



Mohtasib (Ombudsman)'s

ANNUAL REPORT

2001

WAFaqI MOHTASIB (OMBUDSMAN)'S SECRETARIAT
ISLAMABAD – PAKISTAN

Tele: (92)-(51)-9201665-8, Fax: 9210487, Telex: 5593 WMS PK
E-mail: mohtasib@paknet2.ptc.pk

A Profile of the Ombudsman



Mr. Justice Muhammad Bashir Jehangiri, a Senior Judge of the Supreme Court of Pakistan, at the time, was administered oath of the Office of Acting Ombudsman of Pakistan by the President of the Islamic Republic of Pakistan at Aiwan-e-Sadr (President's House), Islamabad on 10th February, 2000. He continued to hold the Office during the year under report, i.e. 2001.

Mr. Justice Muhammad Bashir Jehangiri has rich experience in the legal profession and the judiciary, acquired over a period of about 38 years. His Lordship was born on 1st February, 1937 at Mansehra, NWFP. He received his school education in Lahore, obtaining distinctions and obtained a B.A. degree (First-Class-First) from Abbottabad in 1960. He obtained his LL.B degree from the University Law College, Peshawar in 1962 and joined the Bar in February, 1963.

After qualifying the West Pakistan P.C.S. (Judicial Branch) Examination, he was appointed as Civil Judge on 7th March, 1966. After serving at various stations as Civil Judge and Senior Civil Judge, he was promoted as Additional District and Sessions Judge on 6th July, 1974 and as District and Sessions Judge on 24th October, 1974.

His Lordship served as Judicial Commissioner, Northern Areas, from June, 1979 to December, 1982. He remained Special Judge, Customs, Taxation and Anti-smuggling (Central), Peshawar from March, 1983 to September, 1984. He took over the charge as Joint Secretary, Ministry of Justice and Parliamentary Affairs (Justice Division), Islamabad on 12.9.1984 and was elevated as Judge of the Peshawar High Court on 1st October, 1988 and as Ad hoc Judge of the Supreme Court of Pakistan on 22nd February, 1995. He became a permanent Judge of the Supreme Court of Pakistan on 30th March, 1996.

Mr. Justice Muhammad Bashir Jehangiri being the next senior most Judge after the Chief Justice of Pakistan, in the absence of the latter from the country, also acted as Chief Justice of Pakistan a number of times.

His Lordship attended the Advanced Course in Public Administration and Development at the National Institute of Public Administration (NIPA), Lahore in 1977 and Shariah Course in the Shariah Academy of the

International Islamic University, Islamabad in 1983-84. His Lordship attended the United Nations Institute for Asia and Far East Course for three months regarding "Prevention of Crime and Treatment of Offenders" at Fuchu, Tokyo, Japan in 1986. His Lordship participated as Legal Member of the Pakistan Delegation in the UN sponsored Geneva Accord on Afghanistan in April, 1988. His Lordship attended the World Law Conference held in Argentina in 1993. His Lordship also represented the Chief Justice of Pakistan in the Chief Justices' Conference and Law Asia Annual Meeting held in Manila (Philippines) in August, 1997.

On becoming the senior-most Judge of the Supreme Court of Pakistan, Mr. Justice Muhammad Bashir Jehangiri took Oath as the Chief Justice of Pakistan on 7th January, 2002, which position he held till his retirement on 31st January, 2002.

Mr. Justice Muhammad Bashir Jehangiri, in his capacity as the Ombudsman of Pakistan, was the host for the Meeting of the Board of Directors of the Asian Ombudsman Association (AOA) held in Islamabad in February, 2000. As President of the AOA, he chaired the Fifth Asian Ombudsman Conference held in Manila (Philippines) from 17th to 20th July, 2000 where he was unanimously elected as President of AOA for the next two years. As the Ombudsman of Pakistan, he attended the Seventh International Conference of the International Ombudsman Institute (IOI) held in Durban, South Africa from 27th October to 3rd November, 2000, where he represented the Asian Region in his capacity as President of the AOA.

Mr. Muhammad Bashir Jehangiri, in his capacity as the Ombudsman of Pakistan led a delegation to the Peoples Republic of China in February 2001 on the invitation of his counterpart in that friendly country, the Minister for Supervision. As the President of AOA, he chaired the Sixth Asian Ombudsman Conference held in Tokyo (Japan) from 19th to 21st June, 2001. He represented the Asian Region in his capacity as President of the AOA in the Meeting of Board of Directors of the International Ombudsman Institute (IOI) held in Seoul (Republic of Korea) from 29th to 31st October, 2001.

CONTENTS

A Profile of the Ombudsman.....	iii
---------------------------------	-----

CHAPTER-I

Introduction	1
Annual Report	1
Ombudsman Institution in Pakistan	2
Regional Offices	2
Need for Accountability.....	3
Ideological Heritage.....	3
Ombudsman Institution in the Modern Times	7
Special Nature of the Institution	8
Directives of the President/Chief Executive Regarding Implementation of the Recommendations of Wafaqi Mohtasib (Ombudsman)	8
Implementation of Recommendations	12

CHAPTER - II

Role and Functions	13
Statement of Purpose	13
Mal-administration.....	13
Appointment and Tenure of Wafaqi Mohtasib (Ombudsman)	14
Independence from the Executive	14
Jurisdiction of the Wafaqi Mohtasib (Ombudsman).....	14
Jurisdiction of Service Tribunals	15
Procedure of Making Complaints	15
Investigation Procedure.....	16
Recommendations for Implementation	16
Defiance of Recommendations	17
Power to Punish for Contempt	17
Award of Costs and Compensation.....	17
Conduct of Business.....	18
Bar on Jurisdiction of Courts	18
Representation to the President.....	18
Informal Resolution of Disputes and Matters	19

Miscellaneous.....	19
--------------------	----

CHAPTER - III

The Office and its Expansion	21
Directory	22
Personnel Position.....	23
Budget	24
Office Accommodation.....	24

CHAPTER - IV

Performance During the Year.....	25
Initial Examination of Complaints	25
Inflow and Disposal of Complaints.....	26
Relief Provided	27
Number of Complaints against Federal and Provincial Agencies and Others	27
Reasons for Non-admission of Complaints.....	28
Nature of Mal-administration.....	28
Agency-wise Number of Complaints and their Disposal.....	29
Complaints Data Eversince Establishment of the Ombudsman's Office.....	30

CHAPTER - V

International Contacts, Meetings and Conferences	31
Visit to Peoples Republic of China	32
Sixth Asian Ombudsman Conference	33
19th Australasian & Pacific Ombudsman Conference.....	35
Meeting of Board of Directors of IOI	36

CHAPTER - VI

Maladministration—Typical of Various Agencies.....	39
Complaints Common to All Agencies	39
Complaints Specific to Agencies	41

CHAPTER - VII

Representative Cases	51
Commerce Division	52
State Life Insurance Corporation (SLIC).....	52
Communication Division	57
Pakistan Post Office.....	57
Defence Division.....	59
Education Division.....	60
Allama Iqbal Open University (AIU)	61
Federal Directorate of Education (FDE)	62

Finance Division	64
Accounts Offices.....	64
Agricultural Development Bank of Pakistan (ADBP)	66
Housing Building Finance Corporation (HBFC)	67
Information Technology and Telecommunication Division	68
Pakistan Telecommunication Corporation Limited (PTCL).....	68
Industries and Production Division.....	70
Utility Stores Corporation (USC)	70
Interior Division.....	71
Capital Development Authority (CDA).....	71
Registration Directorate/National Database & Registration Authority (NADRA).....	75
Kashmir Affairs, Northern Areas and States & Frontier Regions (KANA & SAFRON) Division.....	77
Labour, Manpower and Overseas Pakistanis Division.....	78
Petroleum and Natural Resources Division	79
Sui Northern Gas Pipelines Ltd. (SNGPL)	79
Railways Division	81
Pakistan Baitul Maal	82
Water and Power Division	83
Water and Power Development Authority (Wapda).....	83

CHAPTER - VIII

Improvements reported by Agencies to Alleviate Mal-Administration	89
Water and Power Development Authority (Wapda).....	89
Pakistan Telecommunication Company Limited (PTCL).....	91
Sui Northern Gas Pipelines Limited (SNGPL)	95
House Building Finance Corporation (HBFC).....	95
Accountant General Pakistan Revenues (AGPR)	96
Housing and Works Division	97
Pakistan Railways	99
Agricultural Development Bank of Pakistan (ADBP)	99

CHAPTER - IX

Recommendations	101
Earlier Recommendations	101
General Recommendations	101
Recommendations Specific to Agencies.....	104
Need for Provincial Ombudsman in NWFP.....	116

APPENDIX - I

Statistical Analysis	117
----------------------------	-----

APPENDIX - II

List of Officers of Wafaqi Mohtasib (Ombudsman)'s Secretariat	129
---	-----

APPENDIX - III

Address During the Sixth Asian Ombudsman Conference on the Theme of 'Reality and Ideals of Asian Ombudsman' by Mr. Justice Muhammad Bashir Jehangiri, Wafaqi Mohtasib (Ombudsman) of Pakistan.....	131
--	-----

APPENDIX - IV

President's Order No. I of 1983.....	Error! Bookmark not defined.
--------------------------------------	-------------------------------------

APPENDIX - V

Letters of Thanks	159
-------------------------	-----

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the name of Allah, the Most Gracious, Most Merciful

إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ

Verily Allah loves those who are fair (and just)
Al-Hujrat (XLIX-9)

CHAPTER - I

INTRODUCTION

Annual Report

The institution of Wafaqi Mohtasib, the Federal Ombudsman was set up in Pakistan on 8th August, 1983 under the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983 – hereinafter called P. O. No.1 of 1983. The year 2001 is therefore the eighteenth year of its existence and providing of relief to distressed persons. Article 28(1) *ibid* provides as follows:-

“Within three months of conclusion of the calendar year to which the report pertains, the Mohtasib shall submit an Annual Report to the President”.

This Report is being submitted to the President of the Islamic Republic of Pakistan accordingly. Mr. Justice Muhammad Bashir Jehangiri took oath of Office as Acting Federal Ombudsman (Wafaqi Mohtasib) on 10th February, 2000 and as such held the Office during the year 2001.

Ombudsman Institution in Pakistan

The necessity of setting up the Ombudsman institution in Pakistan was first felt in the interim Constitution of 1972. The Constitution of the Islamic Republic of Pakistan, 1973 included a mention of the institution of Ombudsman in the Federal Legislative List. The institution can be set up in the Provinces with Acts of the Provincial Legislatures. However, the institution of Wafaqi Mohtasib or Federal Ombudsman was set up only in 1983 under the P.O. No.1 of 1983. The same is added as Appendix IV to this report. There being defined spheres of action of the Federal and Provincial Governments, grievances of the citizens may pertain to a Federal or a Provincial subject, and hence may relate to a Federal or Provincial organization, called 'Agency' in the P.O. No.1 of 1983. The process of Ombudsmanship cannot therefore be considered as complete, without the existence of Ombudsman institutions in all the four Provinces. The Province of Sindh established the Provincial Ombudsman institution in early 1992 by an Act of 1991. Azad Jammu and Kashmir set up the institution of Ombudsman in 1992. The Province of Punjab established the institution in 1996, while the institution of Provincial Ombudsman has been set up in Balochistan in 2001. Province of NWFP has yet to set up the Ombudsman institution.

Regional Offices

In addition to its headquarters at Islamabad the institution of Wafaqi Mohtasib or Federal Ombudsman has been since functioning with four Regional Offices, located at the four Provincial Headquarters, i.e Karachi, Lahore, Peshawar and Quetta. It was felt that complainants of remote areas had to travel quite a distance in order to register and follow up their complaints. A need for more Regional Offices was always felt. It was during the visit of the Chief Executive of Pakistan in May, 2000 that he kindly agreed to the proposal of setting up more Regional Offices. These are to be in Faisalabad and Multan in the Province of Punjab; Sukkur in the Province of Sindh; Dera Ismail Khan in the North West Frontier Province; and Gilgit in the Northern Areas of Pakistan. Funds have been provided for this purpose. As such, while presenting this Report, it is a matter of satisfaction to state that the Regional Office in Sukkur was formally inaugurated by the Ombudsman on 1st June, while the Regional Office in Multan was inaugurated on 9th June, 2001. The inauguration functions were well participated by the respective Provincial dignitaries as well. The Regional Office at Faisalabad has been set up also. Now, we look forward to setting up the Offices at Gilgit and D. I. Khan as well.

With the same, this institution has come within a closer reach of the inhabitants of these areas. This is in line with the Devolution Plan of the present Government, aiming at bringing the administration closer to the populace, and establishing a system in which the problems of the individuals will be solved at the local level, instead of their running about from pillar to post. This is a vital step towards ensuring good governance.

Need for Accountability

From time immemorial need has been felt for accountability of those vested with power and discretion. Looking back at the old civilizations, the Romans had the institution of ‘Tribunes’, who were particularly meant to overlook and safeguard the rights of plebeians against the patriarchs. Chinese inherit a civilization thousands of years old, and as much time back there were officials who functioned in the manner of Ombudsmen of today.

Modern day administration is supposed to function within the ambit of laws, rules, regulations and laid down procedures. Unfortunately, quite a few of the rules and regulations are of the administration’s own making. The bureaucratic set up and the organizations controlled by it have expanded many folds with the passage of time. While the administration has created a place for itself in every nook and corner of human life, the common man has not been allowed comparable access to the administration. This has created a unique relationship of: ‘Little Man and Big Government’. To reduce this inequality and bridge the gap of inaccessibility between the administration and the citizens. The institution of Ombudsman is of vital importance in the scenario of today.

