

Law Optional Test Series No – 02
De Facto IAS

Total Time Allotted: 3 Hours

Total Marks :250

Question Paper Specific Instructions

- Please read each of the following instructions carefully before attempting questions.
- There are EIGHT questions divided in two sections.
- A candidate has to attempt FIVE questions in all.
- Questions no 1 and 5 are compulsory and out of the remaining, THREE are to be attempted choosing at least ONE from each section.
- The number of marks carried by a question /part is indicated against it.
- Word limit in questions, wherever specified should be adhered to.
- Attempts of questions shall be counted in chronological order. Unless struck off, attempt of a question shall be counted even if attempted partly. Any page or portion of the page left blank in the answer book must be clearly struck off.

NOTE: Please take a printout of the answer Booklet and give answers in stipulate time. So that actual examination scenario is stipulated.

Name: ARJIT KUMAR
Subject: Paper NO2 - Law Optional
Phone: 

3hr : 03 mins

Teacher's Remark

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Section - A

Q.1(a). Examine the doctrine of separation of powers. Also mention the relevance of this doctrine in India (10 Marks, 150 words)

Doctrine of separation of Powers was given by Montesquieu. As per the doctrine no two one organ of the state shall exercise or interfere with powers and functions of other organs of the government.

If there is interference, there shall be no liberty. Eg Article 50 - Separation of executive from Judiciary.

Evolution of Doctrine of Separation of Powers

1) There is no strict separation of power recognised

Eg: In Ram Jawaya Kapoor, it was held that doctrine of separation of powers has not been recognised in true explicit sense.

2) Constitution of India recognises SOP

(i) In IC Golaknath v State of Punjab : it was held that ~~no~~ organ should usurp the ~~power~~ of other organ.

(ii) Keshavananda Bharati Case : Held that ~~SOP~~ is a basic feature of Constitution

(iii) SCORA v UOI (NJAC) : SOP was again recognised.

Relevance of SOP in India

1) ensures Rule of Law :

Eg. ~~SCORA v UOI~~ : held

Judiciary has power to recommend judges to higher Judiciary

2) Protects liberty : Keshavananda Bharati v State of Kerala & Minerva Mills Case : protected Fundamental

Rights.

Hence SOP is essential feature of Constitution.

Q.1(b). Delegation of Legislative Powers has neither been permitted nor prohibited under the Indian Constitution. Discuss the constitutionality of delegated legislation with the help of decided cases (10 Marks, 150 words)

Delegated legislation refers to the power given to administrative (executive) authority to lay down the rules & give effect to will of the Parliament.

Delegated legislation: Permitted or Prohibited

→ It is permitted + In Re Delhi Laws case it was held that legislature can delegate as per the limitations set under the constitution.

*Delegated power not pates
Delegated*

Later courts evolved certain doctrines to determine the constitutionality of delegated legislation:

Tests to determine constitutionality of DL:

1) Essential Legislative Functions Test

In Krishankar Bagla v State of MP, it was held that the legislature cannot delegate essential legislative functions.

2) Laying Down Policy Test:

1) In Arinder Singh v. State of Punjab, it was held that essential policy was fixed by the legislature. Hence was valid delegation.

2) Atlas Cycles v. State of Haryana: held it was discretionary laying down.

