



# OMBUDSMAN IN INDIA: A STUDY OF LOKAYUKTA OF KERALA

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## ABSTRACT

The union (Central) government's Lokpal is known as a Lokayukta in each state. It Investigates allegations of corruption against officials, public figures, and other functionaries. Anyone with the mentioned capacity is subject to an investigation. The chairperson of the Lokayukta might be either a former judge on the High Court or the Chief Justice of India. The Lokayukta is a crucial mechanism for ensuring that government operations are efficient and free of corruption. A Lokayukta has been established at the state level, and there is a Lokpal at the federal level. By defending their members' interests, these two organisations will endeavour to improve the lot of the ordinary people, and politicians and bureaucrats cannot interfere with their operations. The public will be permitted to lodge concerns. The Lokayukta in Kerala is being discussed in this study project. The purpose of this research is to examine how the Lokayukta functions and what role it has in Kerala's fight against corruption. Through this research, the researcher hopes to better understand how the general public views government institutions as well as the causes of corruption in Kerala's government agencies. A qualitative research methodology will be employed for this project, which will comprise an interview and a questionnaire. These are the main techniques that will serve as the foundation for this research.

**Keywords:** - Lokayukta, Corruption, Government, Public, Kerala

## INTRODUCTION

Kerala was the first and only state in India to establish an Ombudsman agency for local governments in 2001. . Hundreds of hearings are held annually by the Kerala Ombudsman, who has been in office for 22 years. Each year, thousands of cases are received and settled. My own experience with the Ombudsman is a very tiny sample size, in this case, making it difficult to make any clear conclusions. The Ombudsman is originally a Swedish institution .An ombudsman is a government officer who reviews complaints against corporations, government agencies, or authorities. Ombudsman has long been recognized as one of the world's most famous grievance-resolution agencies. The idea of an Ombudsman was introduced in India by the Administrative Reform Commission in 1966, which suggested the establishment of an Ombudsman with varying degrees of power at both the Center (Lokpal) and the State (Lokayukta). In India ombudsman refers to Lokpal and

Lokayukta. The Lokayukta is a crucial means of ensuring that government operations are efficient and free of corruption. A Lokayukta has been formed at the state level, and there is a Lokpal at the federal level. These two organizations will contribute to the general welfare of the population by protecting their interests and preventing politicians and bureaucrats from messing with their job. The public will have the ability to register grievances and, if necessary, appeal to the High Courts, Or the Supreme Court of the relevant State.

## STATEMENT OF THE PROBLEM

The purpose of the research is to examine the function of the Lokayukta and how it contributes to the fight against corruption and the advancement of openness and accountability in government. This research aims to provide insight into potential constitutional amendments and legislative changes that would improve the state's governance. Somewhat in Kerala corruption in government institutions exist in various departments. As Lokayukta works against these corruptions and malpractices by addressing public grievances, still it needs some attention to issue these grievances. As the researcher took this topic to study because there is a delay in providing answers to the investigation according to the grievances put up by the public. There require effective means of implementation of good governance, as some government officials use their power to take bribes from the public. This study will cover the various elements and organs involved in working the Lokayukta in Kerala, giving the best solutions for effective governance in Kerala.

## HISTORICAL BACKGROUND

The Kerala Panchayati Raj Act of 1994 (the "1994 Act") gave local self-government institutions (LSGIs) more authority, prompting the creation of the Ombudsman. The Act was revised in 2001 to provide provisions for the Ombudsman. As a result, the Kerala Ombudsman exclusively takes issues involving institutions of local self-government (LSG ). These include municipalities, municipal corporations, and village, block, and district panchayats. Consequently, the Kerala Ombudsman does not concern itself with the higher levels of administration, in contrast to the cases we reviewed before. Although this would appear to significantly reduce the Ombudsman's scope of authority compared to other Ombudsmen, LSGIs in Kerala have a wide range of duties.

