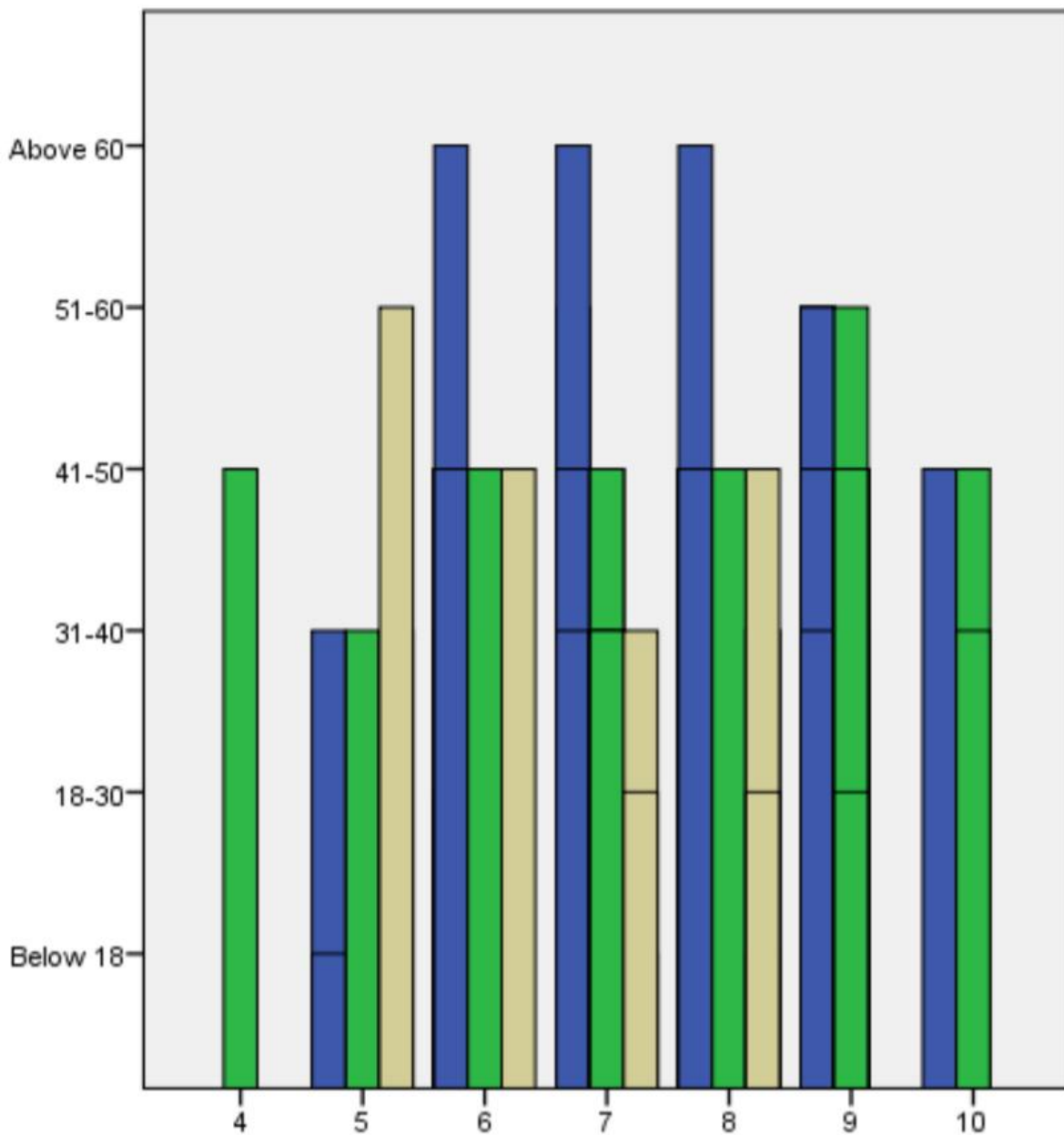
LEGEND: The Fig.6 shows that marital status group of Ombudsman is an Independent official.

FIGURE 7



LEGEND: The Fig.7 shows that occupation group of the Ombudsman is an Independent official.

FIGURE 8



LEGEND: The Fig.8 shows that gender of the Ombudsman is influenced by government.

