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Index

	Index		
1.	पर्यावरणीय आव्हान : समस्या व उपाय	डॉ.सोमवंशी मुक्ता गोविंदसव	7
2.	जनसहभागिता एक समस्या	डॉ. प्रकाश रावसाहेब शिंदे	10
3.	आपत्ती व्यवस्थापन - संकल्पना	डॉ. दाणे बी.एल.	12
4.	आपत्ती व्यवस्थापनात महाराष्ट्र प्रशासनाची भूमिका	प्रा.आकोलकर आशा रगडू	13
5.	भारतातील माहिती अधिकारापुढील समस्या	डॉ. जयदेव मोहिते	16
6.	अवर्षण एक आपत्तीः कारणे, परिणाम आणि उपाय	प्रा. डॉ. जाधव अशोक काकासाहेब	18
7.	Disaster Management	अर्थना भगवानसव काळे	20
8.	पर्यावरणीय जलप्रदुषण समस्या एक भौगोलीक अभ्यास	डॉ. योयडे थी.वी.	25
9.	अवर्षण एक नैसर्गीक आपत्ती	डॉ. जयदीप रामकृष्ण सोळुंके	28
10.	आपत्ती व्यवस्थापन : एक प्रशासकीय आव्हान	प्रा. डॉ.नंदकुमार एन कुंभारीकर	33
11.	पर्यावरणीय आव्हानावर शाश्वत विकास हाच मार्ग	प्रा.डॉ.मंगणे जीवन सुदामराव	35
12.	लोकप्रशासनातील पारदर्शकता; माहितीचा अधिकार विशेष संदर्भ	प्रा. डॉ. वैशाली शेषराव पेरके	37
13.	आपत्ती व्यवस्थापन आणि मानव संरक्षण : एक अभ्यास	प्रा. जी.एन.सोनवणे -	41
14.	पर्यावरणीय आव्हान	प्रा.डॉ. चव्हाण बी.एम.	43
15.	प्रशासकीय संस्कृती	प्रा.डॉ. बी.आर. कतुरवार	46
16.	Concept of Ombudsman (Lokpal)	✓Mr.Mahesh Jaiwantrao Patil	51
17.	Environment protection – A legal and judicial perspective	Smt. Pradhnya P. Sawarkar	55
18.	Theory and Practice of Public Administration in Globalized Era	Dr. M. C. Pawar	58
19.	Origin Of Public Private Partnership	Dr.Bhagwansing M. Bainade	62
20.	Concept of E-Governance	Dr.Meer Bashrat Ali	66
21.	जागतिक लोकसंख्येची वाढ आणि पर्यावण	डो. विड्ठल शंकरराव देशमुख	69
22.	एनआरएचएम अंतर्गत जननी शिशु सुरक्षा कार्यक्रमामध्ये 102 टोल फ्री क्रमांक (Referal Transport) सेवेची भूमिका	प्रा. संजय मारोतराव देवडे	70
23.	दुष्काळाची कारणे आणि उपाय	प्रा.डॉ.एस.जी.गव्हाणे	73
24.		प्रा.डॉ.मगवान श्रीपती सांगळे	75
25.	नोकरशाहीचे प्रकार (Types of Bureauecacy)	प्रा. डॉ. उलगडे लक्ष्मण काशिनाथ	78
26.	माहिती तंत्राज्ञान आणि प्रशासकीय बदल	प्रा. डॉ. वसंत पांडूरंग सरवदे	81
27,	भारतीय परिप्रेष्टयातून सु-शासन	प्रा. व्ही. ए. गायकवाड	62
28.	महिती तंत्रज्ञानाचा लोकप्रशासनावरील परिणाम : ई-ऋसन	प्रा. डॉ. संजय कांबळे	86
29.	सायबर सुरक्षितता	प्रा.डॉ. उर्मिला गोविंद रेड्डी	88
30.	लोप्रशासनातील नवप्रवाह आव्हाणे आणि संधी	प्रा. डॉ. अमोल काळे	92
31.	भारतातील आपत्ती व्यवस्थापन प्रशासन	डॉ. गजानन चिट्टेवाड	94
32.	खाजगीकरण व लोकप्रशासन	डॉ. प्रतिभा श. उन्हाळे	97
33	सुशासनासाठी माहिती अधिकार	प्रा.डॉ. कालिदास दिनकर फड	100
	. पर्यावरणाचा सजीवांच्या आरोग्यासी संबंध एक विश्लेषण.	प्रा.प्रकाश खुळे	102