In line with the 73rd and 74th constitutional amendments, the Panchayati Raj Act of 1994 dramatically decentralized authority away from the state government and placed it under the jurisdiction of LSGIs. Most transportation infrastructure, sewage and waste management, care for the handicapped, most poverty alleviation initiatives, upper secondary education, and all welfare pensions are handled by local government entities. As a result, they have access to a lot of money: LSGIs get 40% of the state exchequer's overall financing. In general, panchayats at different levels are in charge of several government services and development initiatives. The Kerala Ombudsman is, therefore, able to look into many of the same types of government services as the Ombudsmen in other nations where such organizations would be managed by the state or national government. The Kerala Ombudsman was a panel of seven people until the Office of the Ombudsman was established in 2001. Out of this group, three "benches" were formed, each of which was tasked with hearing cases from certain regions. At first, all meetings took place in Thiruvananthapuram, but

subsequently, meetings took place at other district offices. By revising the Kerala Panchayati Act in 2001, the state government eliminated the seven-member panel model. KP Radhakrishna Menon was then appointed as the first person Ombudsman on December 26, 2001. The current Ombudsman acknowledged that the state government's choice may have been influenced by the expense of operating such a huge organization when questioned.

## RESEARCH OBJECTIVES

- To identify the factors responsible for corruption in the government departments of Kerala
- To study the perceptions of common people on the level of corruption in government offices in Kerala and their encounters with bribes
- To provide a solution for effective governance in the state of Kerala.

## REVIEW OF LITERATURE

The significant effects of corruption and the rising importance of good governance have made it necessary to do the necessary study on the issue. Because it was such a complicated and unpredictable subject, it was not considered a serious subject for study for a very long time. It has been claimed that corruption is a common occurrence in international commerce and investment, as well as corporate transactions, raising significant moral and political issues, undermining the effective government and economic growth, and distorting the circumstances for international competition. Additionally, corruption is no longer a local issue, rather it is a global phenomenon that affects all economies and communities, necessitating global collaboration to stop and regulate it. Some books, articles, websites, and journals have been refereed for the conceptual analysis, causes, and effects of corruption.

**Purohit, S K. (1994)** in his famous article entitled "Ancient Indian Legal Philosophy" offers some historical jurisprudential theories and legal doctrines that have shaped and moulded contemporary society. The author has given a relevant interpretation of the prominent philosophical ideas from ancient, including Rit, Nyaya, Dharma, Danda, and Raja Dharma, within the framework of current legal theories.

**Gupta, V K.(1982)** in his famous book "Kautilya Jurisprudence" express a modern reconstruction and critique of Kautilya's legal philosophy, the author has produced a highly valuable study. The author has reorganized the text's content according to the theme, divided it into five sections, and added 45 chapters. The book's Part II and Part IV, which deal with criminal law and constitutional and administrative law, respectively, have been very helpful to the researcher.

**Eliasberg Wladimir. (1951)** in his famous work "Corruption and Bribery," made an effort to systematically explain additional legal positions. The historical, ethical-political, psychological, and sociological facets of corruption are discussed in the work. The understanding of the fundamental, cross-disciplinary principles has helped to make thoughts and facts clearer.

**Dhamija Ashok (1988)** in his book "Prevention of Corruption Act" provides an in-depth study of the provisions of the Prevention of Corruption Act, 1988, with the aid of case law debate. Additionally, several decisions made by the judicial authority have been extensively and appropriately analyzed and compared throughout the book.

**E Gerald and J Naomi (1977)** "Administrative Corruption," made an effort to define corruption precisely by analyzing its moral or revisionist perspectives. The authors argued that the individual-centred moralistic perspective of corruption is both permissible and unacceptable in light of the current situation. They made the claim that systemic corruption is a systematic problem, and they came to the conclusion that institutionalized undermining of the public interest through systematic corruption is a significant contemporary problem in public administration. The moralistic approach, however, has important implications for the characteristics of specific corruption situations, the authors have noted.