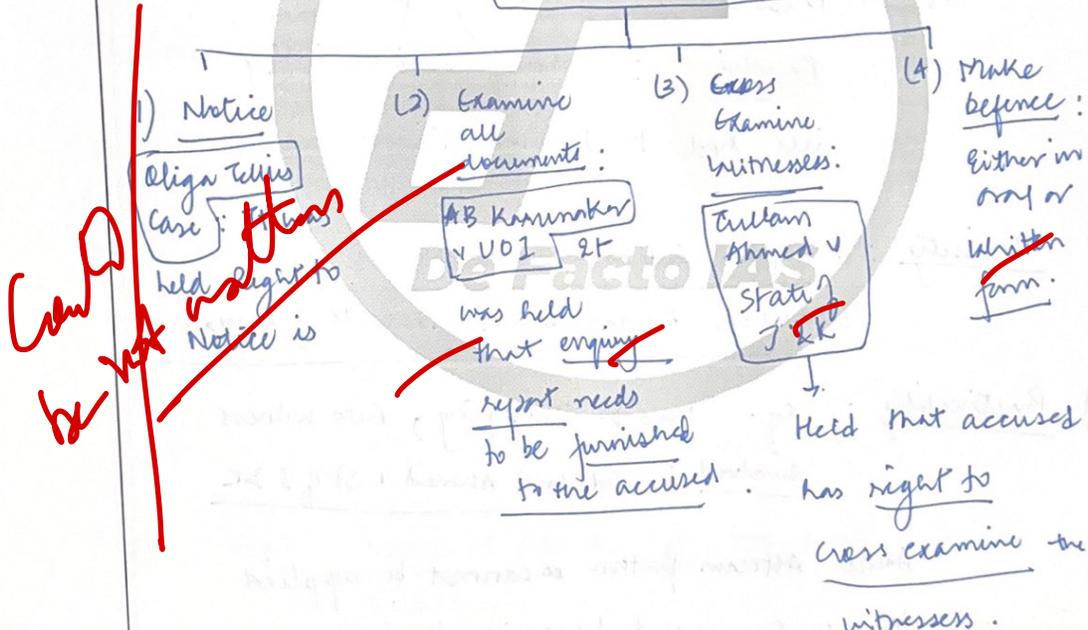
3) Henry VIII Clause: Legislature cannot confer wide powers for making delegated legislative.

Delegated legislation can help in effective policy implementation if done cautiously.

Q.1(c). 'Audi alteram partem', rule is a very flexible, malleable and adaptable concept of natural justice to adjust the need for speed and obligation to act fairly." Examine the statement with the help of decided case-law. (10 Marks, 150 words)

"Audi Alteram Partem" - means hear the other side. It means that no one should be condemned unheard.

Components of Audi Alteram Partem



Case A
be not valid

Thus it can be seen that Audi Alteram Partem is flexible.

Andi Altaram Partem as Malleable & Flexible

1) When post-decisional hearing may only be allowed:

Eg. Maneka Gandhi v. UOI: where it was argued by the petitioner that at least ^{post} ~~pre~~ ^{decisional} hearing should have been given to her.

2) Not possible in case of Confidentiality:

Hiranath Mishra v. Principal, Rajendra Medical College, Ranchi: where confidentiality of girls had to be maintained.

3) Necessity: ① FCI v. Subramaniam Swamy

② Hanok Kumar Verma v. State of Haryana

4) Practicality: Eg. Mass photocopying, 600 witness involved: Gulshan Ahmed v. ST, I & DE

⑤ Andi Altaram Partem cannot be applied as strict 'jacket formula' & hence is flexible.

Q.1(d). Discuss the circumstances under which 'Financial Emergency' can be proclaimed by the President of India and effects thereof. (10 Marks, 150 words)

Article 360 of the Indian Constitution provides that the President can declare "Financial Emergency" as per the grounds mentioned therein.

Circumstances when Financial Emergency can be declared

1) When Financial Position / Credit of India is threatened.

eg. Balance of Payment crisis, huge loan debt, etc.

2) When financial situation of any part of India is threatened:

eg. State GSDP vs. Debt ratio becoming unstable etc.

Effects of Financial Emergency

- 1) Constitutional distribution of Revenue between States & Centre is changed: (Article 1)

eg. President determines what will be the exact allocation of revenues.

- 2) Salaries of government officials may be reduced / postponed:

eg. Even salaries of SC & HC judges may be diminished.

Financial Emergency has never been imposed in India, though India suffered a balance of payment crisis in 1991.

This shows resilience of Indian Economy.

Q.1(e). "The amending power of Parliament should not be subjected to the vague and uncertain doctrine of basic structure". Comment. (10 Marks, 150 words)

Article 368 provides the power to the Parliament to amend by way of repeal, variation or amendment to any of the provisions of constitution.

Evolution of ^{Doctrine} ~~of~~ Basic Structure

1) When Parliament was held to have supreme power / plenary powers:

In Shankari Prasad v UOI - It was held that power of Parliament is plenary & it can amend Fundamental Rights.

2) Parliament does not have plenary powers; Fundamental Rights are supreme: as held in IC Golaknath v State of Punjab.

3) Parliament has wide amending powers but subject to limitations conferred by Constitution.

