

SPEECH BY THE PRESIDENT OF INDIA, SHRI PRANAB MUKHERJEE AT THE INAUGURATION OF ALL INDIA LOKAYUKTAS CONFERENCE 2012

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I am happy to participate in the inaugural ceremony of the Eleventh All India Lokayuktas Conference which brings together Lokayuktas of different States to discuss ways and means of enhancing effectiveness of Lokayuktas. These All India Lokayukta Conferences, bring different stakeholders together so that views can be shared on the challenges and best practices. With such a wide range of experienced participants, I am sure the discussions will bring forth concrete suggestions and initiatives for strengthening Lokayuktas and making them more effective.

In recent times, there has been concern over the need to ensure that the corridors of power remain untainted by corruption or nepotism and that there is optimum utilization of resources and funds for their intended purposes. This national conference is therefore timely. For the successful working of democracy, people should be confident that Government policies are

formulated and implemented with honesty, transparency and fairness.

As all of you are aware, Lokayukta or the Ombudsman was originally conceived in Scandinavian countries as a watchdog of the administration as well as protector of the “common man”. Despite having minimal power to implement decisions, the Ombudsman played a very useful role in these countries by bringing humanism in governance. In India, Sh. M. C. Setalvad, the distinguished lawyer, in his speech at the All India Lawyer’s Conference held in 1962, suggested the idea of establishing an institution similar to that of an Ombudsman. This idea was extensively investigated by the First Administrative Reforms Commission in 1966 and while recommending setting up of Lokpal at the Centre and Lokayuktas in the States, this Commission advocated ‘Ombudsmanic’ institutions as a means for redressal of citizens’ grievances, containing corruption and removing discontent amongst citizens.

Over the years, as India witnessed rapid growth, the extent of public spending has steadily increased. For example, the first Revenue Budget of independent India presented by then Finance Minister Shri Shanmukhom Chetty was of Rs. 197.39 crore comprising of Revenue receipts of Rs.171.15 crore and Revenue Expenditure of Rs.197.39 crore, thereby leaving a Deficit of Rs.26.24 crore. Whereas, the last budget presented by me in March of this year was nearly Rs. 12 lakh crore. The first five year plan outlay was Rs. 2000 crore while public investment during the 11th Plan period was around Rs. 11 lakh crore.

As the political economy grows in size and depth, institutions conceived and established under Constitution face unique challenges. Ensuring sustainable growth, eliminating poverty, raising the quality of life, promoting industrialization, providing jobs etc. requires quick decision making by the Executive on whom our Constitution vests the responsibility of governance. If the Executive has to deliver results and demonstrate efficient governance, it needs to have substantial financial powers.

At the same time, provision of such financial powers and the use of administrative discretion in governance gives rise to opportunities for nepotism and corruption. It is in recognition of the need for a mechanism which would investigate corruption amongst public persons and help bring probity in governance that Lokayuktas have been set up across the country and a Lok Pal is under consideration at the center.

I understand at present 19 Lokayuktas have been set up by State Governments. I would urge the remaining states to also consider establishing similar institutions at the earliest and learn from the best practices of successful Lokayuktas within the country.

In the States where Lokayuktas have been set up, different Acts govern their establishment and the provisions relating to the eligibility of Lokayukta, its jurisdiction, procedures, powers and infrastructure widely vary. There is no uniformity in the functioning of Lokayuktas of different States and their effectiveness differs from State to State. The fact that Lokayuktas only

have recommendatory powers and no power to enforce their decisions, what should be the extent of their jurisdiction, should government servants be under their ambit or only public persons, should they have independent investigation agencies of their own or should they use existing official agencies etc. all are issues which have engendered significant debate in society. I am sure this conference will discuss these issues threadbare.

The Second Administrative Reforms Commission, in its Fourth Report on “Ethics in Governance”, recommended uniformity in the general principles regarding the structure, power and functions of Lokayuktas in all the States. Justice Manmohan Sarin in his remarks has referred to the preparation of a Model Mukhya Lokayukta and Upalokayukta Bill for the reference of State Government. It is a welcome step. The Lokayuktas may also like to discuss this Model Bill with the Ministry of Law and Justice and see how the matter can be taken forward expeditiously.

It is imperative that Lokayuktas, who are currently in office inspire confidence of the people by conducting

impartial and independent inquiries in pursuit of truth. State Governments must facilitate the Lokayuktas in the full implementation of the legislative mandate entrusted upon them and not see them as a nuisance or interfering in governance. Lokayuktas must be provided adequate financial and administrative autonomy.

The Lokayuktas must at the same time remember that their duty is not just to indict public functionaries when they are guilty but also to protect them when nothing is found wrong with their conduct and to correct wrong perceptions about them with equal force and earnestness. It must be ensured that in the name of checking corruption, vilification campaigns are not carried out to defame or destroy reputations. False allegations aimed at impugning reputations are bad. The institution of Lokayukta is an ally to good governance not an obstruction to development.

Finally, let me repeat what I said in my Independence Day address to the nation earlier this year. Anger against the bitter pandemic of corruption is

legitimate as is the protest against this plague. But, this should not become an excuse for an assault on our democratic institutions.

Institutions are the visible pillars of our Constitution, and if they crack then the idealism of our Constitution cannot hold. Our institutions may have suffered from the weariness of time. The answer is not to destroy what has been built, but to re-engineer them so that they become stronger than before. Institutions are the ultimate guardians of our liberty.

The judiciary of our country is the ultimate sentinel of justice and arbiter of truth and the Parliament is the custodian of the people's aspirations and the architect for implementing their dreams. Over and above the Constitutional scheme of the Executive, Legislature and Judiciary, we have, in recent times, given ourselves the Right to Information, Legal Aid, Autonomous Investigation Agencies and a host of beneficial legislation. The Lok Pal Bill is before the Parliament. New laws for imposing sanctions for bribery by foreign agents, transparency in

public procurement, citizens' grievances redressal etc are also under consideration. All these must strengthen existing institutions of accountability not displace them or undermine them. We must also distinguish bonafide errors of judgment from graft and corruption, civil wrong from criminal intent and the need to have swift and effective sanctions against corruption from the imperative of protecting the innocent.

I am sure that the institution of Lokayuktas will emerge as a strong and an effective body in India making useful contribution to enhancing probity in governance and checking corruption as well as maladministration. I extend my best wishes for the success of this conference.