## RESEARCH GAP

From the literature review above it has been found that there is no research done on this specific topic, though there has been some general information available on lokayukta of the state Kerala, but no specific study has been done so far, therefore the researcher will fill the knowledge gap between these certain aspects by providing effective measures for good governance, topics of corruption and challenges faced by Kerala in implementing Lokayukta.

## RESEARCH METHODOLOGY

The methodology consists of qualitative method such as questionnaire and the data will be collected based on primary sources. Total sample size of 50 respondents will be taken and the research universe will be Lokayukta Office and other pertinent government offices in the southern state of Kerala in India.

## DATA ANALYSIS

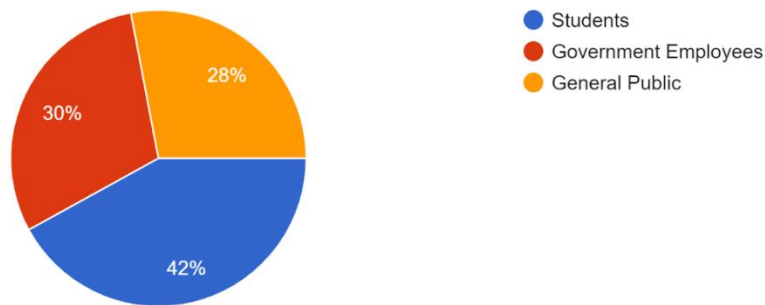
"A study of lokayukta in Kerala", a questionnaire was prepared by the researcher in order to learn about the perceptions of common people and government officials on the level of state corruption, their encounters with bribes and their suggestions for how to combat corruption. Here this data analysis is all about the responses that the researcher gained in accordance with the questionnaire, the sample size was of 50 from the research universe of lokayukta office, students, general public and other pertinent government officials.



**Question 1**

What profession do you hold?

50 responses

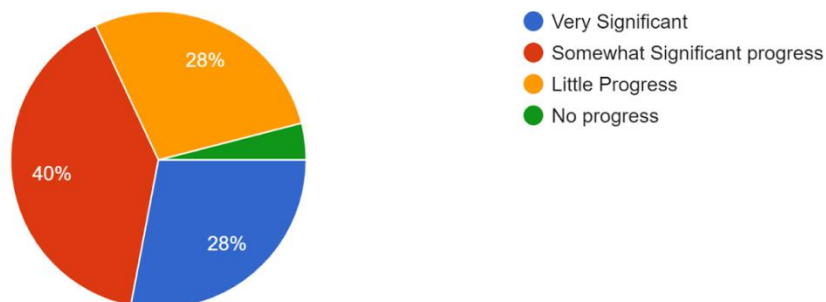


Mostly students (21) responded to this questionnaire followed by government employees (15) and general public (14).

**Question 2**

How do you describe the general situation since Independence?

50 responses

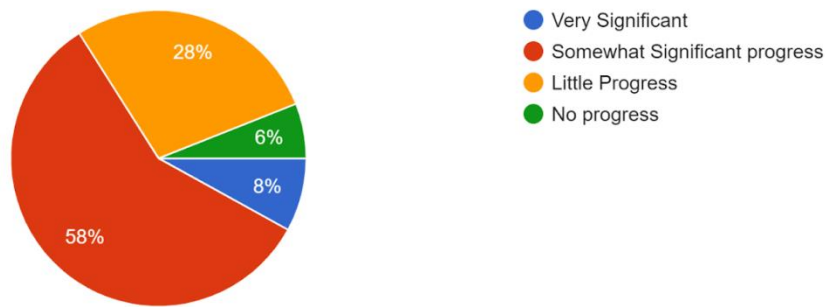


When the researcher inquired about the general status of affairs since independence, roughly 40% said that there had been some progress, 28% that there had been little development, 28% that there had been very big improvement, and about 4% that there had been none at all.