As held in Keshavananda Bharati v St of Kerala:

that power of Parliament is subject to limitations under Constitution.

Justice MR Khanna remarked - "The original Constitution must survive without the loss of identity, though retained in amended form".

IS Basic Structure Doctrine Vague?

YES

1) only judiciary can determine what constitutes basic structure

NO

ensures "Constitutionalism".

wo how SC said of India

Theory of basic structure has proved to be of immense value as it has guided courts throughout. Rule of law, Separation of power, etc are basic features of Indian Constitution.

Q.2(a). "Imposition of Emergency in a State under Article 356 has always been a matter of controversy." In this backdrop, explain the consequences of proclamation of Emergency in a State. (20 marks)

Article 356 of the Constitution states that if the President is satisfied on the report of the ~~Constitution~~ Governor ~~that~~ or otherwise that a situation has arisen in which the government of the state cannot be carried out in accordance with provisions of Constitution, it shall impose State emergency.

Article 356: Matter of Controversy

1) Initial Case / First Case of Imposition of State Emergency:

Eg: When Communist government of E. Nambiar Prasad in Kerala was removed & Presidential Rule was proclaimed.

2) Improper Grounds of Proclamation of Emergency :

Eg. SR Bommai v UOI

Eg: Rameshwar Prasad v UOI - where the

President's rule was imposed without probing the possibility of ~~mapo~~ floor formation of government and without doing "floor test".

3) No of Cases of Presidential Rule :

In past 75 years of India's independence, more than 250 case of President's rule have been there.

4) Malafide Use of Power :

→ Since constitutional discretion is not provided & President is bound by advise of Council of Ministers - this power has been used in malafide manner.

Consequences of Proclamation of State Emergency

1) Dissolution of State Legislature :

As seen in F.M. Nambiar Prasad Case in Kerala.

2) State Executive Powers to be exercised by the President :

→ such acts are called President's Act and continue even after emergency ceases to operate.

3) Power of State Legislature to be exercised by Parliament :

→ Parliament becomes empowered to legislate on any matters mentioned in State list

→ such laws remain in force even after expiry of state emergency.

1) President can proclaim Ordinance in State list.

President's Rule has always been a matter of controversy. In this regard "Sarkaria Commission" & "Punchhi Commission" have given certain guidelines.

Judicial Review of State Emergency

1) SR Bommai v UOI: Power of President under Article 356 is subject to judicial review.

→ improper grounds cannot be used to

proclaim state emergency under Article 356

11 1/2 qns for 27 marks

Q.2(b). "Distinction between quasi-judicial and administrative functions is no longer the exclusive criteria for deciding whether or not the rule of Natural Justice apply." Critically examine this statement. (15 marks)

Justice Mahapatra in "AK Kraipak v. UOI"

held :- "The distinction between administrative power & quasi-judicial power is quite thin and gradually being obliterated"

Vanishing line between Quasi Judicial & Admin Funct

1) Where Rights of a person are affected :

→ Cooper v. Wandsworth Board of Works :

It was held that when administrative discretion affects rights of others, it must be exercised cautiously and due regards to Principle of Natural Justice.

2) Where the Administrative Action is discriminatory :

Board of Education v. Rice: It was held that discrimination between church schools & private schools was ~~not~~ permissible.

3) Where non-application of principles of Natural Justice may lead to Arbitrariness :

In Binapani Dei v. State of Orissa: It was held that administrative authority must not act with arbitrariness.

4) Where violation of Natural Justice may create Bias

In AK Krupak v. UOI, it was held that presence of one of the members in ~~chairman~~ board may create "subtle Bias" in minds of other members.

q.1 line is from this judgement

When Administrative Action may be done without adherence to Principles of Natural Justice :

- 1) When ~~so~~ administrative action does not affect the rights of another.
- 2) When only mechanical decision has to be taken
eg. conditional legislation : when only date of effectiveness of law / policy has to be laid down.
- 3) Necessity : eg. ECI v. Subramaniam Swamy ;

thus it can be concluded that Administrative Discretion must be exercised as per principles of Natural Justice to uphold Rule of law.

7/2

Q.2(c). "Power of the Parliament to amend the Constitution is wide, but not unlimited." Do you agree with this statement? Discuss (15 marks)

Article 368 states that Parliament may by "amendment, variation or repeal" amend any part of the constitution.