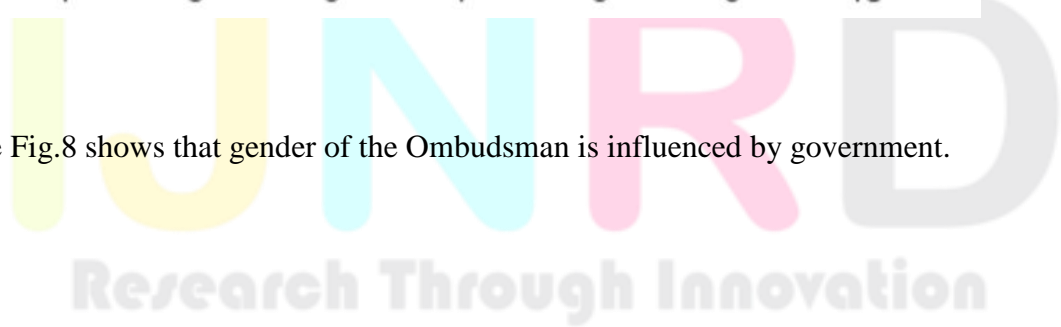
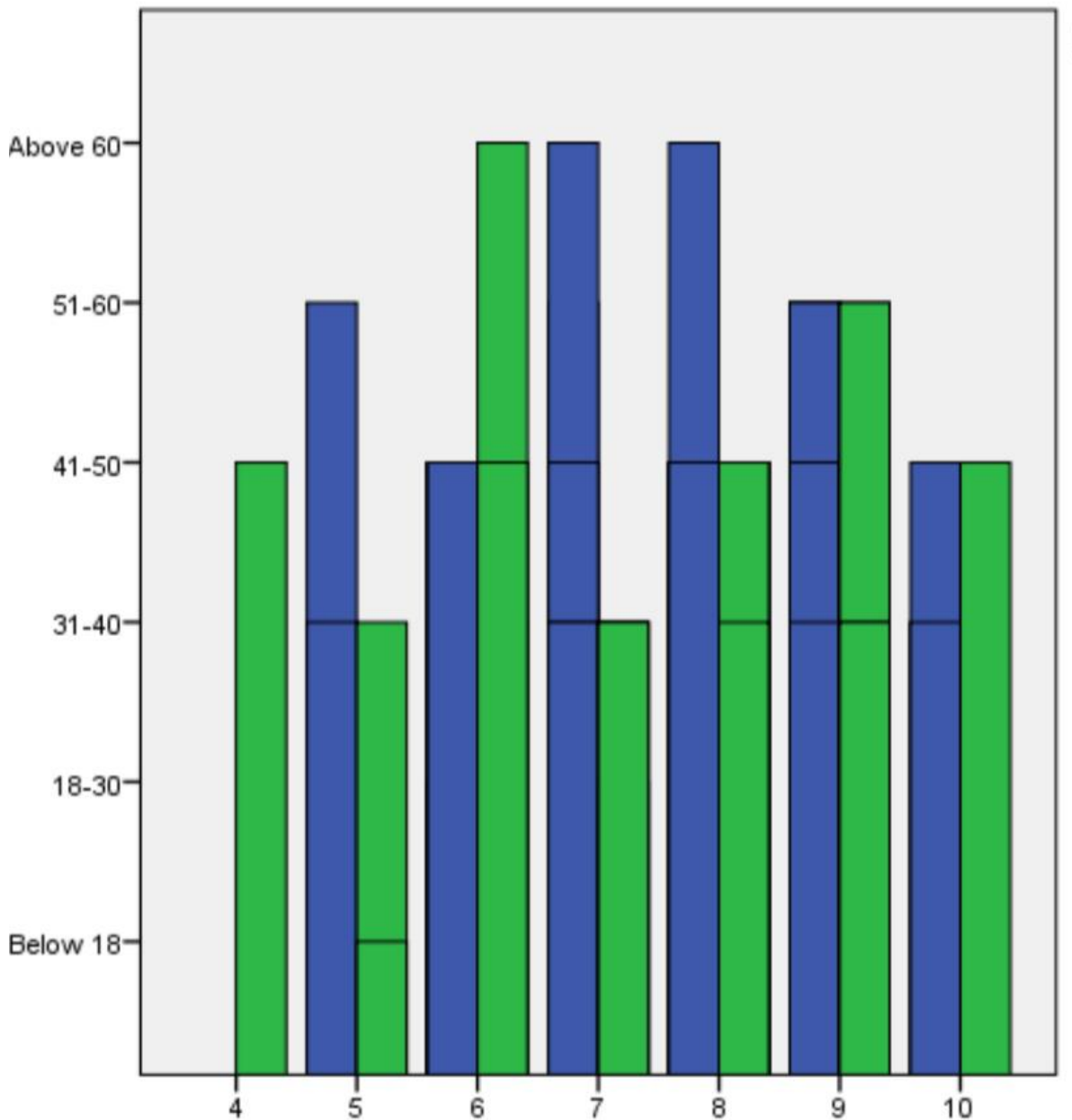


FIGURE 9



LEGEND: The Fig.9 shows that the marital status group of the Ombudsman is influenced by the government.