**Question 3**

How are you satisfied with the overall situation regarding corruption?

50 responses

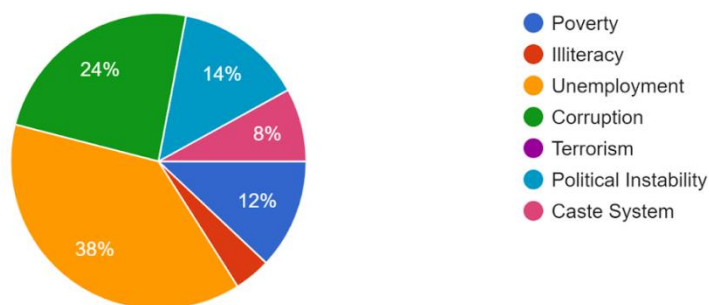


When questioned about their degree of satisfaction with the overall situation, 58% (29) of respondents said that there had been some development, 28% (14) that there had been little progress, 8% that there had been very considerable progress, and 6% that there had been none at all.

**Question 4**

Which of the following issues is now having the most impact on society?

50 responses

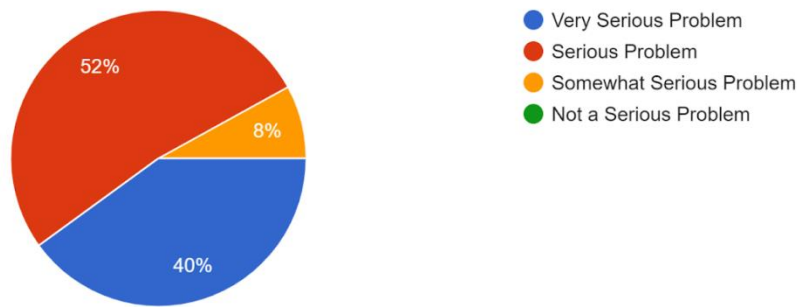


When the researcher questioned participants about the issues that were most affecting them, the majority of 38% (19) of them stated unemployment, followed by 24% (12) who mentioned corruption, 14% by political instability, 12% by poverty, and the remaining 8% by caste system.

**Question 5**

What is your perception as to the seriousness of problem of corruption in recent days?

50 responses

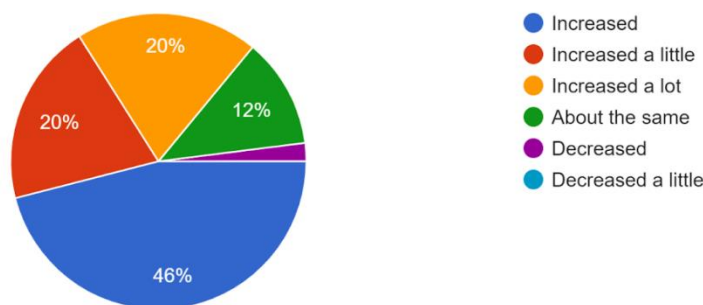


When the researcher questioned participants about the severity of the corruption problem in the present, 52% (26) identified it as a serious issue, 40% (20) as a very serious issue, and the remaining 8% as a moderately serious issue.

**Question 6**

How would you compare the level of corruption present versus past?

50 responses

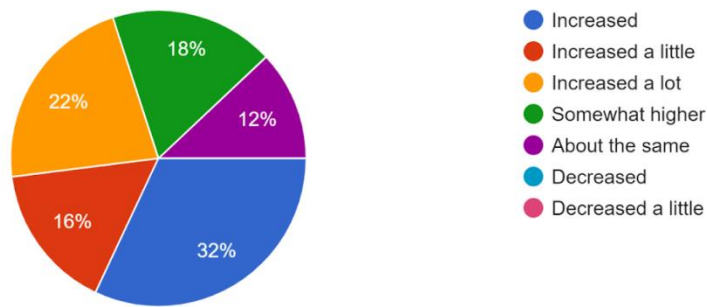


When the respondents were asked to compare the amount of corruption between the present and the past, 46% (23) of them said it had increased, 20% said it had increased somewhat, 20% said it had increased little, 12% said it had remained the same, and the remaining 2% said it had reduced.