Power of Parliament is wide

- 1) Parliament has plenary powers of legislation.
- 2) Sankari Prasad v. UOI: Parliament can amend the Fundamental Rights. The Parliament has wide powers of amendment.

Power of Parliament is narrow

- 1) There are limitations to this power and it is subject to ~~Judicial Review~~ Fundamental Rights.
IC Golaknath v State of Punjab: Parliament cannot

amend fundamental rights

Power of Parliament is wide but Not Unlimited

1) Keshavananda Bharati v. State of Kerala :

→ Parliament has wide powers to amend the Constitution.

→ But this power is subject to "inherent and implied limitations under the Constitution"

→ Power to amend does not include the power to abrogate the basic feature of the Constitution.

→ Justice H.R. Khanna - "the original Constitution must survive without loss of identity"

2) Mirwa Mills v. UOI : Article 368 (5) was held ultra vires the Constitution.

Parliament does not have unbridled powers to amend the Constitution.

3) IK Coltho v. State of Tamil Nadu: laws under IX schedule are subject to Judicial Review.

4) The powers of Parliament are wide but there are limitations imposed on it:

1) L. Chandra Kumar v UOI: Parliament cannot oust the writ jurisdiction of SC & HC.

2) SCORA v UOI (NJAC Judgment): SC struck down 99th Constitutional Amendment Act

→ wide review: -

→ not voluntary: -

Hence Parliament is not Supreme.

Indian constitution works on the principle of balance
Balance between Parliamentary sovereignty & Judicial supremacy.

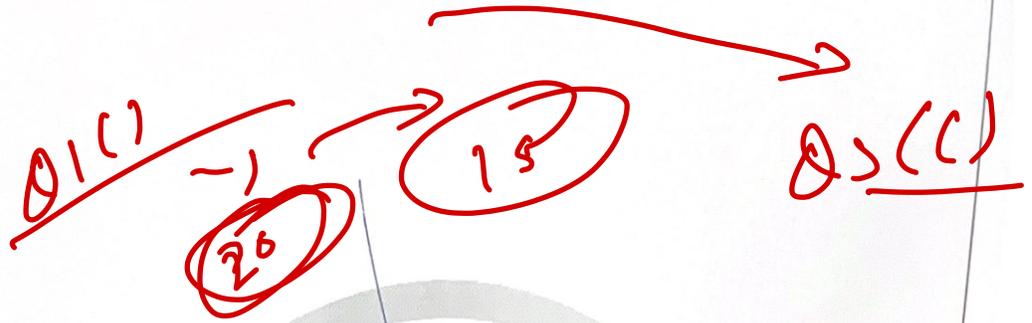
Q.4(a). Explain the scope of Judicial review with reference to the cases arising under the Xth Schedule of the Constitution. (20 marks)

Judicial Review refers to the power of the Judiciary to determine the constitutional validity of legislative enactments & executive actions.

Article 132 → gives power of Judicial review to courts.

11th Schedule provides for Anti defecting law. In Kihoto Holan v. Zachillu

It was held that the Speaker's ~~power~~ power to determine disqualification of a member on grounds of "Anti Defecting" are subject of Judicial Review.



Q.4(b). Justice should not only be done, but should manifestly and undoubtedly be seen to be done. Comment. (15 marks)

"Nemo Index Causa Sua" - No one should
be judge in his own cause". This principle
ensures "rule against bias".

This is important since Justice should not
only be done, but should manifestly & undoubtedly
be seen to be done.

→ Audi Alteram Partem: No one to
be condemned unheard.

Principles of
Natural Justice

→ Nemo Index Causa sua: No one
should be a ~~judge~~ against own
cause

→ Reasoned orders

Principle of Nemo Iudex Causa Sua: Rule Against Bias

1) Pecuniary Bias: J. Mohapatra & Co v UOI: It was held that since the Judge had the pecuniary interest in matter, it was rule against bias.

2) Subtle Bias: AK Krupak v UOI: It was held that since one of the members in panel knew the candidate, it could create "subtle bias".

3) Departmental Bias: Gulapalli Nageshwar Rao v APSRTC: held that the same department cannot decide case as it would be biased against its employees.