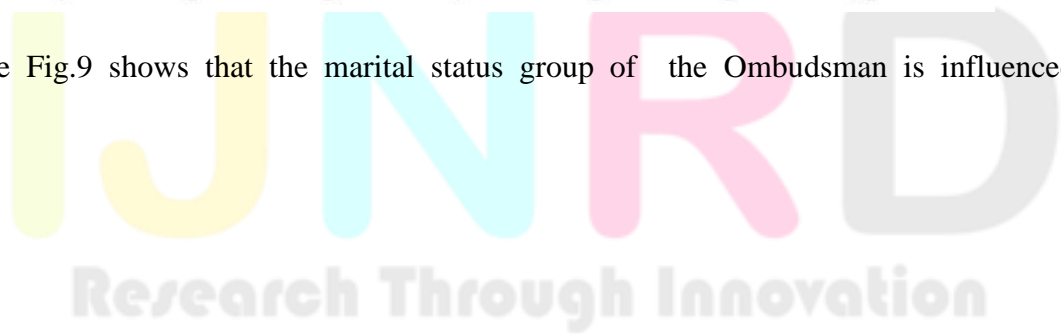


FIGURE 10

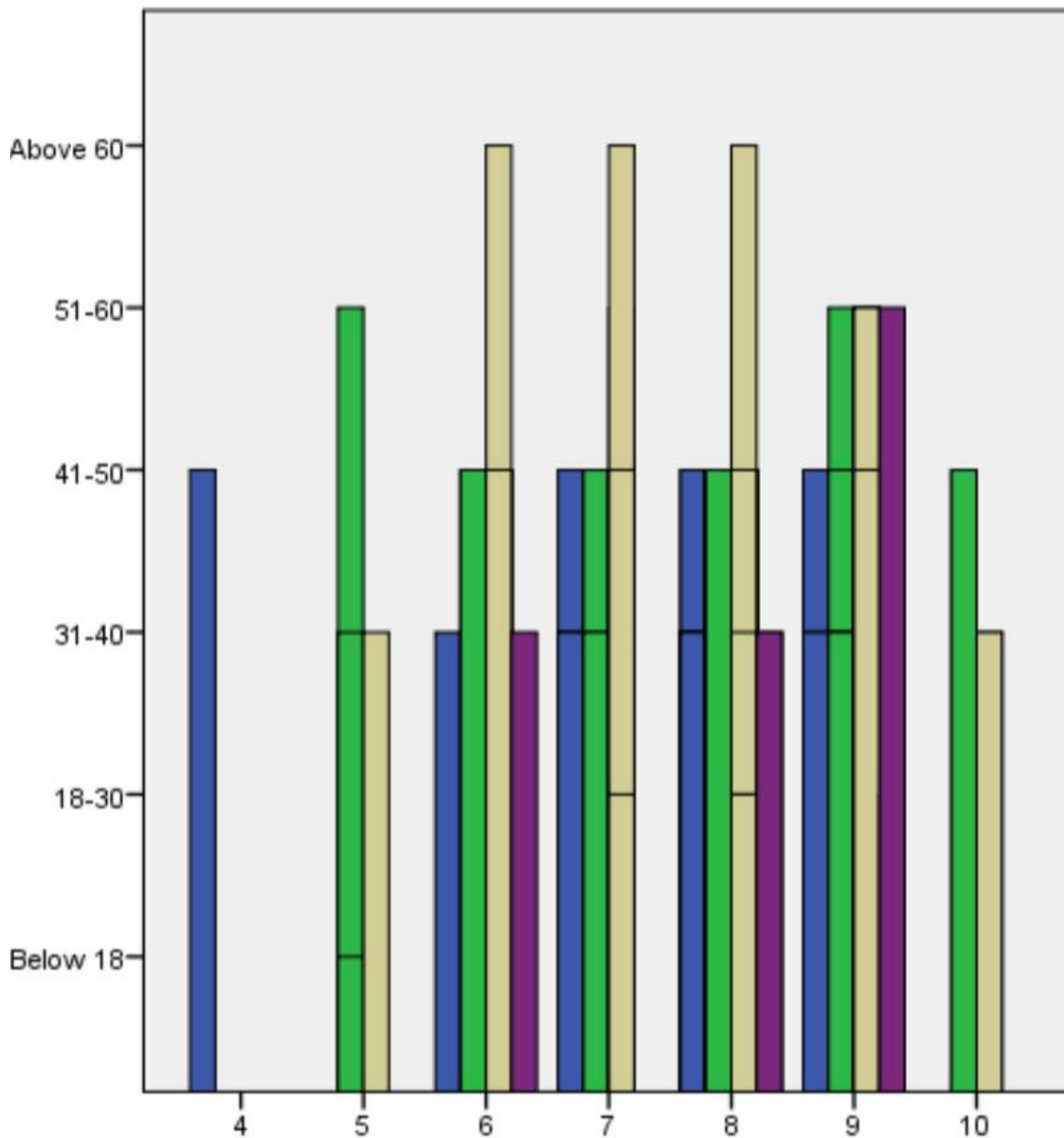


Fig.10

LEGEND: The Fig.10 shows that the occupation group of the Ombudsman is influenced by the government.
RESULTS

Fig.1 shows that there are more male responses than the female responses. Fig.2 shows the public opinion on gender group Ombudsman cannot solve complex problems. The high number of respondents from groups male and less respondents from female. The Fig.3 shows the public opinion on marital status Ombudsman cannot solve complex problems. The more respondents are married and less respondents are unmarried. Fig.4 shows the public opinion on occupation of the Ombudsman cannot solve complex problems. More respondents are private sector respondents and less respondents are public sector. The Fig.5 shows the public opinion on the gender Ombudsman is an Independent official. The more respondents are the gender group of male respondents and less respondents are female. The Fig.6 shows that marital status group of Ombudsman is an Independent official. The Fig.6 shows the public opinion on the marital status. The more respondent are married and less respondents are unmarried. The Fig.7 shows the public opinion on the occupation respondent Ombudsman is an Independent official. More respondents are business and less respondents are private sector. The Fig.8 shows the public opinion on gender and Ombudsman is influenced by the government. The more respondents are male and less respondents gender of female. The Fig.9 shows the public opinion on the marital group of the Ombudsman is influenced by the government. More respondents are married and less

respondents are unmarried. The Fig.10 shows the public opinion on the occupation group of the respondents of Ombudsman is influenced by government. More respondents are occupation group public sector and less respondents are occupation group of respondents are private sector.

DISCUSSION