**Question 7**

What is your perception as to the corruption levels in the days to come?

50 responses

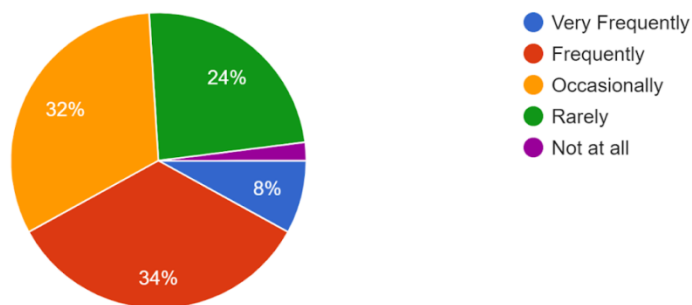


When questioned about the amount of corruption in the future, 32% (16) respondents said it would increase, 22% (11) said it will rise significantly, 18% said it will rise considerably higher, 16% said it will rise little, and the remaining 12% said it will remain the same.

**Question 8**

How frequently do you come across corruption and dishonesty in your daily activities, either as a target or an eyewitness?

50 responses



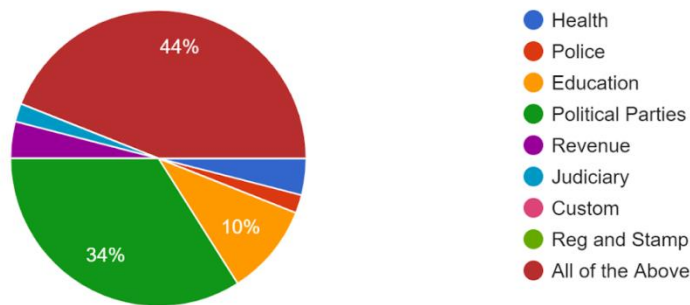
When asked how often they encounter corruption and dishonesty as a target or an eyewitness in their daily activities, 34% (17%) said they do so frequently, 32% (16%) said they do so occasionally, 24% said they do so infrequently, 8% said they see it very frequently, and the remaining 2% said they never do.



**Question 9**

Which institutions are you aware of where corruption is taking place?

50 responses

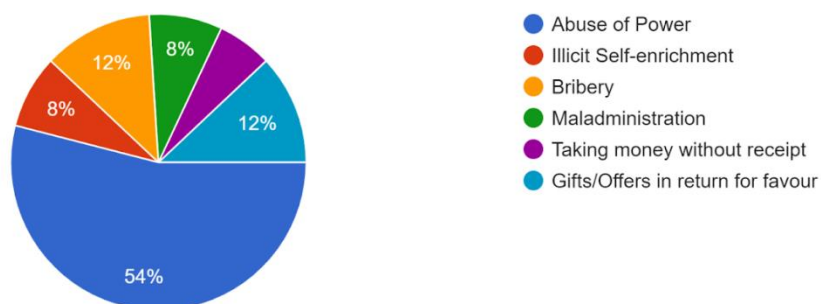


When asked which institutions are the worst for corruption, 44% (22) of respondents said all of the above-mentioned possibilities, 34% (17) said political parties, 10% said educational institutions, 4% said revenue, 4% said health departments, 2% said police departments, and the remaining 2% said the judiciary.

**Question 10**

What is your perception on concept of corruption?