Mere preference is not bias: GM Nayak v. Uva University.

4) Subject Matter Bias:

Meenkas Tea Company v. Its Workmen : it was held that it was ~~not~~ ^{violative of} rule against bias.

5) Subject Matter Bias

6)

"Rule against bias" ensures that principles of Natural Justice are followed in true spirit.

Q.4(c). Judicial Activism has both positive and negative impact on the Judiciary.
(15 marks)

Judicial Activism is the proactive role played by the judiciary to enhance Rule of Law and protect rights of citizens.

Constitutional provisions pertaining to Judicial ^{Activism} Review

- 1) Article 142 : Supreme Court has power to do "complete justice" in matters pending before itself.
- 2) Article 141 : Law declared by supreme court shall be binding on all courts within territory of India.
- 3) Art 32 :
 - ⊙ Relaxation of principle of "lous stands"
 - ⊙ Growth of PL.
 - ⊙ Hussainara Khatoon v State of Bihar.

Positive Impact of Judicial ~~Review~~ ^{Activism} of or Judiciary

1) Judiciary as protector of Rights of marginalised:

○ DK Basu v. State of West Bengal: SC laid down guidelines ^{addressing} ~~test~~ custodial violence.

○ Vishakha Guidelines: due to lack of any law pertaining to sexual harassment at work place.

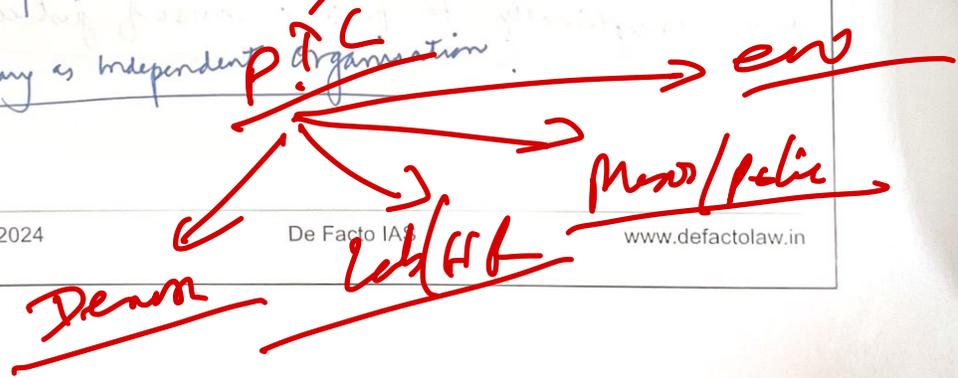
2) Judiciary's Role as Supreme:

○ As it can strike down laws of legislature & executive actions.

3) Judicial Romanticism:

○ Judiciary is seen as a solution for all problems.

4) Judiciary as Independent Organisation



Negative Impact of Judicial Activism on Judiciary :

1) Violation of Separation of Powers Doctrine :

① Judiciary's role is to ~~not~~ interpret laws & not make them. ~~ex~~

2) Judicial Romanticism → leading to erosion of trust in the people among other branches of the government.

3) Judicial Restraint is not observed :

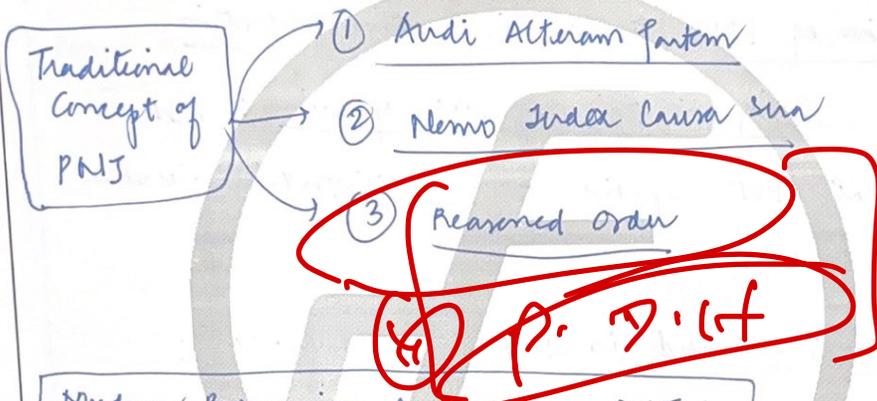
Aravalli Golf Club v. Chander Hass : 2+

was held that judiciary needs to observe "self-restraint". ~~ex~~

Judicial Activism must applied cautiously and exceptionally to further cause of justice.