Fig.1 shows that there are more male responses than the female responses. More people belonging to male gender responded to the survey. Fig.2 shows the public opinion on gender group Ombudsman cannot solve complex problems. The high number of respondents from groups male and less respondents from female. It clearly shows that Ombudsman is not completely capable of solving complex problem. Through, the Fig.3 and Fig.4, The Fig.3 shows the public opinion on marital status Ombudsman cannot solve complex problems. The more respondents are married and less respondents are unmarried. Fig.4 shows the public opinion on occupation of the Ombudsman cannot solve complex problems. More respondents are private sector respondents and less respondents are public sector. However, It was commonly stated that Ombudsman system cannot be able to solve complex problems of society. The Fig.5 shows the public opinion on the gender, Ombudsman is an Independent official. The more respondents are the gender group of male respondents and less respondents are female. More male respondents stated that Ombudsman as an independent officials. The Fig.6 shows the public opinion on the marital status. The more respondent are married and less respondents are unmarried. The responses of majority are married states that Ombudsman as an independent authority. Fig.7 shows that the occupation group of the Ombudsman is an Independent official. Public opinion on the occupation respondent Ombudsman is an Independent official. More respondents are business and less respondents are private sector. Business sector people agreeing Ombudsman are independent. The Fig.8 shows the public opinion on gender and Ombudsman is influenced by the government. The more respondents are male and less respondents gender of female. The major male responses stated that Ombudsman influenced by government. The Fig.9 shows the public opinion on the marital group of the Ombudsman is influenced by the government. Married responses agrees that Ombudsman is under the government influence. The Fig.10 shows the public opinion on the occupation group of the respondents of Ombudsman is influenced by government. More respondents are occupation group public sector and less respondents are occupation group of respondents are private sector. Even More Public sector agrees that government influences Ombudsman System.