Of late we are talking a lot about good governance. The same is considered as an essential pre-requisite of progress, social well being and ultimate prosperity of any nation. The institution of Ombudsman has a pivotal role to play in ensuring good governance, as redressal of the manifold grievances of the citizens against the administration is vitally essential for a satisfied populace.

Ideological Heritage

With the advent of Islam a complete code of life was given to humanity. It was emphasized that human beings are not only accountable for their deeds, but there is to be an ultimate ‘Youm-ul-Hisaab’, or, the Day of Judgment. The Holy Quran says that on that Day, one who has

done a good deed equivalent to the size of a particle will see it, and the one who has done an evil deed equivalent to the size of a particle will also see it. *Al-Zil Zaal* (XCIX-7, 8) Human beings are warned repeatedly that a complete record of their deeds will be presented on the Day of Judgment. Confronted with the same, the individual will be told; ‘Read it!. It is enough today for the accountability of your own self’. *Bani Israel* (XVII-13, 14).

The Holy Quran places a lot of emphasis on the necessity of being fair and just. The verse quoted in beginning of this Chapter brings out the same. It would also be pertinent to quote the following verses from the Holy Quran:-

“And when ye judge between man and man, that ye judge with justice”. *An-Nisa* (IV-58)

“Ye who believe! Stand out firmly for Allah, as witnesses to fair dealing, and let not the hatred of others to you make you swerve to wrong and depart from Justice, Be just: that is next to Piety”. *Al-Maeda* (V-8)

“Whenever ye speak, speak justly, even if a near relative is concerned”. *Al-An’am* (VI-152)

“Allah commands justice and doing of good”. *An-Nahl* (XVI-90)

The Holy Prophet of Islam, Peace Be Upon Him (PBUH) by his practice also emphasized the need for justice and accountability. It would be pertinent to quote the following sayings (Ahadi’th) of the Holy Prophet (PBUH):-

“Each one of you is a shephred and will be answerable about his herd, i.e. the people under his charge”. – *Sahih Bukhari Sharif*

“On the Day of Judgment the dearest and the nearest to God Almighty will be the Just Ruler whereas the most disliked and distant from Him will be the Unjust Ruler”. – *Tirmazi*

In the early Muslim period, the principles of justice and good governance were given a practical shape. The rulers or their specially designated officials used to inspect market places in order to check prices and quality of goods, rectify material wrongs and ensure observance of social justice and equity. The practice of accountability or *hisbah* was established and the citizens were free to question the conduct of anybody in authority.

The Venerable Successors (Khulafa-e-Rashedeen) of the Holy Prophet (PBUH) followed the traditions set by him. The First Caliph, Hazrat Abu Bakr, Razi Allah-o-Ta'alah Anho (RA) (May Allah be pleased with him) stated: "The weakest amongst you will be the strongest before me till I have restored to him his rights and the strongest will be the weakest in my eyes till I have extracted from him what he forcibly wrested from others".

The Second Caliph of Islam, Hazrat Umar Bin Khattab (RA) in known for his commitment to justice and accountability of those in authority. A typical example is that of his personal accountability. Once, sheets of cloth were distributed equally among all. When the Caliph appeared on the rostrum in the mosque, he was wearing a shirt made out of that cloth. A questioner asked him as to how he was wearing a shirt made out of the same cloth, when the sheet given to each one was not sufficient to make a shirt from it. The Caliph rendered the explanation that he has been given the extra sheet by his son who had also got a sheet of his own share. This was a practical manifestation of the personal accountability even of the head of the State.

The last of the four Khulafa-e-Rashedeen, Hazrat Ali (RA) has many sayings of wisdom which are a beacon light for many aspects of life. In the sphere of administration, it is pertinent to quote from the famous letter he wrote to Malik Ashtar, the Governor of Egypt. He, *inter alia*, said:-

"Out of your hours of work, fix a time for complaints and for those who want to approach you with their grievances. For this purpose you must arrange public audience for them, and during this audience, for the sake of God, treat them with kindness, courtesy and respect. Do not let your army and police be in audience hall at such a time so that those who have grievances against your government may speak to you freely, unreservedly and without fear. All this

is necessary factor for your rule because I have often heard the Prophet (PBUH) saying: that nation or government cannot achieve salvation where the rights of depressed, destitutes and suppressed are not guarded and where mighty and powerful persons are not forced to accede to these rights”.

The era of Caliphs was followed by the reign of Umayyads and Abbasids. During this period also the institution of special office to examine grievances was preserved. With increasing frequency independent Judges were entrusted with this function. It was in the era of Abbasids (750-847 AD) that the formal complaint handling institution called *Diwan-ul-Mazalim* was established. *Diwan* means an office, while *Mazalim* means grievances. Function of *Diwan-ul-Mazalim* was to examine complaints brought by the public against Government Officials. This institution was headed by a senior Judge responsible for examining these grievances.

Islam thus formally gave a practical shape to the concept of ‘hisbah’ or accountability. Its importance was to be realized by the individuals in the context of their deeds on the one hand and the administrators in the context of governance on the other hand. The principle and concept of ‘hisbah’ was widely followed by various administrations. It is believed that the institution of ‘hisbah’ and its function was adopted by the crusaders in Jerusalem. They even used the Arabic word *Muhtasib*, although they spelled it differently.

Under the Ottoman Empire and its existence for quite a few centuries, the institution of *Quadi-ul-Qudat*, or the Judge of Judges was established, who exercised the functions of Ombudsman of today. It is quite an established fact that the institution of *Quadi-ul-Qudat* influenced the establishment of Ombudsman Institution in Sweden in 1809. Dr. Victor Pickl of the Austrian Ombudsman’s Office observes as follows:-

“According to Ibrahim al-Wahab for ‘The Swedish Institution of Ombudsman’ it has been said that the idea of Ombudsman goes back to the time of King Charles XII of Sweden. As a result of his defeat by the Russians in 1709, King Charles XII fled to Turkey where he stayed in self exile for several years. During that period, unrest and disorder was prevailing in Sweden. Such state of affairs had led the King, while he was still in Turkey, to issue an order for the creation of an office headed by the highest Ombudsman.

The main function of the office was to ensure that laws and statutes were followed and that civil servants fulfilled their obligations.

In other words the Ombudsman was empowered to supervise the activities of judges and other administrative officials in their application of the law of the land. His office was later on called 'The Office of the King's Chancellor of Justice'."

The Swedish system was further developed between the 18th and early 19th Century. The Chancellor of Justice appointed by the King was a part of the executive. This created mistrust in the eyes of the people as well as in the Parliament. There was a long struggle between the Parliament and the executive to exercise control over the Chancellor of Justice. Dr. Victor Pickl observes as follows:-

"The continued struggle between the Parliament and the executive to exercise control over the Chancellor of Justice and to have an office that served their own interests was finally ended by the adoption of the Constitution of 1809. Such a development led the Parliament to appoint its own Ombudsman as an entity independent from the executive, as well as, from the Parliament itself with regard to his functions and decisions. This does not, however, mean that the office of the Chancellor of Justice ceased to exist. On the contrary, both offices until the present time have been exercising control over civil service, but each within his own field of jurisdiction."

Ombudsman Institution in the Modern Times

In the twentieth Century, Finland established the institution of Ombudsman in 1920. The institution of Finnish Parliamentary Ombudsman celebrated its 80th anniversary on 7th February, 2000 in the Parliamentary Building in Helsinki. From amongst the English speaking and British Commonwealth countries, New Zealand is acknowledged as one country which pioneered the setting up of the institution of Ombudsman. It was around later 1960's that the institution of Parliamentary Commissioner in various spheres was introduced in Great Britain. Realizing the importance of the institution the idea has developed rapidly and many

countries have set up the institution with different names. It exists today in one form or the other, by one name or the other, in all the Continents. In 1983 the number of countries having the institution of Ombudsman is believed to be less than 30, while today the total number of countries having the institution would be over one hundred.

Special Nature of the Institution

The Ombudsman is not a substitute for the existing institutional devices for accountability. The Ombudsman does not supplant their efforts, but rather supplements them, with a very flexible, informal and humane outlook. Operational purview of an Ombudsman covers much larger area than the implementation of the law of the land and functions of the Courts. The working of an Ombudsman institution is totally informal, very different from the Court of law. The Ombudsman very much looks into matters which are otherwise legal and within the framework of rules, from the point of view of equity and overall fairness. It has been said that he is a guardian of legality, but he never regards it as the end of the process. In addition to the function of redressal of individual grievances, the Ombudsman is there to check the unfair public policy itself and its ineffective execution, inattention, delay and inefficiency.

It has been generally agreed that before an institution can be called as that of the “Ombudsman” it should possess certain specific characteristics. It is acknowledged that particularly it should be legally established; functionally autonomous; external to the administration; operationally independent of both the legislature and the executive; non-partisan; client-oriented but non anti-administration; and freely accessible and visible.

Directives of the President and Chief Executive of Pakistan Regarding Implementation of the Recommendations of Wafaqi Mohtasib (Ombudsman)

Since the establishment of the institution at the Federal level in 1983 the importance of the institution has been fully and forcefully highlighted by the highest echelons of State. Implementation of the Findings/Recommendations of the Wafaqi Mohtasib (Ombudsman) has been repeatedly emphasised by various directives. The Agencies have been emphatically asked to desist from making unnecessary representations against the same. The first significant direction that may be specifically quoted in this respect is that of the President of the Islamic Republic of Pakistan at that time vide Directive No. 01 of 1990 issued vide

No.178/1//President dated 20th September, 1990 addressed to various Agencies, viz. Federal Ministries, Divisions and Departments is quoted as below:-

“Implementation of Findings/Recommendations of Wafaqi Mohtasib (Ombudsman).

It is a matter of grave concern for me to note that the Findings/Recommendations made by the Wafaqi Mohtasib (Ombudsman) are, at times, not implemented promptly by some of the Ministries/Divisions.

The Ombudsman’s institution has been established under President’s Order No.1 of 1983 basically to render inexpensive and speedy justice to the poor and downtrodden citizens, aggrieved or effected by the act of mal-administration of the Federal Agencies. However, the very purpose of this highly useful institution is lost when its recommendations are either not implemented or are delayed.

Article 16 of P.O. 1 of 1983 confers the same powers on the Ombudsman as are enjoyed by the Supreme Court of Pakistan for the purposes of taking action for non-compliance of his Orders under Article 14. The Ombudsman, however, has not so far invoked this Article in order to allow time to the Executive Authorities for adjustment with the concept of “Accountability”.

In order, therefore, to ensure that relief is provided to the common man against the excesses and acts of mal-administration of the Federal Government Functionaries, the following instructions may be taken note of:-

- i) “Recommendations/Findings of Wafaqi Mohtasib (Ombudsman) should be implemented within the stipulated time. Representations by the Federal Agencies under Article 32 of P.O. No.1 of 1983 should only be made if there is a strong case in their favour. These should not be made on frivolous grounds or merely to gain time. It has to be noted that Article 3(3) of P.O. 1 of 1983 specifically en-

joins upon all Executive Authorities, throughout Pakistan, to act in aid of the Mohtasib.

- ii) The tendency of defying or delaying the implementation of the Ombudsman's recommendations should be avoided. Unjustifiable defiance of the Mohtasib's recommendations shall be recorded in the personal file/character roll of the public servant primarily responsible for the defiance, as provided by Article 12(2) of P.O. 1 of 1983.

Finally, all Federal Agencies, are, once again, urged to extend full cooperation to the Ombudsman for carrying out his functions smoothly in accordance with the requirements of P.O. 1 of 1983."

Further, the President's Secretariat (Public) by a letter dated 20th February, 1992 directed all Agencies that time-barred representations may not be processed. The Federal Secretary, Law Justice and Parliamentary Affairs Division addressed all the Federal Secretaries by letter No.2784/93-Law dated 6th December, 1993 as follows:-

"The President has been pleased to direct that the Ministries, Divisions and Departments may refrain from making unnecessary representations under Article 32 of Presidential Order No.1 of 1983.

The orders of the President may also please be brought to the notice of the attached Departments, subordinate offices, corporations, autonomous and semi-autonomous organisations under the control of your Division for strict compliance."

Once again Secretary Law, Justice and Parliamentary Affairs Division addressed the following letter dated 19th November, 1995 to all the Federal Secretaries:-

"Please refer to our D.O letter dated 6th December, 1993, whereby the directions of the President of Pakistan were conveyed that the Ministries/Divisions/Departments may refrain from making unnecessary representations under Article 32 of Presidential Order 1 of 1983.

In spite of the instructions it has been observed by the Prime Minister's Secretariat that Ministries/Divisions/Departments still continue to make unnecessary representations ostensibly to delay the implementation of the Wafaqi Mohtasib's Order.

I shall be grateful if the instructions are complied with in letter and spirit."

The Prime Minister's Secretariat addressed all the Federal Ministries, Ministers of State, Federal Secretaries vide letter dated 14.11.1995, directing as follows:-

"The Prime Minister, with a view to eliminating the unnecessary delays in the implementation of Wafaqi Mohtasib's Findings/Recommendations/Orders by submitting representations to the President as a matter of routine, has been pleased to direct as under:-

- i) All Federal Agencies should strictly follow, both in letter and spirit, the directions of the President circulated vide No.178/1/President dated 20th September, 1990 and letter No.2784/93-Law dated 6th December, 1993.
- ii) Before making a representation to the President recourse must be had to Article 11(2) of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983 (P.O. No.1 of 1983) which provides for review of his findings etc. by the Wafaqi Mohtasib.
- iii) In future compliance shall be made promptly in respect of the cases involving pensions, gratuities or other benefits arising on retirement; for giving preference in employment to the widow or children of deceased/retired employees in grade 1 to 11 as per relevant recruitment rules; for appointment of women against their reserved quota; medical expenses; insurance claims; utility bills; compensation or remission allowed to widows, orphans, invalids or incapacitated persons where the amount is not more

than Rs. Five lakh in an individual case and is permissible under the law.”