50 responses

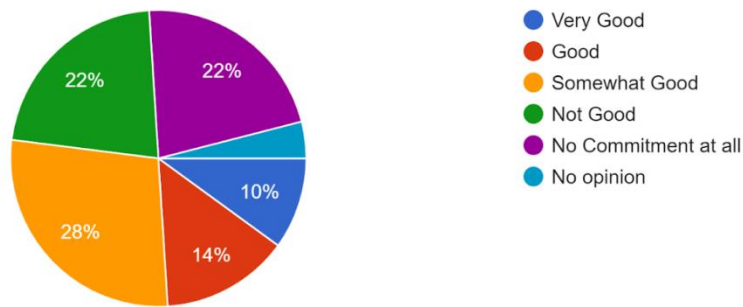


When asked to define corruption, 54% of respondents (27) said it was the abuse of power, 12% said it was accepting gifts or offers in exchange for favours, 12% said it was bribery, 8% said it was illegal self-enrichment, 8% said it was bad administration, and the remaining 6% said it was taking money without a receipt.

**Question 11**

What is your perception as to the level of Government commitment to fight against corruption?

50 responses

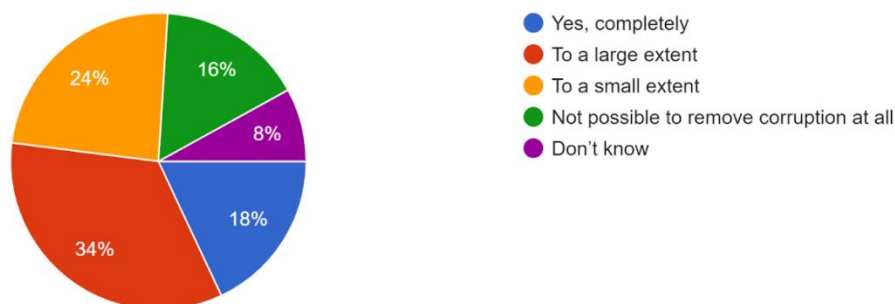


When asked to comment on the government's commitment to combating corruption, the respondents gave the following responses: 28% (14) said that the government did somewhat well in this regard, 22% (11) said they were not good, and 22% said they had no commitment at all; 14% said they had taken steps to combat corruption; 10% said they had done very well; and the remaining 4% had no opinion.

**Question 12**

Whether problem of corruption completely be eradicated?

50 responses

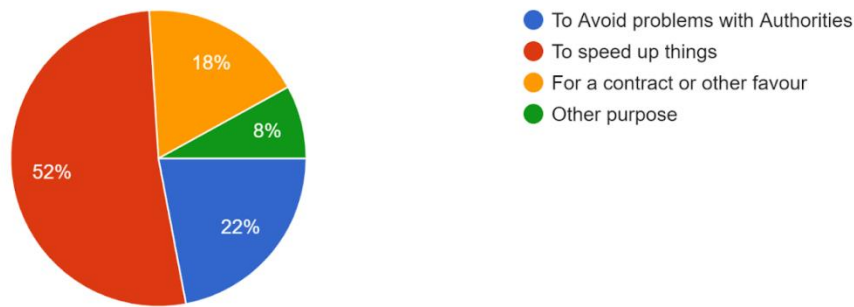


When asked whether the problem of corruption could be completely eliminated, 34% (17) of the respondents said it could be to a large extent, 24% (12) said it could be to a small extent, 18% said it could be eliminated completely, 16% said it was impossible to eliminate corruption at all, and the remaining 8% said they didn't know.

**Question 13**

Why do people bribe officials while dealing with government agencies?