Q.5(a). Write (critical) notes on "Modern progressive approach" of the principles of natural justice". (10 Marks, 150 words)

Principles of Natural Justice ensures fairness, equity and justice on part of adjudicating authority.



Modern Progressive Approach of PNJ :

1) Non Arbitrariness :

eg: Muneka Gandhi v UOI - held that
"non-arbitrariness" as essential feature
of Article 14.

2) Justice Approach :

eg: AK Kraipak v. UOI - it was held that "subtle bias" could be created which would not do justice in case.

3) Extension of PNJ to Administrative Discretion

eg: Birapani Devi v. State of Orissa: held that PNJ applies to administrative discretion as well.

4) PNJ not exercised in Strait Jacket formula :

Ex: Several exceptions to PNJ:

① Doctrines of Necessity: ECI v Subramaniam Swamy.

② PNJ not possible due to confidentiality :

Hiranath Mishra v. Principal, Rajendra Medical College, Ranchi

Modern conception of PNJ thus ensures fairness & justice while keeping in mind the practical considerations.

Q.5(b). "The 'Rule of Law' is based on the principle of legality and is opposed to exercise of arbitrary powers." Discuss. (10 Marks, 150 words)

The conception of "Rule of Law" was given by AV. Dicey. It means "govt of law & not of men".

Dicey's Rule of Law →

- ① Absence of discretionary power
- ② Ordinary laws & ordinary courts
- ③ Rights flow from customs & traditions.

Rule of law based on principle of legality:

- 1) NALSA v. UOI: Transgender Rights were recognised.
- 2) Judicial Review as basic feature:
L. Chandra Kumar v. UOI: cannot oust writ jurisdiction of HC & SC.
- 3) Protection of Rights of Marginalised:
eg: NALSA Act → free legal aid to poor.

SC P.O.L.

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S.O.P

4) Protection of Various Fundamental Rights

① Olya Tellis Case : Right to livelihood recognised.

② Anuradha Bhasin Case : Internet freedom recognised

5) Rule of Law : opposed to Arbitrary exercise of power

1) Kanoo Purabpore Con Ltd v. Canal Commissioner, Bihar -

it was held that canal commissioner did not exercise his discretion.

2) Arbitrary exercise of Admin Power :

① Maneka Gandhi v UOI : passport impounded & not given a right to hearing.

3) Unreasonable discrimination

① Wednesbury Associated Picture Co v. Wednesbury : held that cannot act arbitrarily.

Thus, it can be seen that Rule of Law is a basic feature of our Constitution.

Q.5(c) Constituent power to frame the constitution and the constituent power to amend the constitution have different connotation and scope. Explain. (10 Marks, 150 words)

The Indian Constitution was formed as a result of intense "Constitutional Assembly Debates".

The "Constituent Assembly" debated on various provisions so that views of all were heard & on appropriate matters.

Constituent power to frame Constitution

1) It implies the power to frame any constitution one likes.
eg: power to Constituent Assembly.

Constituent power to Amend the Constitution

1) It implies the power to amend/add/repeal any the provisions of existing features of Constitution.

Power to Amend Frame	Power to Amend.
2) It is <u>wide power</u> .	2) It is a <u>narrow power</u>
3) Any constitution can be framed/ adapted.	3) The original constitution <u>must survive without less of identity.</u> Justice H.R. Khanna in <u>Keshwananda Bharati</u>
4) It has <u>no limitations</u>	4) <u>Limitations on amending powers.</u> eg: <u>Basic structure</u> can <u>not be abrogated</u> - <u>Keshwananda Bharati case</u>
5) <u>Plenary Powers</u>	5) <u>Minerva Mills case</u> - <u>Not plenary power to amend.</u>

→ Word
→ power

4

It can thus be seen that both have different connotations & scope.

Q.5(d). Explain the phenomenon of tribunalisation of justice in India. (10 Marks, 150 words)

The 42nd Constitutional Amendment Act added Article 323A & 323B to the Indian Constitution.