Most recently the directions of the President and Chief Executive of Pakistan have been conveyed by the Law, Justice and Human Rights Division vide their letter No.F.10(14)/89-Law dated 3rd February, 2001 to all Ministries and Divisions, as follows:-

“Subject: Execution of Findings of the Wafaqi Mohtasib

‘The Chief Executive of Pakistan, has been pleased to desire that all the Agencies concerned should take prompt action on the decision/findings of Wafaqi Mohtasib and where the same have attained finality execute them in letter and spirit in accordance with the provisions contained in the Establishment of the Office of the Wafaqi Mohtasib (Ombudsman)’s Order, 1983 (P.O.1 of 1983). Strict disciplinary action be taken against all those individuals/officials who are found negligent in this regard. It is, therefore, requested that the above instructions may be circulated to all attached departments/subordinate offices for compliance in letter and spirit’.”

Implementation of Recommendations

It is a matter of satisfaction that generally the Agencies take all the pains to implement the Recommendations. However, there are also instances of some of the Agencies delaying/resisting implementation. In such cases the P.O. No. 1 of 1983 vests the Ombudsman with adequate powers to take corrective and disciplinary action against those concerned. In the case of Defiance of Recommendations, Article 12 of the P.O. provides sufficient powers for taking action against the defaulting officials.

CHAPTER - II

ROLE AND FUNCTIONS

The institution of Wafaqi Mohtasib (Ombudsman) has been rightly called the poor man's court. Distressed complainants, having been subjected to injustices, inefficiency and lack of attention of the bureaucracy, find the forum of the Wafaqi Mohtasib (Ombudsman) as the last resort. Grievances are redressed quickly, in an informal environment, and without incurring the expenditure on hiring of lawyers, as in the case of litigation in courts. It is pertinent to highlight the role and functions of the institution of Wafaqi Mohtasib (Ombudsman) with reference to the P.O. No. 1 of 1983.

Statement of Purpose

As stated in the preamble to the P.O. No. 1 of 1983, the purpose of the establishment of the Office of the Wafaqi Mohtasib (Ombudsman) is to diagnose, investigate, redress, rectify injustices done to persons through mal-administration.

Mal-administration

This has been defined as per Article 2(2), and includes among other things the following:

- (i) a decision, process, recommendation, act of omission or commission which:
 - (a) is contrary to law, rules or regulations or is a departure from established practice or pro-

cedure, unless it is bona fide and for valid reasons; or

- (b) is perverse, arbitrary or unreasonable, unjust, biased, oppressive, or discriminatory; or
 - (c) is based on irrelevant grounds; or
 - (d) involves the exercise of powers or the failure or refusal to do so, for corrupt or improper motives, such as, bribery, jobbery, favouritism, nepotisms and administrative excesses; and
- (ii) neglect, inattention, delay, incompetence, inefficiency and ineptitude, in the administration or discharge of duties and responsibilities.

Appointment and Tenure of Wafaqi Mohtasib (Ombudsman)

As per Article 4, the Wafaqi Mohtasib (Ombudsman) is appointed by the President of Islamic Republic of Pakistan and holds office for a period of four years and is not eligible for any extension of tenure or re-appointment.

Independence from the Executive

Article 3(3) provides that the Wafaqi Mohtasib shall, in all matters, perform his functions and exercise his powers fairly, honestly, diligently and independently of the executive, and all executive authorities throughout Pakistan are to act in aid of the Mohtasib.

Jurisdiction of the Wafaqi Mohtasib (Ombudsman)

Article 9 lays down the jurisdiction, functions and powers of the Wafaqi Mohtasib. He is to investigate complaints of aggrieved persons against the Agencies as defined under Article 2(1). The Agency means a Ministry, Division, Department, Commission or office of the Federal Government or statutory corporation or other institution established or controlled by the Federal Government. It does not include Supreme Court, the Supreme Judicial Council, the Federal Shariat Court or a High Court. The Wafaqi Mohtasib (Ombudsman) can, not only, initiate the investiga-

tion on a complaint by any aggrieved person, but also on his own motion. However, he is not to investigate or inquire into matters which:

- (a) are sub judice before a court of law; or
- (b) relate to external affairs of Pakistan or the relations or dealings of Pakistan with any foreign state or government; or
- (c) connected with the defence of Pakistan.

Also excluded from the jurisdiction of the Wafaqi Mohtasib are 'service matters' under Article 9(2), which states that he shall not accept for investigation any complaint by or on behalf of a public servant or functionary concerning any matters relating to the Agency in which he is, or has been, working in respect of any personal grievance relating to his service therein.

Jurisdiction of Service Tribunals

For the purpose of dealing with 'service matters', Service Tribunals have existed in the country since 1973. Under the Service Tribunals Act, 1973, government employees can have resort to these Tribunals for redressal of their grievances. However, upto 1997 the employees of public sector statutory corporations did not have this benefit, being only semi-government servants. With the amendment in 1997, the jurisdiction of the Service Tribunals has been extended to cover employees of the public sector statutory corporations and semi-government organizations as well. It must be stated that this step owes credit to the recommendations of the Wafaqi Mohtasib (Ombudsman) made in his Annual Reports from year to year. While the government servants had the benefits of a legal forum for redressal of their service grievances, the employees of the semi-government organizations/statutory bodies had nowhere to go for the redressal of their service grievances, as the jurisdiction of the Wafaqi Mohtasib (Ombudsman) was also barred for them under Article 9(2).

Procedure of Making Complaints

Most of the complaints are received by mail. Quite a few are submitted in writing personally by the complainants who appear before me. The facilities of Telex, Fax and E-Mail are also available to complainants for making complaints. For the purpose of handling of the complaints,

the procedure had been laid down in detail ever since the setting up of this office in 1983. However, these instructions have been updated lately by the Wafaqi Mohtasib Investigation and Disposal of Complaints Regulations, 1999. On being received, the complaints are firstly examined by the staff member concerned and then by the Director General (Complaints). The decision about their admission or otherwise for detailed investigation is then taken by me or a senior officer duly authorised by me for this purpose. Quite a few complaints received are disposed of at the initial level for various reasons: the same may not be within my jurisdiction, may relate to matters which have been adjudicated upon by courts of law and for other reasons, or, it may be appropriate for the complainant to firstly approach the Agency for redressal of his grievance. In all these cases the complainants are duly addressed to inform them of the reasons due to which the complaint is not being processed further. Rest of complaints which are within jurisdiction and considered to be appropriate for detailed investigation, are assigned to various officers after being admitted.

Article 10(3) lays down that a complaint should normally be made by the complainant not later than three months from the day on which the person aggrieved first had the notice of the matter alleged in the complaint. However, the Wafaqi Mohtasib (Ombudsman) can conduct investigations pursuant to a complaint which is not within time, if there are ample reasons or special circumstances for looking into the matter.

Investigation Procedure

According to the provisions of Article 10(5) every investigation is to be conducted in private, but the Mohtasib may adopt such procedure as he considers appropriate for such investigation, and he may obtain information from such persons and in such manner and make such inquiries as he thinks fit. Article 14 vests the Mohtasib for the purpose of investigation, with the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908. These may be used in respect of summoning and enforcing the attendance of persons and compelling the production of documents.

Recommendations for Implementation

After the Investigating Officers have completed their investigations, which may include the holding of a hearing or hearings by them, they submit the entire case file to me, with the proposal for disposal of the complaint, alongwith a draft for that purpose. Quite a few hearings are

held by myself. Consequent to investigations, where relief is to be provided, the Findings conclude with specific Recommendations for implementation. A time limit is also prescribed for implementation. Article 11(2) lays down that the Agency shall, within such time as may be specified by the Mohtasib, inform him about the action taken on his recommendations or the reasons for not complying with the same.

Defiance of Recommendations

There is an effective tool available against non-implementation of the recommendations. Article 12 laid down that if there is defiance with regard to implementation of a recommendation by a public servant in any Agency, the Mohtasib may refer the matter to the President of Pakistan, who may, in his discretion, direct the Agency to implement the recommendation and inform the Mohtasib accordingly. In each instance of 'Defiance of Recommendations' a report by the Mohtasib shall become a part of the personal file or Character Roll of the public servant primarily responsible for the defiance; provided that the public servant concerned had been granted an opportunity to be heard in the matter. No public servant can afford such a stigma to his service record, as it would seriously jeopardise his future career.

Power to Punish for Contempt

As per Article 16 the Mohtasib has the same powers, *mutatis mutandis*, as the Supreme Court of Pakistan to punish any person for contempt. In turn, contempt has been defined *inter alia* to include, interference or obstruction of the process of the Mohtasib, disobeying of any order of the Mohtasib and doing of anything which tends to prejudice the determination of a matter pending before the Mohtasib. Any other action, which by any other law constitutes contempt of court, would also constitute contempt of the Mohtasib. Any person sentenced for contempt can appeal to the Supreme Court of Pakistan within thirty days.

Award of Costs and Compensation

Article 22 empowers the Mohtasib to award costs and compensation to complainants where the conduct of the Agency justifies the same. For this purpose, the Mohtasib may call upon the public servant, other functionary or any Agency to show cause why compensation be not awarded to an aggrieved party for any loss or damage suffered by him on account of any mal-administration committed by such public servant, other

functionary or Agency. After considering the explanation and hearing such public servant or functionary, the Mohtasib may award reasonable costs or compensation, which may be recovered from the public servant, functionary or Agency responsible for the mal-administration.

In Chapter VII some representative cases have been reported. However, a few of the cases wherein compensation has been specifically awarded, have been shown separately in the Chapter.

Conduct of Business

According to Article 24, the Mohtasib is the Chief Executive of the office. He is also the Principal Accounting Officer for financial purposes, in respect of expenditure incurred against the budgetary allocation controlled by him.

Bar on Jurisdiction of Courts

While under Article 9(1) the Mohtasib is not to investigate any matter which is sub judice before a court of competent jurisdiction, on the other hand, Article 29 provides that no court or other authority shall have jurisdiction:

- (1) to question the validity of any action taken, or intended to be taken, or order made, or anything done or purported to have been taken, made or done under the P.O. No.1 of 1983, or
- (2) to grant an injunction or stay or to make any interim order in relation to any proceedings before, or anything done or intended to be done or purporting to have been done by, or under the orders or at the instance of the Mohtasib.

Representation to the President

Any person aggrieved by a decision or order of the Mohtasib can make a representation to the President of Pakistan within thirty days of the decision or order. The President may pass such order thereon as he may deem fit.

Informal Resolution of Disputes and Matters

An extremely useful role and function is assigned to the Mohtasib by Article 33, relating to 'Informal Resolution of Disputes'. It provides that notwithstanding anything contained in the P.O. No.1 of 1983, the Mohtasib or a member of his Staff shall have the authority to informally conciliate, amicably resolve, stipulate, settle or ameliorate any grievance without written memorandum and without the necessity of docketing any complaint or issuing any official notice. Quite a few matters are resolved frequently under the ambit of this Article.

Miscellaneous

According to Article 35, all expenditure of the office of Mohtasib is to be treated as 'Charged' on the Federal Consolidated Fund. Article 36 authorises the Mohtasib to make Rules, for the purpose of carrying out his functions, with the approval of the President. Article 37 lays down that the provisions of P.O.No.1 of 1983 are to override the provisions of any other law for the time being in force.

CHAPTER - III

THE OFFICE AND ITS EXPANSION

From the time of its coming into being, the Office of the Wafaqi Mohtasib (Federal Ombudsman) has been located at a central place, i.e Zero Point Islamabad. It has ever since had four Regional Offices located at Provincial Headquarters, i.e Lahore, Karachi, Peshawar and Quetta. As already stated in the Introduction, one of the significant developments is the approval by the President and Chief Executive of Pakistan to the establishment of five new Regional Offices, which are to be so located that they are close to the various regions within the Provinces. The opening of new offices has been approved in principle for Faisalabad, Multan in the Province of Punjab, Sukkur in the Province of Sindh, Dera Ismail Khan in the North West Frontier Province, and Gilgit in the Northern Areas of Pakistan. As already stated, it was a matter of great satisfaction that during the year, 2001 the Regional Offices at Faisalabad, Multan and Sukkur have become functional. People of the area are keenly approaching them in quest of relief in their complaints against the Federal Government Agencies.

This expansion of the office of the Wafaqi Mohtasib (Ombudsman)'s Secretariat is very much in keeping with the Devolution Plan of the present Government, in taking the administration as far as possible, close

to door steps of the citizens. It is accordingly a pleasure to indicate the Directory of this Office as below.

Directory

The location of the Head Office and Regional Offices and their contacts are as below:-

Islamabad (Headquarters)

Wafaqi Mohtasib Secretariat,
Zero Point,
Islamabad.

P. O. Box No. 1992
Telephone Nos. 9201665-68
Fax No. 9210487
Telex No.5593 WMS PK
Email: mohtasib@paknet2.ptc.pk

Lahore (Regional Office)

Wafaqi Mohtasib Secretariat,
State Life Building,
3rd Floor, 15-A, Davis Road,
Lahore.

Telephone Nos. 9201017-20
Fax No. 9201021
Telex No. 4485WMS PK
E-mail: wmsrol@paknet3.ptc.pk

Karachi (Regional Office)

Wafaqi Mohtasib Secretariat,
4-B, Federal Government
Secretariat, Saddar, Karachi.

Telephone Nos. 9205250
Fax No. 9202121
Telex No. 27248 WMS PK

Peshawar (Regional Office)

Wafaqi Mohtasib Secretariat,
1-Tariq Road,
Opposite Railway Station,
Peshawar Cantt.