50 responses

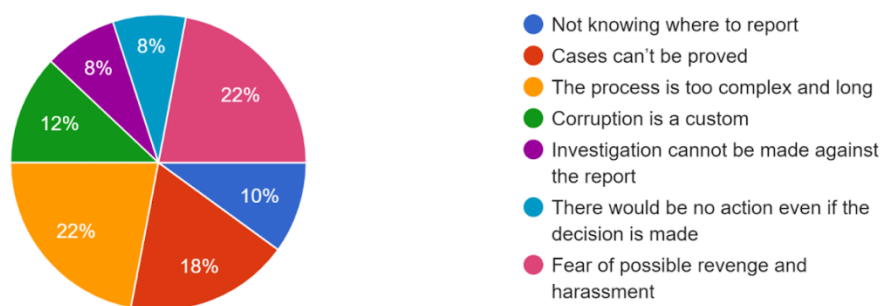


Here the respondents were asked why do people bribe officials while dealing with government agencies, not only the officials do corruption but the people also play a part in it, 52% (26%) stated that to speed up things the people bribe officials, 22% (11) mentioned that to avoid problems with authorities, 18% stated that they do to avoid problems with authorities and the remaining 8% stated that they do for other purpose.

**Question 14**

How much does each of the following factors play into the decision not to file a corruption report with the Kerala Lokayukta ?

50 responses

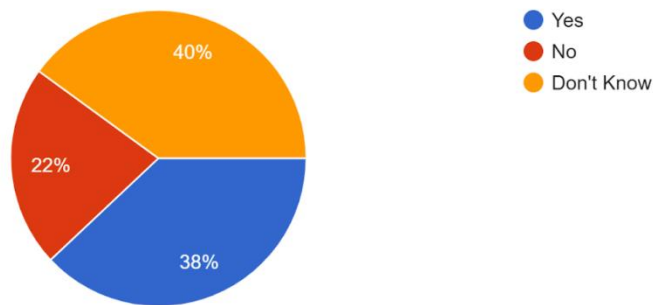


When the researcher questioned respondents about the following reasons why they don't report corruption to the Kerala lokayukta, 22% said the process is too lengthy and complicated, 22% said they are afraid of retaliation and harassment, 18% said that the cases can't be proven, 12% said that corruption is a custom, 10% said they don't know where to report such cases, and 8% said that investigation cannot be conducted further. The remaining 8% said that no action will be taken against these cases even if we raise our voice.

**Question 15**

How best you are you familiar with the Lokayukta?

50 responses



The respondents were asked about the familiarity about the concept lokayukta in which 40% of the respondents don't know at all about the concept which is not good thing, 38% of the respondents stated they know and the remaining 22% respondents stated they don't know.

**FINDINGS AND RESULTS**

When asked from the government officers, students and public about corruption, mostly 50% of the respondents said that there has been a little progress since the independence which says that government has been taking actions in order to tackle the problem of corruption. According to the questionnaire, unemployment was the main issue which has made a huge impact on the society followed by corruption. Frequently people see corruption in their daily activities as a target and eyewitness which makes them insecure in order to deal with governmental agencies. As mentioned above in the questions, political parties are found to be more corrupted followed by educational institutions, revenue and health departments. People said that corruption is the abuse of certain power for their own benefits and some government officials even take gifts/offers in return to a favour. Not only the government officials but also people gave rise to corruption, as per our responses if we bribe the government officials then the things will be rapidly done and also many problems with the authorities which come in a way of public for doing their things can also be avoided. Kerala lokayukta gets many cases in a year but there are still many cases that has not been reported because the respondents mentioned that the process is too long and complicated, they have fear of possible revenge and harassment, cases can't be proved even they report and they believe that no action will be taken even if they raise their voice. Mostly 40% of the respondents are not familiar with lokayukta, and who know they never raise their voice against corruptions.

The researcher interviewed the office assistant Mr. Shijil M.S who is working in Kerala lokayukta department Thiruvananthapuram, as the interviewee was very cooperative the researcher was able to get the answers regarding the factors which are responsible for the corruption in government departments, the interviewee mentioned that greed of money is the main factor that plays a major role in giving birth to corruption, excessive greed of money makes the government officers forgot their politeness towards their work. Another factor