LIMITATIONS

The Major limitation of the study is the sample frame. The sample frame Collected through online platforms like sending mail, sending links via WhatsApp is the limitation of the study, the real field experience is missed out due to corona pandemic. The restrictive area of sample size is yet another drawback of the research. Collection of data via online platform is limiting the researcher to collect data from the field. Since the data is collected on online platform wherein the respondent is not known, the original opinion of the respondent it is not found, The researcher could only come to a approximate conclusion of what the respondent is feeling to convey.

SUGGESTIONS

The Ombudsman system of the Indian Government exists in form of Lokpal and LokAyukta. Lokpal acts as administrative ombudsman in central level whereas Lokayukta acts as ombudsman in state levels. These institution established during 2013, but still no lokpal has appointed till date and only 16 states of India adopted the lokayukta. The Suggestion of the research is to make ombudsman institutions to functionalize throughout the country, irrespective of political influence to prevent mal administrations. When the above mentioned issues fixed, the ombudsman in India could serve the Indian Society in an effective manner.

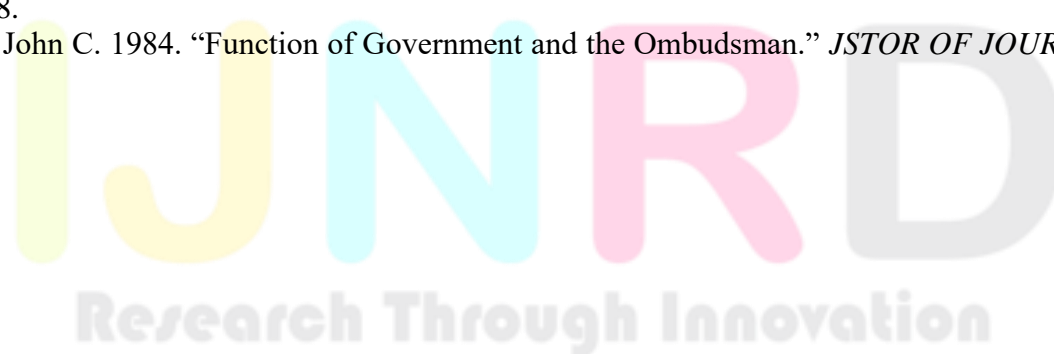
CONCLUSION

Ombudsman should stand with high regard and simultaneously the workplace of an Ombudsman can be an important foundation, at that point it will be nothing but bad when legislative specialists don't follow the suggestions made by the Ombudsman. Since when the Ombudsman makes suggestions for a specific matter, consistently apply the standards of normal equity and regulatory reasonableness consisting of legal orders given. The workplace of Ombudsman ought to be given more legal purviews. The more autonomous, the Ombudsman is, the more viable the Ombudsman might be. It will either help forestall the repeat of maladministration in a specific circumstance that prompted its creation. Thus, the Ombudsman can direct significant examinations and track down a decent answer for maladministration in light of the fact that the

workplace of Ombudsman is treated as the last asset. On the off chance that these norms were created to give counsel and direction to the general population, the Ombudsman would better satisfy the elements of the position. Additionally, to guarantee the workplace's responsibility Ombudsman should give a report summing up the discoveries and proposals given, at that point it will acquire public certainty about the workplace. The objective of the workplace of Ombudsman is to aid acceptable administration, to motivate public certainty and straightforwardness in government activities influencing the general population.


