



**This doctrine is being applied in the following situations:**

- Where an administrative action invades fundamental rights, courts can make strict scrutiny of the administrative action and go into the question of correctness of the choice made by the authority. The court would also balance adverse effects on the right and the object to be achieved.
- Where a question of quantum of punishment imposed by the administrative authority is involved, the court would not make strict scrutiny.

**(b) The term Ombudsman means ‘watchdog of the administration or the protector of the little man’.**

**Discuss the above statement regarding the need and appointment of Lokpal and Lokayukta? 15**

**Approach:**

- ❖ Meaning of Ombudsman.
- ❖ Unique characteristics of ombudsman
- ❖ Need for appointment of Lokpal and Lokayukta

**Answer:** Ombudsman means “the grievance man” or “a Commissioner of the Administration”. A precise definition of Ombudsman cannot be given. According to Garner Ombudsman is “an Officer of Parliament, having as his primary function, the duty of acting as an agent for Parliament, for the purpose of safeguarding citizens against abuse or misuse of administrative power by the executive”.

**The term ‘ombudsman’ refers only to institutions which have three basic and unique characteristics:**

1. An ombudsman is an independent and non-partisan officer of the legislature who supervises the administration.
2. He deals with specific complaints from the public against administrative injustice and mal-administration.
3. He has the power to investigate, criticize and report back to the legislature, but not to reverse administrative action.

In India, the creation of the institution of the Lokpal similar to that of the Ombudsman was recommended by the interim report of the Administration Reforms Commission for the following reasons:

- Since a democratic government is a ‘government of the people, by the people, and for the people, it has an obligation to satisfy the citizens about its functioning and to offer them adequate means for the ventilation and redress of their grievances.
- The redressal of citizens’ grievances is basic to the functioning of democratic governments, and will strengthen the hands of the government in administering the laws of the land without fear or favour, affection or ill-will and enable it to go up in public faith and confidence without which progress would not be possible.
- The existing institutions of judicial review and parliamentary control are inadequate in view of the ever-expanding range of governmental functions, most of which are discretionary.
- There prevails a public feeling against the prevalence of corruption, widespread inefficiency and administration’s unresponsiveness to popular needs.

**Appointment of Lokpal and Lokayukta:**

“Lokpal” means the body established under section 3 of Lokpal and Lokayuktas Act, 2013.

Establishment of Lokpal - [Section 3]

**(1) The Lokpal shall consist of:**

- A chairperson, who is or has been a chief justice of India or is or has been a judge of the Supreme Court or an eminent person who fulfils the eligibility specified in clause(b) of sub-section (3), and
- Such number of Members, not exceeding eight out of whom fifty percent shall be Judicial members:

Provided that not less than fifty percent of the Members of the Lokpal shall be from amongst the persons belonging to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, Minorities and women.

**(3) A person shall be eligible to be appointed:**

- As a Judicial member if he is or he has been a judge of Supreme Court or is or has been a chief Justice of High Court,
- As a member other than a Judicial Member, if he is a person of impeccable integrity and outstanding ability having special knowledge and expertise of not less than twenty-five years in the matters relating to anti-corruption policy, public administration, vigilance, finance including insurance and banking law and management.



641, 1st floor, Mukherjee  
Nagar, Delhi 110009

21, Pusa Road,  
Karol Bagh, New Delhi

13/15, Tashkent Marg, Near  
Patrika Chauraha, Civil Lines, Prayagraj

Plot No. 45-45A, Harsh Tower 2  
Tonk Rd, Vasundhara Colony, Jaipur

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Phone : 8448485518, 011-47532596, 8750187501 :: [www.drishtiIAS.com](http://www.drishtiIAS.com)