Telephone No. 2700288
Fax No. 9211571
E-mail: ombudsmn@psh.paknet.com.pk

Quetta (Regional Office)

Wafaqi Mohtasib Secretariat,
Barganza Villas Qaddafi Street,
Link Zarghoon Road, Quetta.

Telephone No. 9202679
Fax No. 9202691

Sukkur (Regional Office)

Wafaqi Mohtasib Secretariat,
38-A, Friends Cooperative
Housing Scheme,
Shikarpur Road, Sukkur.

Telephone No. 32390
Fax No. 32392

Multan (Regional Office)

Wafaqi Mohtasib Secretariat, Telephone No. 9200914
 3-Sarwar Road, Fax No. 9200758
 Near Kalma Chowk,
 Multan.

Faisalabad (Regional Office)

Wafaqi Mohtasib Secretariat, Telephone No. 9220270
 H.No.425-P, Near Silk Mill, Fax No. 9220272
 Jaranwala Road,
 Faisalabad.

Personnel Position

The personnel strength in terms of total number of Officers at the Headquarters and the Regional Offices is indicated below:-

Headquarters, Islamabad.....	23
Regional Office, Lahore	14
Regional Office, Karachi	8
Regional Office, Peshawar	6
Regional Office, Quetta	1
Regional Office, Sukkur	2
Regional Office, Multan	2
Regional Office, Faisalabad.....	2

Work of investigation of complaints is being handled mostly by the Officers, while some of them provide the administrative support, in respect of personnel matters, financial administration and purchases etc. A list of Officers of Wafaqi Mohtasib (Ombudsman)'s Secretariat at Headquarters and Regional Offices, is at Appendix-II.

The Investigating Officers are handling a substantial load of complaints, the number of which runs into a few hundred with each of them at any time, in case of the Headquarters and Regional Offices, Lahore and Karachi. Regional Offices, Peshawar and Quetta have a comparatively less inflow of complaints, but these emanate from the regions themselves. Similarly, the newly established Offices will have the same utility. The volume of inflow of complaints in the newly established Offices is growing very fast.

Budget

Budget allocation for the entire Wafaqi Mohtasib (Ombudsman)'s Secretariat for the financial year 2001-2002 was Rs.69.958 million. The revised estimates for the previous financial year 2000-2001 were Rs.58.850 million. The same meant an increase of 18.9% in the current financial year's Budget from the previous financial year.

Office Accommodation

For the Headquarters building a plot of about 10,000 square yards on the Constitution Avenue, Islamabad, opposite Supreme Court of Pakistan, stands allocated ever since 1987. The building is to be constructed by the Capital Development Authority (CDA). The Development Scheme for this purpose stands approved in principle. However, due to financial constraints of the Government, funds could not be allocated for it in the Annual Development Programmes of the Federal Government so far.

The Wafaqi Mohtasib (Ombudsman)'s Secretariat is located in the Benevolent Fund Building, Zero Point, Islamabad. Regional Office, Lahore is located in the State Life Building on Davis Road, Lahore. The other Regional Offices are located in private rented buildings. The Budget allocations for the payment of rent of these buildings during Financial Year 2001-2002 are as follows:-

Headquarters Office Islamabad	Rs. 507,000
Regional Office, Lahore	Rs. 1,267,000
Regional Office, Karachi	Rs. 944,000
Regional Office, Peshawar	Rs. 300,000
Regional Office, Quetta	Rs. 142,000
Regional Office, Multan	Rs. 270,000
Regional Office, Faisalabad	Rs. 240,000
Regional Office, Sukkur	Rs. 300,000
Regional Office, Gilgit	Rs. 180,000
Total:	<u>Rs. 4,150,000</u>

CHAPTER - IV

PERFORMANCE DURING THE YEAR

Complaints are received generally by post and some by fax at the Headquarters as well as the Regional Offices. As already stated we have Regional Offices now not only at the four Provincial Headquarters, i.e. Lahore, Karachi, Peshawar and Quetta, but also at Sukkur, Multan and Faisalabad which became fully operative during the year 2001. Quite a few complaints are also presented personally by the complainants.

Initial Examination of Complaints

All complaints received have to be basically examined from the point of view of their admissibility under Article 9 of the P. O. No. 1 of 1983. Due to ignorance, some complainants address their complaints to this Secretariat, basically relating to Provincial matters. Significant among them are forwarded to the offices of three Provincial Ombudsmen of Punjab, Sindh and Balochistan for appropriate action. Quite a few complaints are outside jurisdiction and the complainants are informed about it. In some other cases it is considered better that the complainant should firstly approach the Agency concerned for the resolution of his problem. At the same time, he is informed that in case he has no success, he can approach this Office, pointing out the mal-administration. Complaints are thus sifted with this initial examination.

The overall picture of performance during the year 2001 is given in this Chapter, while more details are given in Appendix-I, which consists of Tables I to VII.

Inflow and Disposal of Complaints

The position of inflow and disposal of complaints during the year 2001 is as below:-

i. Number of complaints brought forward from the previous year	15,992
ii. Number of complaints received during the year	33,385
iii. Number of complaints disposed of after initial examination/preliminary investigation, out of S. No. 2 above	10,534
iv. Number of complaints admitted for detailed investigation (S. No. 2 minus S. No. 3 above)	22,851
v. Total investigation workload during the year (S. No. 1 plus S. No. 4 above)	38,843
vi. Grievance redressed after detailed investigation	15,641
vii. Rejected after detailed investigation	3,916
viii. Number of complaints disposed of after detailed examination (S. No. 6 plus S. No. 7 above)	19,557
ix. Total disposal during the year 2001 (S. No. 3 plus S. No. 8 above)	30,091
x. Number of complaints under investigation on 31.12.2001 (S. No. 5 minus S. No. 8 above)	19,286

Relief Provided

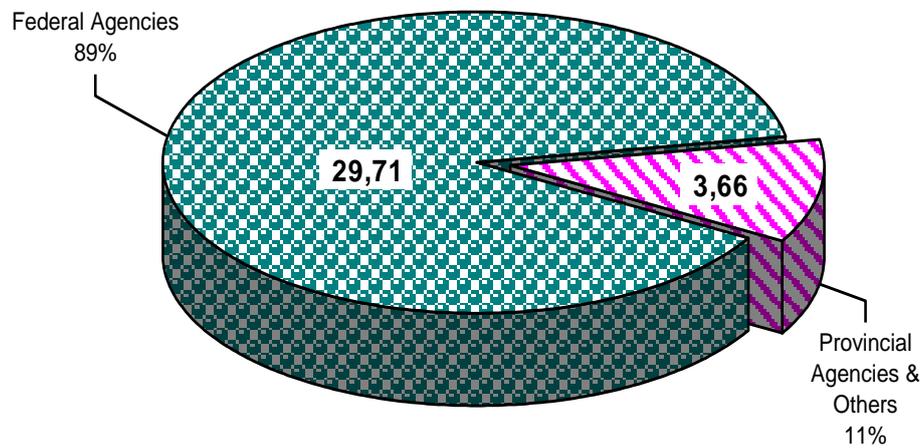
As would be seen from above, the outcome of the detailed investigation during the year was as below:-

Grievances redressed	15,641
Rejected	3,916
Total:	<u>19,557</u>

Thus it was a matter of satisfaction that relief was provided in about 80% cases.

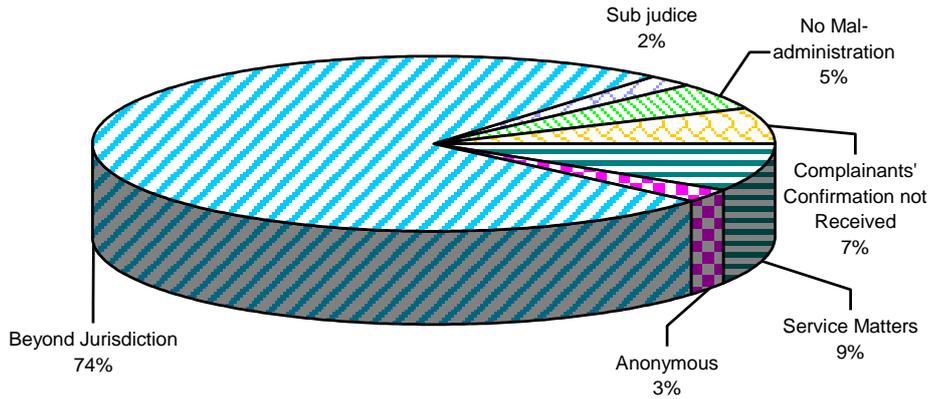
Number of Complaints against Federal and Provincial Agencies and Others

The position of complaints received against the Federal and Provincial Agencies and others is given at Appendix I in Table I and as below:-



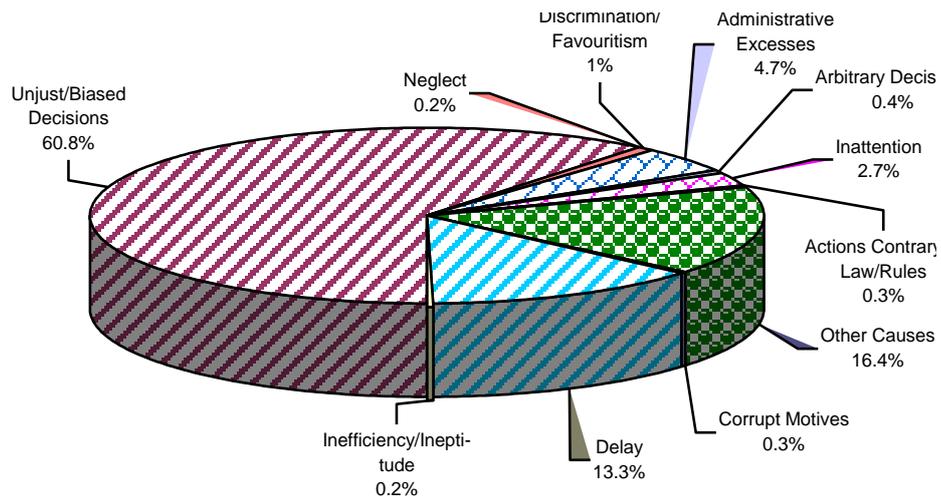
Reasons for Non-admission of Complaints

Consequent to preliminary examination, the complaints were sifted out and the reasons for non-admissions of the complaints for detailed investigation are listed in at appendix I in Table II and as below:-



Nature of Mal-administration

Various types of mal-administration as seen from the complaints, is given at appendix I in Table III and as below:-



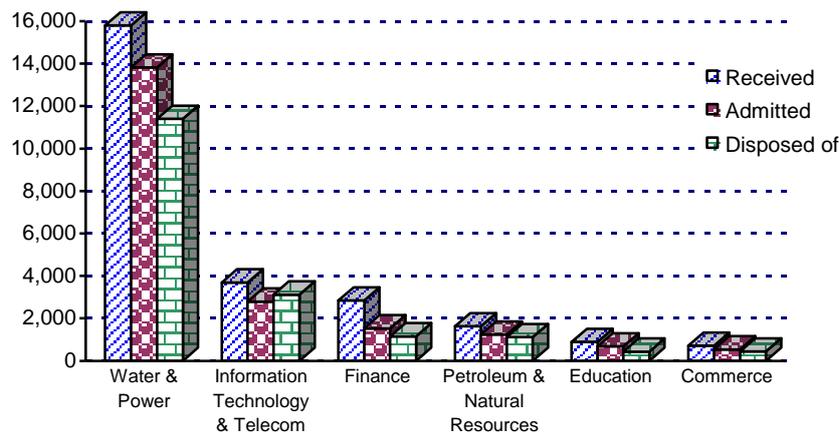
Agency-wise Number of Complaints and their Disposal

The number of complaints received and admitted in the context of various Divisions of the Federal Government is indicated in Table IV of Appendix I. Their disposal, also indicating the extent of relief provided, is given in Table V of Appendix I. The highest number of complaints was received and admitted against the Agencies falling under the following Divisions:

- Water and Power
- Information Technology and Telecommunications
- Petroleum and Natural Resources
- Education
- Commerce

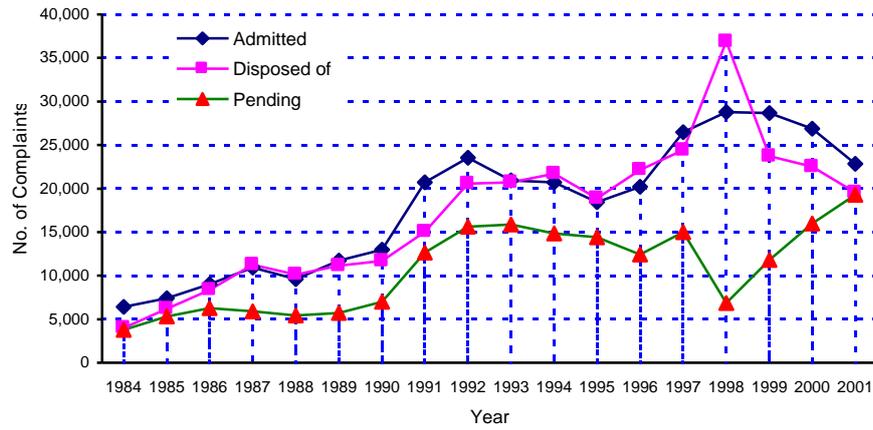
It may be stated that the public sector corporations under these Divisions, which invited the highest number of complaints were: Water and Power Division; Water and Power Development Authority (WAPDA); Information Technology and Telecommunications Division; Pakistan Telecommunication Company Ltd. (PTCL); Petroleum and Natural Resources Division; Sui Northern Gas Pipelines Ltd. (SNGPL) and Sui Southern Gas Company Ltd. (SSGCL); Education Division mainly Allama Iqbal Open University (AIU); Commerce Division; and State Life Insurance Corporation (SLIC).