REFERENCES

1. Bukhari, Mohammad Hussai. 2013. "Analysis of Ombudsman." *ResearchGate*, 709–23.
2. Batalli, Mirlinda. 2015. "Role of Ombudsman Institutions over the Administration." *SSRN ELECTRONIC JOURNAL*, 232–40.
3. Malyadri, Pacha. 2012. "Success of Banking Ombudsman Scheme." *ResearchGate* 1: 17–24.
4. Van de walle, Steven. 2008. "The Relationship between Government and Ombudsman." *Negotiations Journal*, 287–302.
5. Sander, Gary. 2013. "Ombudsman and Local Government." *ResearchGate*, 2–19.
6. Langbrook, Philip. 2011. "Ombudsman Administrative Conflict." *Journal of Public Administration and Policy* 7: 98–99.
7. Jovan, Savić. 2002. "The Journal of Ombudsman." *ResearchGate*, 1–19.
8. Yagmurlu, Asli. 2018. "Ombudsman towards Right of Complaint." *ResearchGate*, 167–93.
9. Vijai, C. 2020. "Indian Banking Ombudsman Scheme." *The Journal of Test Engineering and Management*, 222–26.
10. Gill, Chris. 2013. "Future Ombudsman Scheme." *ResearchGate* 17: 1–77.
11. D, Sasi Kala Devi. 2020. "Study of Banking Ombudsman." *ResearchGate*, 717.
12. Wagner, Marsha L. 2000. "The Organizational Ombudsman." *Negotiations Journal*, 1–10.
13. Mohania, Sarvesh. 2014. "Role of Insurance Ombudsman." *Journal of International Letters of Social and Humanities Sciences* 31: 9–13.
14. Nuno. 2009. "Public Service Ombudsman." *ResearchGate*, 1–11.
15. Priyasha. 2008. "Need for Ombudsman in India." *SSRN ELECTRONIC JOURNAL*, 1–18.
16. Fichbach, Ruth L. 1995. "Ombudsman." *Journal of Science and Engineering* 34: 389–402.
17. Cheng, Hing Yong. 1968. "Emergence and Spread of Ombudsman Institutions." *JSTOR OF JOURNAL* 377: 20–30.
18. Sharan, Sarojini. 1971. "Ombudsman in India." *JSTOR OF JOURNAL*, 158–74.
19. Kirkham, Richard. 2006. "Challenging Authority of the Ombudsman." *JSTOR OF JOURNAL* 69: 792–818.
20. Comer, John C. 1984. "Function of Government and the Ombudsman." *JSTOR OF JOURNAL*, 22–26.




PLAGIARISM


RESULTS




100% Completed: 100% Checked




0% Plagiarism




100% Unique



Sentence Wise Result



Document View



Matched Sources

Unique	The ombudsman is a piece of the arrangement of managerial law for investigating...
Unique	He is the representative not of the chief but rather of the council.
Unique	The ombudsman appreciates an enormous proportion of freedom and moral oblig...
Unique	His capacity is to protect the interests of residents by guaranteeing organization a...
Unique	Techniques for authorization remember carrying strain to bear for the mindful posi...
Unique	to the consideration of the governing body, and affecting a criminal indictment or ...
Unique	At the point when Sweden made the workplace of ombudsman in the constitution...
Unique	He was free of both chief and legal executive and had full powers to ask into the s...
Unique	whenever answered to him by people as a maltreatment of rights.
Unique	He had compelling position to indict government workers and other public authori...



RESULTS

100% Completed: 100% Checked

0% Plagiarism 100% Unique



Sentence Wise Result



Document View



Matched Sources

Unique	Muhammad Asif(2013) has explained that the institutional Analysis of Ombudsma...
Unique	Mirlinda Batalli(2015) has observed that the Job of Ombudsman foundation over t...
Unique	more significant level on insurance of common liberties(Batalli 2015)
Unique	Pacha Malyadri(2012) has explained that the success of Banking Ombudsman sch...
Unique	Client protests are essential for the business life of any corporate element.
Unique	This is all the more so for banks since they are administration associations.
Unique	Throughout some undefined time frame, the quantity of protests against manages...
Unique	Steven van Roosbroek(2008) has observed that the ombudsmanship has gotten p...
Unique	In spite of the fact that there is a lot of writing on ombudsmen, existing exploratio...
Unique	This article looks at the individuals who look for the assistance of ombudsmen in ...
Unique	Gary Sander(2013) has explained that the ombudsman and neighborhood govern...
Unique	In corresponding with this advancement, they utilize more open assets.

Research Through Innovation

RESULTS

100% Completed: 100% Checked

0% Plagiarism 100% Unique



Sentence Wise Result



Document View



Matched Sources

Unique	All in all, every Ombudsman should stand high openly regard and simultaneously t...
Unique	bad when legislative specialists don't follow the suggestions made by the Ombud...
Unique	Since when the Ombudsman makes suggestions for a specific matter, consistently...
Unique	The workplace of Ombudsman ought to be given more legal purviews.
Unique	The more autonomous, the Ombudsman is, the more viable the Ombudsman migh...
Unique	It will either help forestall the repeat of maladministration in a specific circumstanc...
Unique	Thus, the Ombudsman can direct significant examinations and track down a decee...
Unique	On the off chance that these norms were created to give counsel and direction to t...
Unique	Additionally, to guarantee the workplace's responsibility Ombudsman should give ...
Unique	The objective of the workplace of Ombudsman is to aid acceptable administration,...