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Concept of Ombudsman (Lokpal)

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Introduction:

Ombudsman institution has close association with democracy, democratic development, governance and public administration. It is said that there should be easy mechanism of grievance redressal against misuse of discretionary power by the Government and the bureaucracy that operationalise policies and

programmers of the Government.

Development of democracy and its values gave rise to aspirations of the people. This obliviously led to their high expectations towards representatives and the Government. Similarly, the adoption of 'welfare concept' as inbuilt character of the governance placed heavy burden on Government to take care of their citizen which gives more discretionary powers to administrative system. This leads to corruption.

When common man comes in contact with the Government and administration to get his day-today work done; may be about added tax, street lights or anything else, it gives rise to more grievances than the work done. According to Bernard Frank, "They range from simple clerical error to oppression, for e.g. unreasonable delay, injustice, administrative error, failure to carry out legislative purpose, abuse of discretion, lack of politeness, clerical error, oppression, lapse, negligence, inadequate investigation, unfair policy, partiality, failure to communicate, disrespect, maladministration, unfairness, unreasonableness, arbitrariness, arrogance, efficiency, violation of Law or regulation, abuse of authority, favoritism, errors, mistakes, carelessness, disagreement with discretionary decisions, proper motivation, irrelevant consideration, inadequate explanation, and all other act that are frequently inflicted upon the governed by those who govern, intentionally or unintentionally"

In the above listed situation of grievances, redressal is often discriminatory. Justifying the needs of desirability of having an Ombudsman for England, Lord Shaw Cross rightly wrote in the preface to the

Whyatt Report (1961), as follows-

"The man of substance can deal with these situations. He is near to the establishment; he enjoys the status and possesses the influences which will cruse him the ear of those in authority. He can afford to pursue such legal remedies... as may be available. But, too often the little man, the ordinary humble citizen, is incapable of asserting himself.46

The main problem before the modern administrative system is how to provide good democratic framework in which people enjoy confidence. They can have easy access to redress off their grievances. It is equally important that such a system should be cheap, easily accessible, quick, impartial objective and

independent.

The appointment of Ombudsman is to meet this purpose. Many countries worldwide have adopted the institution of Ombudsman. The institution had its roots in the Swedish Constitution in 1809ii. Later, it was adopted by many countries and in recent years more countries are adopting this institution on their own. It has been also recommended by the International institutions like United Nation (UN), the World Bank, International Monetary Fund (IMF) and Asian Development Bank as a means of ensuring good governance and better service delivery to the consumers.

Definition of Ombudsman:

A) Caiden:

"An institutionalized public conscience, the essence of what Governments ought to do; that is to cultivate the well-being of the citizen, the preservation of individual liberty and the equitable treatment of all the citizens by the public bureaucracy".

B) The International Bar Association (1974):

"An office mentions for by the constitution or by action of the legislature and headed by an independent high-level public official who is responsible to the legislature, who receives complaints from aggriev ed persons against Government departments, agencies, officials and employees or who acts on his own motion, and who has the power to investigate, recommend corrective action, and issue reports".

Meaning of Ombudsman:

Ombudsman is a Swedish word which refers to a person who acts as a spokesman or representative of another person". According to Encyclopedia of America, Ombudsman is an independent public office unreasonable act, or delays by Government agencies. He investigates and reports his findings and