Given in Table VI of Appendix I is data regarding complaints received, admitted and disposed of, in respect of the six Agencies, being the highest ones inviting the complaints. The position is also indicated in the Bar Chart below:-



Complaints Data Eversince Establishment of the Ombudsman's Office

Eversince the establishment of this office the total number of complaints entertained comes to 326,265 and the total number of complaints disposed of is 308,954. The graph below also indicates at a glance the year-wise position of complaints admitted, disposed of and pending at the close of each year.



CHAPTER - V

INTERNATIONAL CONTACTS, MEETINGS AND CONFERENCES

With the worldwide growth and development of the institution of Ombudsman, it has become imperative and useful to exchange information about the working of this institution. Pakistan is an active member of the International Ombudsman Institute (IOI) and always looks forward to participate in its regular meetings, held every four years, and the meetings of Board of Directors, which are held in between. The Ombudsman of Pakistan has had the privilege of being on the Board of Directors of IOI from the Asian Region ever since the formation of the Asian Ombudsman Association (AOA) The continents of Europe, Africa, North America and South America have had their Regional Associations of Ombudsman institutions for quite some time. Australasian and Pacific Countries also have a very active Regional Association of their own. Pakistan has the pleasure of joining their Conferences as an Observer. The continent of Asia, being the most populous and the largest, did not have a Regional Association. It was on the initiative of Pakistan in April, 1996 that an Asian Ombudsman Association (AOA) was formed. In this Pakistan, had the honour of founding of an international Association on its soil for the first time.

In the founding of the Asian Ombudsman Association, in addition to other countries, the Peoples Republic of China, with whom Pakistan has the most cordial relations, played a very vital and important role. It is a pleasant coincidence that the international contacts in the year 2001 started with a visit by Mr. Justice Muhammad Bashir Jehangiri, the Ombudsman,

with a delegation to the Peoples Republic of China. As such, this visit is the first one to mention here.

Visit to Peoples Republic of China

Subsequent to the Fifth Annual Conference of the Asian Ombudsman Association (AOA) held in Manila in July, 2000, and election of the Ombudsman of Pakistan as President of the Association, His Excellency Mr. He Yong, the Minister of Supervision of the Peoples Republic of China very cordially invited him to lead a delegation to pay a visit to his country, at a mutually convenient time and date. Due to many engagements, the visit could not take place during the year 2000.

The extremely cordial and beneficial visit to the Peoples Republic of China took place from 9th to 18th February, 2001. The delegation consisted of the Ombudsman of Pakistan, the Secretary and a Director General of this Office. The delegation arrived in Beijing on 9th February, 2001. Extensive and useful discussions took place with His Excellency Mr. He Yong, the Minister of Supervision and his officers. Valuable information about the working of the Ministry of Supervision and its achievements on the one hand, and the working of the Ombudsman institution in Pakistan was exchanged. Visits to the Badaling Section of the Great Wall, Tiananmen Square and the Palace Museum were the pleasant parts of itinerary in Beijing.

The two sides also reviewed the existing level of cooperation among the member countries of the Asian Ombudsman Association (AOA) and discussed measures to strengthen it further. Views were also exchanged about the issues to be considered by the AOA in its Sixth Annual Conference scheduled to take place in Tokyo in June, 2001.

After spending two days in Beijing the delegation left for Shanghai. This is a city which has always attracted the focus of world attention for both its industrial and cultural achievements. It was a delight to be in Shanghai for two days. On 13th February, 2001 the delegation left for Guilin. The Ambassador of the Peoples Republic of China had explained before the departure that the visit had been specially arranged to this city, with a beautiful landscape of river and mountains and an historic cave.

On 15th February, 2001 the delegation left for Hong Kong, the Special Administrative Region of the Peoples Republic of China. On 16th February, 2001 the delegation had a meeting with Ms. Alice Tai, the

Ombudsman and other senior officials at the Ombudsman's Office. Extremely useful information about working of each others offices was mutually exchanged over the two days spent in Hong Kong. The Ombudsman's Office also arranged a very pleasant and informative tour of Hong Kong. The delegation departed from Hong Kong on the early morning of 18th February, 2001.

Sixth Asian Ombudsman Conference

With the formation of the Asian Ombudsman Association, the First Asian Ombudsman Conference was held in Islamabad, Pakistan in April, 1996. During this Conference itself, South Korea and Macau made the offer for hosting the 2nd and 3rd Conferences respectively. As such, the 2nd Asian Ombudsman Conference was held in 1997 in Seoul, Republic of Korea. The 3rd one was held in 1998 in Macau, now a part of the Peoples Republic of China. The 4th Conference was held in Tehran, Iran in 1999, and the 5th Asian Ombudsman Conference was held in Manila, Philippines in the year 2000.

During the 5th Conference it was agreed that Japan would be the host for the 6th Asian Ombudsman Conference in the year 2001. Accordingly, the Ombudsman's Office in Japan made exquisite arrangements for the 6th Asian Ombudsman Conference in Tokyo during June, 2001. The main theme for this conference was: 'The Asian Ombudsman in the 21st Century'. Following were the sub-themes:-

- i. History and Development of the Asian Ombudsman
- ii. Reality and Ideals of the Asian Ombudsman
- iii. Independence and Cooperation of the Asian Ombudsman

For this Conference, Japan invited not only countries within Asia but also eight persons from eight countries who have personally contributed to the dissemination of the idea and system of Ombudsman in Japan. These countries included Cambodia, Australia, New Zealand, South Africa, Netherlands, Canada, USA and Argentine. As such, the attendance of this Conference was made lively, with the presence of representatives from other continents as well. The Conference was held from 18th June to 21st June, 2001. As President of the AOA, the Ombudsman of Pakistan sent the following message on the occasion of this 6th Regional Asian Ombudsman Conference:-

“6th Regional Conference of Asian Ombudsman is being held at a time when profound changes are sweeping the

continent of Asia and Asia Pacific Region as a consequence of the spectacular revolution in communication, technology. The growing interaction amongst nations and peoples is also contributing to the growth of the spirit of Ombudsman in this region. The exchange of information, knowledge and expertise amongst countries of Asia will certainly have a salutary effect on the emergence and consolidation of the institution of Ombudsman in these countries. Although this great region that we represent in this conference has many diverse cultures, races and languages and has different levels of economic development, the need to redress problems of governance is common to all. Conference like the one being organized in Tokyo will help focus attention on some of the irritants and problems that come in the way of delivering speedy justice and preventing administrative abuses. The conference will also take stock of the many achievements that have been made in the context of evolving institutionalized mechanism for redressal of public grievances.

I am confident that this conference will constitute an important milestone in the collective endeavours of Asian countries and states in accomplishing the glorious objective of better governance and eliminating, as far as possible, the menace of graft and corruption. May I wish the organizers of the conference a great success and may I also extend my profound greetings to the distinguished participants of this conference.”

After the opening ceremony of the Conference on 19th June, the delegates to the Conference made a Courtesy call on His Excellency Mr. Junichiro Koizumi, the Prime Minister of Japan. This was followed by the meeting of Board of Directors of AOA. For the purpose of discussion, in the Fourth and Fifth AOA Conferences, Workshops were held as well as Plenary Sessions. It was felt that the holding of two workshops simultaneously divides the participants and participants of one workshop could not take part in, and contribute to the discussion of other workshop. It was therefore decided in advance that the Conference would have only Plenary Sessions.

As President of the AOA, opening remarks were made by the Ombudsman of Pakistan with special reference to Pakistan. He stated that the Conference aims at sharing our views on the history and development

of Ombudsman system in the Asian Region. He remarked that the Ombudsman institution is regarded as an integral part of good governance, which ensures redressing of individual grievances arising out of administrative excesses or abuse of powers by public functionaries. He stated that as such, the institution has a crucial supervisory role in promoting norms and values such as transparency and efficiency in public administration. He remarked that in the 21st Century, nations of the world are engaged in a ceaseless endeavour to respond as vigorously as possible, to the aspirations of vast multitudes of masses, clamouring for better governance.

In the Plenary Session on the subject of 'Reality and Ideals of the Asian Ombudsman', Mr. Justice Muhammad Bashir Jehangiri, the Ombudsman of Pakistan, delivered his address, which is added here as Appendix-III.

The Conference concluded with a General Assembly of AOA on the last day, that is 21st June. There was a formal closing ceremony as well. City tour of Tokyo and its suburbs and field visits were also an extremely pleasant part of the activities of the Conference.

19th Australasian & Pacific Ombudsman Conference

As already stated, it has been a pleasure and an extremely useful and educating experience to participate in the annual Regional Conferences of Ombudsman institutions of Australasia and Pacific countries. The 19th Australasian and Pacific Ombudsman Conference was held in Brisbane in the Queensland State of Australia. Every year an invitation is received by the Ombudsman of Pakistan for attending this Conference. This year, Mr. Fred Albietz, the Ombudsman of Queensland, Australia extended the invitation for participation in this Regional Conference. He described Queensland as the 'Sunshine State' of Australia. The participation in this Conference was basically as an observer, but extremely useful information was exchanged.

The Conference was held in Brisbane from 31st July, to 2nd August, 2001. From the side of Pakistan, the Conference was participated by the Secretary and a Director General of this Secretariat. The Conference concentrated on various suggested topics. There were lively discussions. There were ten different Keynote discussion points. Among these were the following:-

- Proactive, preventative and demand management initiatives – what should/can an Ombudsman do to

- stem the tide of complaints and better deal with those that get through? What priority should be given to this vis-à-vis the investigation of individual cases?
- Informal complaint resolution approaches - What are they, when are they appropriate, how is their effectiveness measured, and what happens if complainants remain aggrieved?
 - Systemic reviews and own motion investigations - Are they related? When should they be done? Should systemic reviews have priority over non-systemic investigations?
 - Improving standards of public sector administrative decision making – Is this a valid goal for an Ombudsman or is it the responsibility of individual agency managements? If the former, how should it be done?
 - Measuring the effectiveness of an Ombudsman's Office – The crucial question in the crowded and evolving area of administrative review post 2000. Are cheapness and speed in disposing of matters enough for Ombudsmen to justify their existence?
 - Staff training, staff development and skill enhancement – What are the most important areas and the best ways of developing staff and their skills?

Each discussion was participated by distinguished Ombudsmen from the Australasian and Pacific countries. In addition to benefiting from these discussions, the delegation from Pakistan presented a resumé of the working of Wafaqi Mohtasib (Ombudsman)'s institution in Pakistan.

Meeting of Board of Directors of IOI

The Meeting of Board of Directors of the International Ombudsman Institute (IOI) in the year 2001, was held in Seoul, Republic of Korea. Earlier the Republic of Korea had offered that Seoul be the venue of the Meeting. Dr. Lee Wun-hyoung, Chief Ombudsman of Korea was the host. The Meeting was held from 29th to 31st October, 2001. Pakistan being on the Board of Directors of IOI from the Asian Region,

Mr. Justice Muhammad Bashir Jehangiri, the Ombudsman of Pakistan, attended the Meeting in his capacity as Director from Asia. He was accompanied by Secretary of the office. The Participants of the Meeting had the pleasure and honour of calling on His Excellency Mr. Kim Dae-jung, President of the Republic of Korea. The Meeting opened with welcome remarks by Dr. Lee Wun-hyoung, Chief Ombudsman of the Republic of Korea, the host country. The Meeting began with the introduction to the Board of the members who took office as such after the Board Meeting of November, 2000 in Durban. Minutes of the Board of Director's meetings of year 2000 in Durban were confirmed. The President of IOI Sir Brian Elwood presented the President's report. Information was exchanged about the VIIth IOI Conference held in Durban, South Africa. There were also discussions about the forthcoming VIIIth IOI Conference. At the conclusion, the election of new office bearers took place.

CHAPTER - VI

MALADMINISTRATION—TYPICAL OF VARIOUS AGENCIES

Grievances arise because effective steps are not taken by the Agencies to check the root causes. The mal-administration of certain types is typical of the Agencies, simply because corrective action has not been taken to check the same. Before mentioning the nature of complaints specifically in respect of each Agency, it is pertinent to indicate here the type of complaints that are common to all Agencies.

Complaints Common to All Agencies

A large number of complaints originate from retired persons, their widows and families. After having put in the best part of their life, the retiring employee is often faced with financial crisis, because his remuneration as in service, is no more going to be there. His basic subsistence now is to be his pension. Unfortunately, for the sake of pension sanction there is a lengthy and involved procedure. The entire service of the individual has to be verified. If he has served at different places and has been on deputation, the information has to be consolidated. It is very usual for the retiring employee to be faced with the problem of delay and difficulties in the sanction of pension, because of default of the Government Agencies in having properly maintained and consolidated the relevant record.

The necessity of timely sanction of pension has been repeatedly emphasized by the Government time and again and instructions have been issued to all Ministries, Divisions and Departments that before a Government servant retires, the case of his pension should be duly processed. A time frame for completion of this work beforehand has been laid down.

The comprehensive instructions that have been issued are as per the Finance Division (Regulations Wing)'s Office Memorandum No. F.13(4)-Reg.6/89 dated 14th April, 1996 on the subject of: 'Steps to be taken by the Authorities Concerned and the Retiring Government Servant for Timely Sanction of Pension'. The O.M. which has been addressed to all Ministries, Divisions and Departments of the Federal Government states at the outset as follows:-

“...in spite of various revisions and instructions on simplification of procedure issued from time to time for expeditious settlement of pension cases aimed at eliminating delays, there have been increasing complaints from pensioners. This is all due to non-adherence of various concerned Ministries Divisions/Departments to pension rules.”

