

**DIRE NEED FOR STRENGTHENING THE INSTITUTION OF  
LOKAYUKTA IN INDIA [BY JUSTICE PRITAM PAL, LOKAYUKTA,  
HARYANA]**

It was a journey with lots of trial and tribulations. I shall be getting relieved from the duties bestowed upon me by the Constitution in few more days. Just could not stop myself from sharing the bits of the glorious journey which has made me think on number of occasions that are we actually heading towards a welfare State- dream which was seen by our forefathers after framing of the Constitution?

‘Ombudsman’ is the word used by the Scandinavian countries where it first found its origin. It was later adopted by India considering it to be the boon for administration of the country in best possible manner. Matter of concern lies deep inside when it is felt every now and then, while exercising the powers that in fact institution is inherently weak and has been created just to oblige the Constitution and satisfy the intelligentsia of this great Nation.

Without going into the minutes of details, I firmly believe that there is a dire need to strengthen this institution meant for carrying out pious duties with an objective to have a corruption free environment. The legal basis for the creation of an ombudsman office and the mandate and powers granted to it by law affect the degree by which the ombudsman office can perform its functions effectively. While countries around the world have adopted different models of

accountability institutions, an ombudsman office needs certain basic characteristics to be effective. These include independence, clarity of mandate, strong investigative powers, accessibility credibility, and the institutional capacity to perform its tasks.

Vedas, the governing source of our lives, state that Corruption destroys all the noble attributes of human beings due to pursuit of only material knowledge bereft of spiritual and divine knowledge, which is ignorance/ nescience/ *ajnan*. **Rig Veda says when even one human being dies of starvation, it is a signal that corruption has crept in society.** We forget the true purpose of life, in fact more than half of us do not even know why are we here?

Well, not digressing from the main issue, it is by and large evident that our nation is faced with herculean task of curbing the menace of corruption, which is our moral as well as legal duty. Failing in performing this divine duty would mean, we also are part of the same by giving it a blind eye. The institution of lokayukta created for this purpose, is a big time responsibility as well as a pious job. I would not shy away from revealing that it is inherently weak and much more could be done in case it is strengthened. As per mandate of the Act I have been recommending in all my reports to the Government that institution requires to be strengthened to fight the corrupt system. It appears there is lack of political Will and no one wants it to work against their interest.

What is the use of creating such like institution when the very object of the Act could not be carried out with firm hand. However, my recommendations were by and large implemented but, at the same time in some of the matters action recommended has also been diluted, that too without any logic and reason.

Initially in 1997, when the Haryana Lokayukta Act was created, there were provisions which were highly effective. The powers were in abundance including the power of taking suo motu cognizance and acting in case of contempt. They were amended later for the reasons but obvious though best known to the legislators. When a recommendation is made to take action against a public servant, it is required to be followed in letter and spirit so as to have a deterrant effect on the wrong doers. If it goes unpunished, guilty gains the courage to repeat it and others have no lesson to learn rather have the view that in India one can get away with anything. It's not a healthy trend. Society with such a corrupt structure is bound to crumble. It is a serious issue. Let the law makers wake up to realize this fact. It is not just about them, it's about their own children, the generation to come. Let's not be selfish to give it a blind eye.

In order to make this important piece of legislation more effective and strong, powers for initiating contempt of court proceedings for non compliance of order/ direction, power to take suo motu cognizance of acts of corruption and power to protect and compensate the whistle blower in genuine cases, be incorporated in the Act. Besides this it is also dire need of the hour that key

posts invariably be manned by officers enjoying the reputation of having an impeccable integrity and at the same time are hard working.

Well, special emphasis has also been laid and remedial measures have been suggested in the report submitted to the Government for fighting the menace of corruption and crime. Five mool mantras have been suggested in this regard. First, to have a strong political will and create public opinion to fight corruption, second, motto of primary education should be character building based on moral values, third, the behavior as well as a act and conduct of parents and teachers should be an example before the youngsters, fourth, stringent laws be enacted to put nail on the vulgar and low quality literature, TV channels, films, magazines, newspapers, print and electronic media and lastly, creation of a **Government character building department** at par with the public relation department, consisting of eminent people who are actually ideal example of being men of high moral character and known for their unimpeachable integrity.

I would like to reiterate what has been mentioned by me in all my reports submitted to His Excellency, Governor of Haryana, that long term plan to eradicate the corruption from the administration and public life is needed. In this regard, first is to make drastic changes in the education system of school going children by including high moral value based syllabus (with a motto of character building). This kind of syllabus can be included with a subject of

moral education containing our old rich heritage culture and lives of great personalities/ leaders of our country and that of the world. This should be made compulsory subject, prepared by the eminent educationist in all the educational institutions of the State. After completion of their school education, the students would come out with such high moral values in their head and heart that they would never think of indulging in any kind of corruption or immoral activity after joining any institution /wing of administration and public life. No doubt, this process would take a long time say a decade or so to achieve this noble and pious goal, but it would ultimately go a long way in eradication of this menace and other mal-practices/ mal-governance which are prevalent.

It is also pertinent to mention here that special recommendation/ suggestion was also made to the Government for holding special seminars and camps for imparting / teaching the relevant lessons of character building, integrity, honesty and human values for the law makers as well as the public servants sitting at the helms of affairs of the State Administration. Such like Seminars are also being arranged and adopted in European Countries for law makers, which ultimately proved to be very fruitful for the change of their mindset and Good Governance.

Late Dr. Bhim Rao Ambedkar and Dr. Rajendra Prasad, Framers of the Constitution, before the National Constituent Assembly in the year 1949 remarked that “If the people who are elected are capable and men of character

and integrity, they would be able to make the best even of a defective Constitution. If they are lacking in these, the Constitution cannot help the country.”

It is also very pertinent to mention here that when Dr. Rajendra Prasad breathed his last, he left behind only an amount of Rs. 365/- in his Bank Account at Punjab National Bank, Patna, which is still being preserved. Similar was the case of our Late Prime Minister Shri Lal Bahadur Shastri. This is all for us to derive the inspiration and contentment from such great Statesmen/ Leaders of our country.

I wish and hope, that things would improve. Somebody would realize someday soon that we should not close our eyes and having stringent laws alongwith imbibing moral values for curbing the menace of corruption is a dire need of the present times. Institution created for having a corruption free society needs to be strengthened.

**Dated 11<sup>th</sup> January, 2016**

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