interviewee mentioned that was lack of accountability, when there is a lack of accountability, the organisation is unstable. Everyone just assigns blame to one another, which feeds a terrible feedback system. Additionally, there are minimal levels of achievement and no corporate or personal goals are achieved. Accordingly, transparency also plays a major role in giving raise to corruption, lack of transparency was another factor mentioned by interviewee because Transparency will improve our democracy and advance governmental performance. Transparency in government is important. Transparency encourages accountability and informs the public about the actions of their government. In simple wordstransparency provides information for citizens about what their Government is doing. In-group favouritism was considered as another factor for corruption, when public officials use their position of authority to favour their own groups at the expense of the general public, this practise is known as in-group favouritism. Lack of commitment towards society is also a main factor giving birth to corruption, public servants forgot that they are working for the public, instead of working for public, the public servants work for their own benefit which give rise to corruption in government agencies.

## RECOMMENDATIONS

Following the conclusion of the current research, the following suggestions are made to lessen the level of corruption now existing in Kerala:

- Try to make a cashless society  
Digital payments were once considered as a revolutionary approach to improve consumer convenience with payments. Digital wallets and cards decreased and accelerated checkout lines because they did not require exact change and were accepted for even modest sums. But more recently, it has been apparent how much the government might gain from becoming cashless. These payment options may not only enable customers to leave grocery stores more quickly, but also put an end to corruption forever. Corruption is one of the main causes of wide economic inequality and the ineffectiveness of governmental systems non-most places including Kerala.
- Increase in digital and E-Governance  
E-governance helps increase efficiency and transparency in government transactions, and facilitates democratic interaction between the government and its citizens.E-government makes it easier for public employees to be held accountable and for their actions, which reduces the likelihood of corruption.
- Checking source of income  
Government and vigilance organisations should constantly monitor the leaders' and their associates' sources of income and bank accounts. Any questionable transactions must be reported to the legal system if they are discovered. Additionally, if a leader is not carrying out their responsibilities correctly, they ought to be removed from their post. The selection process for top government positions should be performance-based. Government should routinely evaluate the performance of its leaders.
- Create transparency and remove arbitrariness



What drives night-time theft? Mostly because no one is looking. Additionally, corruption can occur while no one is looking. Make use of technology to illuminate everything. The significant (non-sensitive) information about objects in the workplace, for instance, might be posted on an electronic board outside of each office. Additionally, post it online. As an alternative, contractors working for the government must frequently interact with officials in order to get paid. If the officials are dishonest, they can profit from something so elementary. Such corruption will decrease if you publish a list of those who owe money as well as the guidelines for choosing who gets paid next.

- **Enforcement and punishment**

The Prevention of Corruption Act's prosecution process is complex and results in few sentences. The standard of proof needed to convict someone under criminal law is exceedingly high. People are afraid of reprisals; thus, they are reluctant to voice their complaints. Make it a contractual assignment with a 5-year time restriction, at least for those areas that are very susceptible to corruption, as severe and unrealistic as it may appear. Only if the person has a superb record should the contract be renewed.

## CONCLUSION

Thousands of people have contacted the Kerala Ombudsman to get their grievances resolved. It is less expensive, more easily accessible, and quicker than a formal court. The Ombudsman checks to see that its directives are being followed and that the core issues raised in the complaint have really been resolved. A quick inspection of the institution reveals this. Further investigation reveals specific characteristics that lead to further strengths and shortcomings. In compared to those in other nations, the Ombudsman has a lot of power. However, the Ombudsman's ability to supervise how his office is run is compromised since he must rely on outside help to conduct investigations. Even though such institution exist, corruption exists on the state of Kerala, Today, the fight against corruption can only be won by a thorough transformation of our political, legal, administrative, and judicial institutions, not through irregular or fragmented actions. One such measure is the creation of a functional Lokayukta institution. The establishment of Lokayuktas in the states, with "all state workers, local bodies, and the state companies within their jurisdiction," should be done "on the lines of the Lokpal." Last but not least, it is unfortunately evident that the ability of any Ombudsman to succeed or fail primarily rests on the government's willingness to comply with its requests and support its office.

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