According to instructions contained in this O.M the retired employees are advised in their own interest to submit their formal applications to the departmental authority, six months in advance of the date of their actual or anticipated retirement. If an employee is to proceed on Leave Preparatory to Retirement in excess of six months, he has been advised to submit such an application at the time of proceeding on such leave. At the conclusion of the Office Memorandum the Ministries/Divisions/Departments have been instructed that in case of inordinate delay strict disciplinary action may be initiated against the defaulting officials.

In spite of these instructions it is quite often that a retiring Government servant has to wait for his pension for quite some time for no fault of his own, but inefficiency of the Government organizations and officials concerned.

All the more distressing is the situation regarding grant of family pensions on the sad demise of the Government servants. His widow and other heirs according to laid down instructions are entitled to family pension. They even face the situation of running from one office to the other in getting what is payable to them. In many cases the deceased Government servants having left an unsettled family, the widow or the surviving heirs are faced with a very acute and distressing financial situation. It is earnestly hoped that the Agencies will take suitable action to give proper importance to the matter of timely sanction of pensions/family pensions.

Another type of mal-administration common to all Agencies is that regarding the hired buildings. Complaints arise because the due rent is not paid in time, while in some cases on the desire of the owner for vacation of the building, the matter is unnecessarily prolonged. There have been instances where the owners have been deprived of the due rent, for considerable periods in spite of continued occupation of the premises by the Agency.

A 2% quota has been reserved by the Government for disabled persons for recruitment to posts of BPS-1 to BPS-15 and clear instructions have been issued by the Establishment Division vide their Office Memorandum dated 15th October, 1998. Unfortunately, at times it is the failure to observe the same by the Agencies, which gave rise to some of the complaints.

Complaints Specific to Agencies

Highlighted here is the typical mal-administration indicated in respect of specific Agencies.

Water and Power Development Authority (WAPDA)

Complaints against WAPDA pertained to the instances of mal-administration enumerated below:-

Billing

A large number of complaints have pertained to excessive and wrong billing. These complaints are of the following types:-

- i) **Wrong reading:** The consumers are billed according to wrong or bogus reading. He is at times billed upto a reading where the meter reading has not even reached. The wrong and bogus reading is either due to lethargy of the meter readers about taking actual readings or due to dishonest motives.
- ii) **Wrong arrears:** Inclusion of arrears in the bill for the amount that has been already paid is another cause of complaints. This happens often because the information regarding payment already made has not been fed at the proper quarters in the computer, and the fresh bill includes the amount already paid. It has been noted that in many cases the consumer has to make repeat-

ed visits to offices of the Agency for correction of the bill, but it is of no avail.

- iii) **Detection Bills:** This is a very common form of mal-administration. In cases where a meter is found to be slow or even there is a suspicion about the same, the consumers are charged with heavy detection bills. This is often done without proper testing of the meter and establishing the true facts. In quite a few cases, the allegation about slowness turns out to be incorrect. In such cases the detection bill is proved to be unfair and unjust. However, in the process the consumer has to undergo the mental torture and distress all through.
- iv) **Charging of Wrong Tariff:** Quite a few complaints take place due to charging of wrong tariff. In case of premises being partly used for business activity, often commercial tariff, (A-2) is levied on the whole premises instead of domestic tariff (A-1), which is unfair. There are also instances of arbitrary levy of commercial tariff, which is not justified.
- v) **Billing after Disconnection of Supply:** The Agency sometimes keeps on sending electricity bills to consumers even after supply has been disconnected.

Other Complaints

In addition to complaints relating to billing there have been complaints relating to the following:-

- i) **Non-replacement of Defective Meters:** In spite of having noticed that a meter is defective, in many cases, it is not promptly replaced. Electricity charges continue to be levied on estimated basis and quite often the consumer is unfairly burdened beyond his actual use of the electricity.
- ii) **Unfair Disconnection of Supply:** Disconnection of supply unfairly and without giving due notice to the consumer is another form of mal-administration, causing immense inconvenience and harassment to the consumer. It may be due to non-payment of the excessive/unfair bill.
- iii) **Delay in Giving Connections:** This results from not following the strict order of priority of applications received. Issue of De-

mand Notices is delayed. In other cases electricity connection is not provided despite due payment against the Demand Notice. In some other cases the premises are not energized even after the completion of internal and external installations.

- iv) **Stealing of Electricity:** This is usually done with the connivance of officials of the Agency. Consumers and industries with heavy consumption of electricity often resort to this tactic with full connivance of the Agency's officials. The consumer derives a major monetary benefits, and the most unfortunate part is connivance of the Agency's officials. This results on the whole in quite a substantial loss to the otherwise due level of Agency's revenues.
- v) **Non-Payment of Compensation for Electrocutation:** In pathetic cases of electrocution of human beings and animals, the Agency tries to defend its position instead of paying compensation to the affected persons.
- vi) **Non-Payment of Compensation of Acquired Land:** Payment of compensation for the land acquired from private persons for WAPDA installations is delayed in some cases.
- vii) **Non-Electrification of Villages:** Proper priority is not maintained in electrification of villages, which should proceed in accordance with a precisely planned manner.
- viii) **Unscheduled Load Shedding:** In some instances load shedding is resorted to without giving proper notice to the areas and consumers concerned.
- ix) **Non-Completion of Renovation Work:** At times renovation work is left incomplete, causing inconvenience to the public.
- x) **Non-Removal of Electricity Wires:** There are complaints about non-removal of electricity wires passing over houses and residential areas.
- xi) **Irregular Supply of Power:** Intermittent supply of power and fluctuation in voltage are causes of some complaints.

Pakistan Telecommunication Company Ltd. (PTCL)

Complaints against PTCL related to the instances of mal-administration as below:-

- i) **Excessive/Wrong Billing of Calls:** Quite a few complaints have pertained to excessive and wrong billing of telephone calls. The same has been often due to inclusion of wrong NWD and Overseas calls.
- ii) **Disconnection of Telephone on Account of Arrears:** There have been complaints about the disconnection of telephone on account of arrears that had been already paid. This is a result of the inefficiency of the Agency in promptly transmitting the paid amounts to the concerned quarters, which results in appearance of the arrears in the current bill.
- iii) **Abnormal Delay in Installation of Telephone Connection:** Complaints have pertained to abnormal delay in installment of telephone connections in spite of the applicant having paid all the required dues against the Demand Notice.
- iv) **Delay in Removal of Defects:** Complaints have pertained to unusual delay in removal of defects after the same have been duly reported and registered with the concerned quarters.
- v) **Charging of Line Rent for the Period the Telephone Remained Disconnected:** Complaints have pertained to charging of line rent for the period during which the telephone connection was closed by the Agency for no fault of the subscriber.
- vi) **Concept of Defaulter Premises:** In spite of repeated recommendations of this Secretariat, the concept of Defaulter Premises has not been done away with by the Agency. Subscribers continue to be burdened with the liability of the previous occupants of the same premises. Heavy arrear bills, not pertaining to the present subscriber, are levied and telephones are disconnected on the basis of the same.
- vii) **Delay in Billing of Trunk Calls:** There have been cases of delay in billing the Trunk calls booked through Operators through Common Battery (CB) Exchanges.

- viii) **Unfair Rejection of Complaints by HVCs, RVCs & DVCs:** In some cases complaints of subscribers have been rejected by the Headquarters Vigilance Committees (HVCs) Regional Vigilance Committees (RVCs) and Divisional Vigilance Committees (DVCs) unfairly. Quite often this has been done without giving due hearing to the subscriber, fully considering his viewpoint or the previous trend of calls.
- ix) **Inadequate Maintenance of Exchange Equipment in Telephone Exchanges:** It has been noticed that in the case of Interior Sindh, there have been instances of inadequate maintenance of existing equipment/ machinery in the Telephone Exchanges. Damages to underground cables are also not taken care of quickly enough. In certain cases, it takes months before the telephone faults are rectified.

***Sui Northern Gas Pipelines Ltd. (SNGPL) and
Sui Southern Gas Company Ltd. (SSGCL)***

Complaints against the two Sui Gas Companies have pertained to the following instances of mal-administration:-

- i) **Excessive/Wrong Billing:** Such complaints have emanated due to wrong readings recorded, or, readings not taken at all by the meter readers. Sometimes the excessive/wrong billing has been due to computer mistakes.
- ii) **Delay in Providing Gas Connections:** There have been instances of delay in providing gas connections in spite of complete payment against the Demand Note by the prospective consumer.
- iii) **Discrimination in Providing Gas Supply:** Complaints of non-provision of gas supply have come from residents of localities, pointing out that the adjacent localities have been provided the same.

House Building Finance Corporation (HBFC)

Complaints against HBFC have pertained to the following instances of mal-administration:-

- i) **Delay in Sanction of Loans and Release of Installments:** Complaints have related to delays in the original sanction of

loans in spite of fulfilling of all formalities. Non-disbursement of 2nd or 3rd installment of the HBFC loan when become due, have also been the subject of some complaints.

- ii) **Harsh Action for Recovery:** Instead of giving a chance to the defaulters to clear their dues, harsh action in the form of auction notices of the property is resorted to at times, without taking recourse to less harsh means.
- iii) **Refusal or Delay in Giving Benefits under Relief Packages:** There have been instances of refusal of the Agency in giving relief to borrowers,, specially widows, under the various relief packages announced by the Government from time to time.

State Life Insurance Corporation (SLIC)

Complaints relating to SLIC pertain to the instances of mal-administration indicated below:-

- i) **Refusal to Pay the Death Claim:** The most common complaint against SLIC is refusal to pay the death claim. At the time of insuring the customer, all efforts are made by the Insurance Agent to have the individual insured. However, when on the death of the insurant, the survivors come up for the claim, all sorts of objections are raised to repudiate the death claim. This is in spite of the provision of ‘incontestability’, given in the terms and conditions of the Policy itself at Serial No.15, which reads as follows:-

“15. Incontestability: Policies are incontestable with regard to statements made in the Proposal after two years from the date of issue except for fraudulent and wilful misstatement of material facts or on account of breach of any of the conditions of the Policy.”

This provision is in accordance with Section 45 of the Insurance Act, 1938, the title of which is: “45. Policy not to be called in question on ground of misstatement after two years”. The reasons stated for the refusal may *inter alia* be as follows:-

- (a) Non-disclosure of history of past illness.
- (b) Wrong/false answers to questions about health.

- (c) Non-disclosure of past employment.
 - (d) Incorrect or false information about nature of occupation/profession.
 - (e) Wrong statement of income.
- ii) **Repudiation of Claims With Belated Medical Evidence:** Although the customer had been examined by doctors at the time of insurance, the most common reason advanced for repudiation of the death claims is the belated plea of prior illness of the insured person. The Agency comes up with evidence obtained after the sad demise of the insurant, stating that he was suffering from a serious disease. This includes certificates obtained by the Agency from doctors after the sad demise of insurant, stating that he was ill earlier. Evidence of admission of the insurant in hospitals before the date of issue of Policy is produced belatedly at this stage. All this is extremely unfair, because it was for the Agency to have satisfied it about the health of the complainant in advance before issuing the Insurance Policy.
- iii) **Lack of Proper Guidance to the Customers:** At the time of attracting a person for insurance the sole consideration before the Insurance Agent is the business consideration, of convincing the individual to purchase the Policy. In the keenness to do so, the prospective insurant is not guided properly about his liabilities towards the Policy. He is also not informed of the various pitfalls involved during the course of the Policy.
- iv) **Lack of Intimation Regarding Lapsed Policy:** On non-payment of premia on due dates a Policy is liable to lapse. It so happens that often the insurant remains uninformed about the fact that his Policy has lapsed.
- v) **Acceptance of Premia By Insurance Agents:** The insurants are supposed to pay the premium directly to the Agency and not to the Insurance Agents. However, out of simplicity and due to the fact that Insurance Agent is the basic person of the Agency who had contacted them, the insurants often pay installments of premia to the Agents. This is not proper and the Insurance Agents should not accept the same in the first instance. This practice very often results in missing premium payments in the record of the Agency. What had happened is that the Insurance

Agent, having received the same had not deposited it with the Agency.

- vi) **Less Payment of Surrender Value:** After having purchased the Policy, the period of which runs into several years, an individual may be faced with financial and other problems. In such a situation he may like to discontinue the Policy. In such cases the insurant is entitled to receive back the surrender value of the policy, based on the premia actually paid by him. A lot of complications are created by the Agency while paying back the surrender value. The Agency indulges in intricate technicalities in order to justify the reduction in the amount to be paid back to the insurant as surrender value.

Accounts Offices

The complaints against various Accounts Offices, i.e the Accountant General Pakistan Revenues (AGPR), the various Accountants General and District Accounts Offices pertain to the following instances of maladministration:-

- i) **Out of Turn Sanction of Advances:** With the existence of waiting lists for the grant of House Building Advances, Motor Car/Motorcycle Advances, there is little leeway for the use of discretion. While there are employees already waiting their for turns, the beneficiaries on the basis of discretion are a regular phenomenon.
- ii) **Raising of Unnecessary Objections:** Payment of bills is quite often delayed on the basis of flimsy objections. Instances of this type result in serious financial distress to employees, in case of unnecessary objections raised on salary bills.
- iii) **Improper Maintenance of G. P. Fund Accounts:** In spite of instructions for complete computerization of the G. P. Fund Accounts of the employees, the same has been done only partially. The G. P. Fund Accounts of the employees remain in an unsatisfactory shape. There are missing credits and irregular additions of interest. Worst are the cases of employees who have served intermittently under the Federal and Provincial Governments and on deputation to autonomous bodies. At the time of retirement their G. P. Fund Accounts remain in incomplete shape.