Article 323A →

- only Union Parliament can establish tribunals. e.g. CAT
- for "public service matters".
- No hierarchy is possible.

Article 323B :

- State government can ~~not~~ establish tribunals for "any other matters".
- Hierarchy of tribunals is possible.

Ex. Tax tribunals, etc.

S. Sampath Kumar v. VOI - Tribunals ~~actions~~ were held as alternative courts.

↓
L. Chs → 226

Benefits of Tribunalisation of Justice

- 1) Speedy Remedy / Justice
- 2) Inexpensive Remedy
- 3) No strict procedural laws (CrPc, CPC, 1908, etc).

Principles of Natural Justice to be applied.

Issues w/ Tribunalisation in India

- 1) No legal procedure
- 2) Not a final court of appeal - thus undue delay.
- 3) Tribunal members have no experience of adjudication

1) Limitations of Tribunalisation

↳ L. Chandra Kumar v. UOI - held that

↳ Writ jurisdiction cannot be ousted of HC.

Tribunals may add another layer of adjudication, but matter may end up in high court or supreme courts eventually.

M. G. Sreedharan

Q.5(e). What are the main advantages and need of delegated legislation? (10 Marks, 150 words)

Delegated legislation - refers to the power conferred on executive to make skeleton laws/ regulations for the enforcement of will of the Parliament. It was upheld in Re Delhi Laws Case.

Need of Delegated legislation

1) Time Constraints :

⊙ Parliament has time constraints & cannot make detailed legislations.

2) Lack of Expertise :

⊙ Ground level implementation may be better done by executive at ground level.

3) Practical Considerations :

⊙ Rule of exclusion & inclusion in certain matters. Whether a particular law to apply to an area or not.

Q) Advantages of Delegated Legislation :

- 1) Effective implementation of policy at ground level
- 2) Data based governance
- 3) Removal of difficulties in implementation of laws
- 4) Give effect to will of legislature

Ashok Kr Thakur v UOI : Rules were made to determine OBCs and it was held valid delegated legislation.

Delegated legislation can thus solve the problem of ^{effective} implementation of laws :

Q.8(a). What Constitutional safeguards are available to civil servants under the Constitution of India? Explain the circumstances under which a civil servant can be dismissed from service without holding a regular inquiry against him. (20 marks)

Article 310 states that members of civil services shall hold office during pleasure of President or Governor.

Constitutional Safeguards available:

- 1) Article 311(1) : Not to be dismissed or removed by any authority subordinate to which ~~is~~ the civil servant was appointed.
- 2) Article 311(2) : shall not be dismissed / removed or reduced in rank unless a proceeding shall be conducted and enquiry is done and civil servant is provided the opportunity to defend himself/herself.

Circumstances when Civil Servant can be dismissed w/o holding Regular Inquiry:

1) When convicted of a criminal offence

→ Proviso 2(a) to Article 311(2)

→ R. Ahuja v. SC Jain: can be dismissed w/o any enquiry since he was convicted of murdering his own wife.

→ State of MP v. Hazarimal: cannot be dismissed if conviction is for petty offence.

2) When an inquiry is Not Reasonably Practicable

→ Proviso 2(b) provides this exception

→ Satyajit v. UOI: Raw employed coerced the witness - held that inquiry was not reasonably practicable.

1) Jayant Singh v. State of Punjab: where adjudicating authority held that witnesses were threatened, but this was not the case.

→ Such reasons for "Inquiry not reasonable practicable" has to be recorded in writing.

3) When it is not in the interest of Security of State to conduct inquiry:

→ the Pident or Governor must be satisfied that inquiry is not reasonably possible in interest of security of State.

→ Reasons for such are recorded.

→ AK Kaul v UOI:

○ It is open to Judicial Review.