Agricultural Development Bank of Pakistan (ADBP)

Complaints against ADBP have related to the following instances of mal-administration:-

- i) **Fraudulent Drawal of Loans:** At time illiterate borrowers are made to sign documents, of which they hardly know anything. This results in fraudulent drawal of loans against their names for amounts even not known to them. In some instances they come to know of the liability only when harsh action for recovery is initiated.
- ii) **Failure to Give Various Remissions and Advantages:** Complaints have pertained to failure of the Agency to give due benefits and remission to the borrowers under the various Government Policy Packages announced from time to time.
- iii) **Unsatisfactory Mortgages:** There have been instances where the Agency's Staff did not thoroughly check up the land being taken as mortgage against the loan. As a result it turned out that uncultivable or barren land was taken as mortgaged, which is no good for the purpose of recovery in the case of default.

CHAPTER - VII

REPRESENTATIVE CASES

While the volume of complaints disposed of and the extent of relief given is highlighted in Chapter IV regarding 'Performance During the Year' and 'Statistical Analysis' Appendix I, in this Chapter reported herewith are only summaries of some representative cases.

Grievances arise due to non-attention by those within the Agencies, who are supposed to redress them. After having put in decades of service, a retiring person is often deprived of his pension due to the procedural failure of system. His service record is often not kept upto date, the contributions to G. P. Fund made by him have not been properly accounted for, and if he had availed of Government accommodation, although he had throughout paid the fixed rent for it through his salary bills, it has not been posted in the Estate Office rent record. In short, a retiring person has to undergo immense agony and has to run from pillar to post in having the pension case finalized.

In spite of recommendations of this Secretariat, proper mechanism has not been developed by most of the Agencies to maintain the information and records systematically, and to communicate the relevant information to the relevant quarters automatically. It is here that the Ombudsman's Office is of immense help to the complainants, coordinating between and corresponding with, one office and the other, to bring together the information and complete the necessary record.

It has been impressed upon the Agencies to set up an effective system of grievances redressal within themselves. There has been some progress in this respect, but a lot is left to be desired. Those whose grievance are redressed express gratitude in words, which are a matter of great satisfaction for us. Some letters of thanks have been included towards the end of this Report.

It may be stated that the largest number of complaints have related to Water and Power Development Authority (WAPDA) and the Pakistan Telecommunication Company Limited (PTCL); followed by Sui Northern Gas Pipelines Limited (SNGPL), Sui Southern Gas Company Limited (SSGCL) and Development Finance Institutions (DFIs), especially the House Building Finance Corporation (HBFC).

It has been emphasized upon the Investigating Officers that while investigating and concluding the cases, those responsible for the lapses and mal-administration should be identified. Special directions have been given to the Investigating Officers that the cases of mal-administration may not be left only with the redressal of grievance of the complainant, but also disciplinary action should be recommended against the officers and officials responsible for the mal-administration.

COMMERCE DIVISION

STATE LIFE INSURANCE CORPORATION (SLIC)

Complaint No. Reg-L/7374/2001 **Non-Payment of Death Claim**

The complainant from Kot Mir Baz Khan District Kasur stated that her late husband, Area Manager, had obtained an insurance policy of Rs.75,000/- from the State Life Insurance Corporation of Pakistan on 30.8.1997. He paid all its premia on time and suddenly died on 28.2.2000. She filed the death claim of the policy which the Corporation declined on the ground that the policy holder had not disclosed certain material facts.

On calling a report from it, the Agency stated that the policy holder suffered from ischaemic heart disease (IHD) since pre-insurance period, which he did not disclose at the time of insurance. The Agency produced copies of prescription slips of Dr. X and Dr. Y pertaining to pre-insurance period, showing treatment of IHD and a certificate of treatment from 14.2.1996 to 13.10.1997, confirming the disease and treatment of the

policy holder like-wise. The Agency also produced copies of medicine bills pertaining to the year 1996, which had been reimbursed by the Agency to the Policy holder, in which he was shown as a patient of IHD. The Agency had repudiated the claim on the basis of this belated evidence.

On the other hand, the complainant argued that her late husband, the policy holder, was an Area Manager of SLIC and if he had got medical bills reimbursed this fact was in the knowledge of the Corporation and there was no question of concealment. From copies of the bills it was quite evident that the Agency had paid the bills of the medicines to the policy holder which were prescribed for IHD in the year 1996. Therefore, its plea of concealment of this fact does not have any force. Moreover, the policy had run over a period of more than two years and it cannot be called in question after the death of the insurant on the ground of misstatement. It was therefore recommended that the Agency should pay the death claim of the policy to the complainant.

Complaint No. Reg-L/3442/2001
Less Payment of Claim

The complainant from District Lahore stated that her late husband obtained an Insurance Policy of Rs.50,000/- from the State Life Insurance Corporation of Pakistan (SLIC) in 1991 had regularly paid premium of the policy till 1996 and in 1997 he developed cancer and died on 25.11.1998. When she lodged the death claim of the policy the Agency paid her Rs.55,453/- instead of paying the full death claim of the policy alongwith bonus.

On taking up the matter with the Agency it reported that at the time of insurance policy holder it declared the age as 44 years whereas it was actually 54 years and the insurant had also tampered the National Identity Card. The Agency stated that if the correct age has been disclosed at the time of proposal, the Agency would have asked the policy holder to undergo medical examination and other clinical laboratory tests etc. before a final decision for accepting or rejecting the risk. The Agency justified the less payment due to misstatement of the age. The complainant denied that the insurant had misstated his age or he had tampered with the age on the NIC. The complainant stated that the copy of the NIC may have been tampered with by the agent or by some officials of the Agency, in order to provide a ground for repudiation of the claim. Moreover, it was argued that the matter has no relevance now, when the policy had run for a period of

about seven years. Also, the proviso to Section 80 of the Insurance Ordinance, 2000 reads as under:-

“Provided that nothing in this Section shall prevent the insurer from calling for the proof of age at any time if he is entitled to do so, and no policy shall be deemed to be called in question merely because the benefits payable under the policy are adjusted on subsequent proof that the age of the life insured was incorrectly stated in the proposal.”

It was held that the Agency has not been able to prove that the insurant fraudulently suppressed his age at the time of insurance. It was therefore recommended that the Agency should pay the full death claim of the policy to the complainant. The Agency reported implementation of the recommendation.

Complaint No. Reg-L/7324/2000
Non-payment of Death Claim

The complainant from Sheikhpura stated that her late husband was an Officer Grade-I in Habib Bank Limited, in November, 1996. He obtained one ‘Jeevan Sathi’ Insurance Policy for Rs.300,000 and in December, 1996 two Child Protection Policies of Rs.100,000 each from the State Life Insurance Corporation of Pakistan (SLIC). She stated that her late husband was dealing in sale and purchase of motor cars in spare time, he purchased one car which turned out to be a stolen property, and this caused him a lot of worry. The complainant stated that after this he started to use tranquillizers. Towards the end of July, 1997 he fell ill and died of cholera on 2.8.1997. She filed the claim of the policy with the Corporation which was repudiated. The complainant stated that she is a widow having three children and without any source of income and complained that the claim has been unfairly repudiated by the Agency.

On taking up the matter with the Agency, it stated that the claim being an early death claim, an inquiry was held, which revealed that the complainant was a known patient of depression for the last five years. The Agency enclosed copies of prescriptions dated 7th February, 6th April and 11th April, 1996 by Doctor X, Associate Professor of Psychiatry. The Agency also enclosed a certificate dated 12th January, 1999 from another Doctor verifying treatment of the deceased, as a diagnosed case of depression and also a certificate dated 6th February, 1999 issued by a Medical Officer of DHQ Hospital, Sheikhpura in its support. The Agency also

enclosed photocopies of medical reimbursement slips on the basis of which the deceased had been given reimbursement of medical charges from the Bank, in which he was employed. It was argued that since the insurant concealed the state of his health at the time of insurance, therefore, the contract was void and the claim was rightly repudiated.

During a hearing that was held, the complainant rebutted the stance of the Agency. From the record of the case it transpired that at the time of insurance Doctor Y of the SLIC had examined the insurant and declared him a 'first class life case'. The complainant denied that the insurant had concealed any facts about his health and pointed out that now the Agency has obtained various certificates about the health of the deceased in 1999, i.e. about 1½ years after the death of the insurant. Regarding receiving reimbursement of medical bills from the Bank, the complainant clarified that these medical prescriptions pertain to the post-insurance period, and the insurant used to avail medical facilities for his family. Moreover, he died of cholera as verified by the Doctor of the Corporation and not of depression. The complainant argued that the contention of the Agency about concealment of the health of the deceased was, therefore, totally misplaced. She stated that the objections are being raised unnecessarily in order to avoid payment under the contract, which was consciously entered into by the parties.

It was held that the contention of the Agency was not proved as against the arguments advanced by the complainant and record of the Agency. It was therefore recommended that the Agency should admit the insurance claims of the complainant and pay the amount as per policy to the claimant and her children.

Complaint No. Reg-L/839/2001
Delay in Payment of Death Claim

The complainant from District Sahiwal stated that her late husband obtained the Insurance Policy of Rs.100,000 from the State Life Insurance Corporation of Pakistan in 1990, regularly kept on paying its premium for 10 years and died on 27th February, 2000. She lodged the death claim of the policy which was refused by the Agency, taking the plea that the Policy Holder was a patient of diabetes, was alcoholic and suffered from cirrhosis. The complainant stated that her late husband was quite healthy at the time of insurance and certainly was not alcoholic. She stated that a false medical report has been obtained by the Agency to avoid the payment of the claim.

On taking up the matter with the Agency, it stated that premium for the year 1997 was not paid by the Policy Holder within the grace period, consequent to which the policy became paid up w.e.f 10.12.1998. It was got revived later, on 24.8.1999. The Agency stated that the complainant was suffering from diabetes prior to revival of the Policy and he was admitted in X Medical Complex with complication of liver disease associated with alcoholic cirrhosis. The Agency stated that the deceased died on 27th February, 2000 due to cardio pulmonary arrest, and produced copies of hospital admission record, with the patient's medical history.

A hearing was held, during which the complainant contended that in support of its plea, the Agency had firstly produced a certificated dated 13.4.2001 and a medical attendance certificate dated 3.7.2000 from the hospital, which clearly indicated that the Agency had procured this evidence about the insurant's health after his sad demise. It was observed that not only the policy had run for about 10 years, it became paid up on 10.12.1998 due to non-payment of premium, but was revived, after which it became a regular policy. The Agency, therefore, failed to ascribe anything about ill health of the insurant as late as 1998. It was held that the policy could not be repudiated on the ground of concealment of state of health at belated stage. It was therefore recommended that the Agency should pay the death claim of the policy to the complainant and report compliance within 30 days. The Agency implemented the recommendation.

Complaint No. Reg-K/433/2000

Non-payment of Death Claim in Respect of Her Deceased Husband

The complainant, from Karachi stated that her late husband was a Police Guard and while posted at the residence of the then Minister for Information and Media Development at Karachi was gunned down on 11.1.2000. The deceased was holding an insurance policy for Rs.100,000 from SLIC since 1995. He had made payment of four premia upto 1999. The complainant stated that when the claim was lodged with SLIC, it was repudiated on the ground that the receipts in possession of the complainant were fake.

The Agency, when called upon to comment, stated that the receipts in the possession of the complainant are false and the policy stood lapsed, as no payment of premium was on record since 1996. On examining the matter, it was found that the payments of the premia were made regularly upto 1999 to the Agent of SLIC, through whom the policy had been

purchased. The receipts were issued on printed forms of SLIC with necessary signatures and stamp. The Agency, however, stated that the receipts were fake and the amount was not physically credited into the policy account of the deceased.

It was held that the complainant, widow of the deceased policy holder, could not be penalized due to a fraud committed by a authorized agent of SLIC. The Agency was therefore directed to make payment of the full claim to the complainant and to recover the amount from the concerned insurance agent.

COMMUNICATION DIVISION

PAKISTAN POST OFFICE

Complaint No. Reg-H/15532/2000 **Delay in Payment of Embezzled Amount**

The complainant, resident of a village in Tehsil and District Chakwal stated that Rs.1,95,000/- deposited by him with Post Office, Balkasar were misappropriated by the Postmaster. He had submitted a claim to the Postmaster, Chakwal alongwith relevant evidence. Claims of all the affectees were duly accepted, but he was ignored. He requested that the Agency be directed to make the payment.

On reference, the Assistant Director General (V&I), Directorate General, Pakistan Post Office confirmed that the claim of 8 account holders had been sanctioned but that of the complainant was rejected but gave no reason for the rejection. In order to resolve the matter, a joint hearing was held. According to the record, the complainant had filed a complaint about misappropriation with the District Superintendent of Post Office (DSPOs), Chakwal on 27.12.1999. The Assistant Superintendent (Inv) while recording his remarks observed that the depositor had stated in his affidavit that he came to know about the embezzlement on 28.11.1999 but filed the claim on 4.3.2000, i.e after three months delay. Further, dates on the S.O ledgers were at variance with the dates in pass books. As such, the claim was termed “doubtful” and not approved.

Investigation revealed that complainant filed the claim with the DSPOs on 27.12.1999 alongwith another affectee. During an inquiry, which had been held by the Department, the complainant was asked to submit an affidavit, which he did on 3.3.2000, although the claim had

initially been filed on 27.12.1999. The claim of the other affectee who also filed the affidavit on the same date was accepted. As regards the disparity in the dates, both the documents, i.e S.B Pass Book and the S.O ledger were in the possession of the concerned Postmaster. He, because of his dishonest intentions, had made fictitious entries. The complainant, who is illiterate, could not be held responsible for entries/over-writings made by the concerned Postmaster. The total amount embezzled as established by the Inquiry Officer was Rs.26,21,400/-, which included Rs.1,95,000/-, deposited by the complainant. The whole matter had been investigated by the Postal Department and there was a confessional statement of the accused Postmaster on record. It was held that there is no justification in rejecting the claim of the complainant. It was therefore recommended that the claim be accepted and complainant's loss made good. The Agency reported that Rs.195,000 have been recovered from the accused Postmaster and a Duplicate Pass Book has been issued to the complainant free of cost, after raising the balance accordingly.