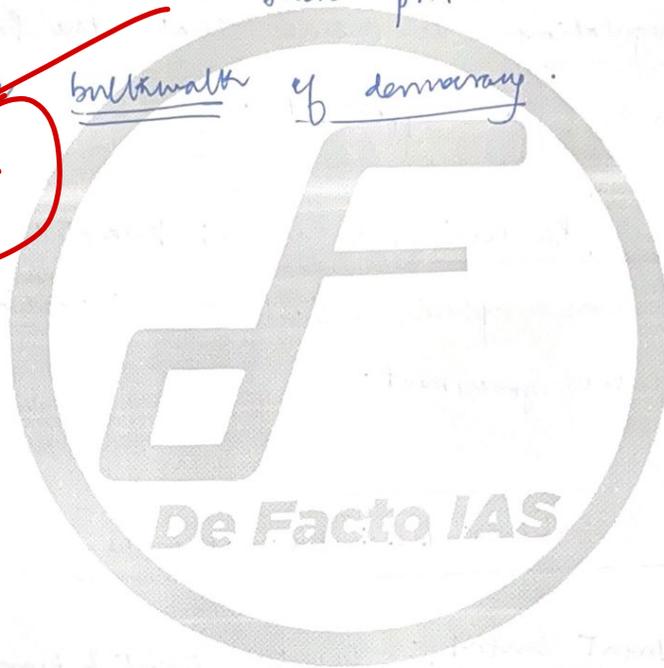
○ Thus decision of Governor or Pident can be challenged.

Safeguards to civil servants ensure that they are able to carry out their functions without fear.

These protections are

hence bulwark of democracy.

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Q.8(b). How does parliamentary control over delegated legislation work? Discuss the different methods of parliamentary control over such legislations. (15 marks)

Delegated Legislation ^{"DL"} refers to the power conferred on the executive to lay down rules and regulations to ensure that the Parliamentary laws can be given effect to.

In Re Delhi Laws Case: Delegated legislation was upheld subject to limitations set by the government.

Parliamentary control over DL: How it works

- 1) Pre-enactment control: Debates, Object & Reasons, Publishing the Bill, soliciting public opinion.
- 2) Post-enactment control: Laying Down Procedures.
- 3) Indirect control: Committee on Subordinate Legislation.

Different Methods of Parliamentary Control over DL :

1) Laying down Legislative Principles / Policy / Objective

⊙ Anirudh Singh v. State of Punjab : when the legislature has fixed the essential policy for guidance

⊙ Hamdard Dawakhana v. UOI : when the legislature has not laid down policy guidance, section 3(d) of the Act was held excessive DL.

2) Laying Down Procedure

⊙ Atlas Cycles v. State of Haryana :
laying down was ~~not~~ net mandatory but discretionary.

3) Positive & Negative Resolution as to Laying down :

⊙ DL comes into effect only after Parliament has passed essential resolution.

4) Indirect Control : by Committee or subordinates
Legislation . .

5) Publication : Changalal Maganbhai v ~~APMC~~ APMC

where publication in Gujarati was held valid .

8/5
Parliamentary Control is there but Judicial Control
is more effective as it can scrutinise the
law at the stage of actual implementation .

Q.8(c). What is an Ombudsman, and what is its primary purpose? How effective are Ombudsman institutions in addressing grievances and ensuring administrative accountability? (15 marks)

Institution of Ombudsman has been taken from Sweden.

Ombudsman is an independent authority which

~~ensures~~ ensures that organs of government functions within limitations conferred on to them.

Primary Purposes of Ombudsman

1) Ensuring Accountability:

→ of various ministers / public officials, etc.

2) Ensuring Checks & Balances

→ by maintaining independent supervision over various departments of government

3) Ensuring Corruption free departments

→ can initiate action against those involved in corruption.

4) Formating Justice

eg: RBI Ombudsman to address
grievance of Bank Customers.

5) Upholding Rule of Law & Good Governance

→ By ensuring that citizens are kept at
the heart of administration.

How effective Ombudsman Institution are, Issues

- 1) Not able to meet the growing demands of citizens.
- 2) Delay in responding to complaints.
- 3) toothless laws & lack of proper powers to them. eg. Human Right Commission does not have powers to direct any sentence etc against accused.

d) Ineffectiveness due to political interference

eg: Appointment of Lok Pal = vexed with involvement of politicians.

eg: Chief Information Commissioner - appointed by government & not by independent body.

Effectiveness of ombudsman: Benefits

- 1) Address citizens issue
- 2) Keep citizens at heart of administration
- 3) Keep government on toes.
- 4) Check & balances
- 5) Hold government Accountable.

Thus institution of ombudsman is important for Citizen Centric Administration.