Complaint No. Reg-H/5111/2001

Delay in Payment of Matured Policy Claim and Refund of Over-Paid Amount

The complainant from a village of Tehsil Bhalwal, District Sargodha stated that he purchased a Postal Life Insurance (PLI) Policy for Rs.10,000/- in September, 1981, which had to mature on 31st August, 1998. He stated that due to weak memory and being less educated, he deposited the premia for 29 month, i.e upto 31st January, 2001. The complainant stated that he had addressed many letters to the Agency repeatedly, requesting for payment against the matured policy and refund of the overpaid amount. He stated that he is disabled from one leg and is unable to travel. Having failed to get relief from the Agency he requested for intervention. The matter was taken up with the Agency and was followed up. As a result of the same, the General Manager, PLI, Northern Pakistan, Lahore informed that the claim of the complainant could not be settled earlier, because he did not provide the original premium book. It was stated that the premium book had been received on 12th July, 2001 and a payment sanction for an amount of Rs.19,230/- was issued on 10th August, 2001. On calling the complainant's rejoinder, he gratefully acknowledged the relief.

Complaint No. Reg-K/390/2001
Fraud and Misappropriation at Post Office

Two complainants from Village Bagirji, Taluka and District Sukkur alleged in their joint complaint that Rs.27,000/- had been fraudulently misappropriated from their joint account with the Post Office Bagiri. They stated that about a year ago when they learnt about it, they kept on approaching the Postmaster Bagirji. They stated that they approached one Post Master and another, during each one's tenure, but their grievance has not been redressed.

On taking up the matter with the Agency, the Pakistan Post Office Department informed that a fraud had been established at the Bagirji Post Office and the official at fault had been placed under suspension. It was stated that the matter has been also reported to FIA and a formal FIR has been lodged against the accused official. It was further stated that a Committee has been also constituted to review the cases for settlement of claims of affected persons, including the complainant.

During a hearing that was held, representative of the Agency informed that the Committee set up to examine the claims lodged by depositors has submitted its report and according to the same, cases of 10 depositors, including the complainant have been verified. The Agency informed that sanctions are being issued for reimbursing the misappropriated amounts to the affectees, including the complainant. The PPO Department was also advised to review its procedures in order to identify the snags in the system and to take effective remedial measures to avoid recurrence of such frauds in the future.

DEFENCE DIVISION

Complaint No. Reg-H/11155/2000
Non-payment of Arrears of Family Pension

The complainant, widow of an ex-employee of Pakistan Air Force, presently residing in village Gunja Maira, P.O. Mandra, Tehsil Gujar Khan, District Rawalpindi stated that her husband was drawing pension from the National Bank of Pakistan, Gujar Khan. He expired on 25.3.1999 without drawing his pension from 1st January to 25th March,1999. The complainant had submitted her claim for family pension to the Controller of Military Pensions, and also requested for payment of the life time arrears of her husband. Sanction for family pension was issued, but no

payment had been received by her. Also, the aforesaid life time arrears of her late husband were not paid. Since then she had been approaching the Bank as well as the CMP for payment of the sanctioned family pension and the arrears, but there was no result. She therefore requested for intervention.

On taking up the matter with the CMP, Lahore Cantt. He directed the Manager, NBP, Gujar Khan to release the payment of family pension but still there was no mention of payment life time arrears. The complainant complained again about it, and the matter was taken up accordingly. Ultimately, it was informed that the arrears had been paid to the complainant on 12.2.2001 and the family pension was also now being regularly paid. The CMP submitted a certificate from the complainant, confirming the same.

EDUCATION DIVISION

Complaint No. Reg-H/13733/2000

Delay in Award of Merit Scholarship

The lady complainant, a Lecturer in the Department of Biotechnology, in the Sindh Agricultural University, Tando Jam stated that she had been nominated under Quaid-i-Azam Merit Scholarship Scheme in April, 1996 by the Government of Pakistan when she was in England. On receiving the award letter she came back to Pakistan in July, 1996 and informed the Ministry of Education that she was doing her Masters in U.K. and will do Ph.D by availing the Scholarship. She stated that she informed the M/o Education that she did not need the Scholarship for M.Sc. but she would require the award for her Ph.D studies. Subsequently, she went back to U.K. for a research project for completing her M.Sc. She stated that she again came back to Pakistan and got admission in Ph.D and informed the Ministry accordingly, but the Ministry gave her the impression that her scholarship had been frozen by the Government of Pakistan. She requested for intervention and for release of scholarship by the Ministry.

On calling a report from the Ministry, it stated that the complainant is an awardee under Merit Scholarship and not the Quaid-i-Azam Scholarship, she was originally given 6 months time to provide proof of valid admission for M.Phil study in Pakistan and fulfil other requisite formalities, but she could not do so, as she was not in the country and was pursuing her M.Sc. studies abroad. The Ministry stated that on receiving her present request, she was asked to provide proof of valid admission for

Ph.D. abroad and complete other formalities, but she could only submit a Deed of Agreement and allied documents, but failed to produce proof of a valid admission by 30.6.1997. The scholarship scheme was suspended by the Government w.e.f. 01.7.1997, when the government imposed a ban on issuance of award for higher study abroad. However, it was stated that in the case of the complainant the award is intact and she will be considered along with other candidates already under consideration in compliance with the Findings/Recommendations given by this Secretariat in another case. It was observed that in the previous recommendations, it had been desired that the Government should immediately make available the funds for award of scholarships, as this was adversely affecting the morale of the student community. It was also observed that if the Government does not have enough funds in foreign exchange then the amount should be released in local currency to enable the students to purchase dollars locally as it was legally allowed to purchase foreign exchange from open market. The matter was also taken up with the Ministry of Finance, who promptly released the funds and the Ministry of Education confirmed the same. Consequently, the Ministry of Education informed that they have taken action for disbursement of scholarships accordingly, including the release of foreign exchange to the present complainant. As a result, the complainant in her letter dated 14.4.2001 gratefully acknowledged the relief and stated that this was due to the guidance and support given by this Secretariat. She stated that necessary formalities were in progress and she will proceed to U.K. for her Ph.D.

ALLAMA IQBAL OPEN UNIVERSITY (AIOU)

Complaint No. Reg-H/9030/2000

Unjust Declaring Her 'Fail' in Course Code No.634

A lady complainant from Okara stated that she secured 51/100, 90/100 marks in two assignments and 33/100 in final examination in C. T. Course Code No.634 but the University (AIOU) declared her 'fail' unjustly. She requested for intervention for helping her to get the revised result as well as the C. T. Certificate.

On taking up the matter with the Agency, it replied that as per intimation received from the tutor of the complainant she had secured 51, 51 marks in her two assignments and as she only secured 33% marks in the final examination, she could not achieve 40% aggregate marks. She was therefore declared 'fail'.

During a hearing that was held it was established that the complainant was awarded 90 marks which were thereafter changed as 51 by the tutor due to unknown reasons. The same indicated malafide action on the part of the tutor. Representatives of the Agency who were present during the hearing also agreed with the same. They further informed that the said tutor has been blacklisted. The Agency was therefore advised to issue a result card to the complainant on the basis of 90 marks in assignment No. 2. Consequently the Agency informed that after receiving supplementary assignment result, the revised result intimating slip has been issued to the complainant. Report of the Agency was forwarded to the complainant for confirmation of the position. She replied that she has received the revised result card on the intervention of this Secretariat.

FEDERAL DIRECTORATE OF EDUCATION (FDE)

Complaint No. Reg-H/117/2000 **Delay in Grant of G. P. Fund**

The complainant presently residing in Gujar Khan, District Rawalpindi stated that he is an ex-serviceman and was employed as a Teacher in Federal Government Boys Secondary School Pahang Panwal under the Federal Directorate of Education (FDE). He stated that he had not been paid his G.P Fund balance which amounts to approximately Rs.30,000/- by the Department in spite of the fact the he had sent many applications to it through Registered Post. He sent the applications to the highest possible level of the Agency but there was no outcome.

On taking up the matter with the Agency it replied that the complainant had used forged degrees in order to earn additional increments and the case is sub-judice in the Court of Law and therefore he cannot be paid his dues pertaining to G.P Fund. It was noted that it is a case of oppression and victimization, as the court case is not a bar on the payment of G.P Fund balance to the complainant. It was observed that as per Section 3(1) of Provident Fund Act (XIX) of 1925 and para 10.30 of Drawing and Disbursing Officers Handbook, 1996, the G.P Fund is a protected money and no judicial or other authority has powers to stop its payment to beneficiary for any reason what-so-ever. It was further observed that even over paid amount on account of salary or dues cannot be recovered from the G.P Fund Account, unless the subscriber gives his

consent to that effect in writing. The afore-mentioned provisions are quoted as below:-

S.3(1) of Provident Fund Act No. XIX of 1925 and para 10.30 of DDO's Handbook of 1996:-

“S.3(1). A compulsory deposit in any Government or Railway Provident Fund shall not in any way be capable of being assigned or charged and shall not be liable to attachment under any decree or order of any civil, Revenue or Criminal court in respect of any debt or liability incurred by the subscriber and depositor and neither the official assignee nor any receiver appointed under the Provincial Insolvency Act, 1920 shall be entitled to, or have any claim on, any such compulsory deposit”.

Para 10.30 of DDO Handbook:-

“The amounts detected as overpaid to a Government servant cannot be recovered from his General Provident Fund account unless he gives his consent to that effect in writing. Similarly money due to Government by a deceased officer on account of advance of pay or on account of embezzlement of Government money found after his death cannot be legally deducted from his accumulations. Since all General Provident Fund deposits are protected against all creditors the Government should not use its position as custodian of the Fund to put themselves in a better position than other creditors.”

It was therefore recommended that the complainant be paid his entire balance of G.P Fund standing in his credit immediately, including interest up to the date of payment under para 10.10 of DDO's Handbook, which reads as under:-

“While making the final payment in respect of G.P Fund, the interest will be paid up to the end of the month preceding that in which payment is made. In the case where the Accounts Officer was intimated to the subscriber a date on which he is prepared to make payment in cash, interest would be payable only up to the end of the month preced-

ing the date so intimated. If the subscriber claiming the payment does not send an application in that behalf within six months of the date on which the amount standing in the credit with the subscriber become payable, interest would be payable up to the end of six months after the month in which the amount became payable. In case of delayed payment of G.P Fund and residual balance thereof, the payment of interest may be made up to the end of the month preceding that in which the payment of residual balance(s) is made.”

The Agency reported compliance after the due amount was worked out by this Secretariat. The complainant however, claimed additional amount of profit on the basis of deduction of zakat. This request was rejected, as zakat is deducted only once at the time of final payment.

FINANCE DIVISION

ACCOUNTS OFFICES

Director General Pakistan Revenues

Complaint No. Reg-K/2699/2000

Non-payment of Commutation to a Widow

The lady complainant, a resident of Karachi, submitted this complaint against the office of Director General Pakistan Revenues, Karachi. She stated that her husband, Deputy Director, FIA, was performing his duties satisfactorily, when all of a sudden he was placed under suspension in the year 1997 and awarded the major penalty of dismissal from service. She stated that her husband filed an appeal in the Service Tribunal, Islamabad against his dismissal. During the pendency of the appeal, he expired due to heart ailment on 30.12.1998, leaving behind the complainant widow, three sons and five daughters. She stated that out of five daughters only one daughter is married. After the death of her husband, she filed an appeal to the competent authority in FIA and the penalty of dismissal of her late husband from service was modified to Compulsory Retirement vide Order dated 27.10.1999. She stated that as per Finance Division's O.M. No.10(3)-Reg.6/86(II) dated 1.7.1986, the payment of commutation upto 50 percent of gross pension was admissible to a civil pensioner at his option and the option was required to be signed by the Government Servant, while in service or on retirement, on prescribed Performa CSR-25

(Revised). She stated that as per Finance Division's O.M. No.13(I)-Reg.6/94 dated 6.7.1999 the benefit was given that the family of a deceased Government servant who could not sign his pension papers, will also be entitled for the commuted value of pension @ 50% w.e.f 1.7.1999. The complainant's late husband had also not been able to sign the prescribed form CSR-25 for payment of commutation. As the benefit was admissible w.e.f 1.7.1999 and the complainant's husband had died on 30th December, 1998, she was denied the benefit. She had made various efforts with the Ministry of Finance, requesting that an exemption be given in her case, on the basis of the extreme hardship she is undergoing. However, the Ministry of Finance had refused the same.

On investigation of the complaint it was concluded that this is a fit case of hardship, which deserves sympathetic consideration on humanitarian grounds, and it should not be shelved because of mere technicalities. It was accordingly recommended that the Finance Division may consider the request of the complainant, especially when the competent authority in FIA had also converted the penalty of dismissal of service of complainant's late husband to compulsory retirement. It was apparent that the same had also been done consequent to most sympathetic consideration and on humanitarian grounds.

Accountant General Sindh

Complaint No. Reg-H/14967/2000
Delay in Grant of Pension

The complainant from Karachi submitted this complaint against the Office of Accountant General, Sindh regarding delay in grant of pension to him. According to the complainant he retired from service as Deputy Superintendent of Police (DSP) on 9.1.2000. His pension papers were sent to A. G. Sindh but were returned for want of certain documents. Among other things the complainant was asked to provide a copy of his Promotion Order to the rank of D.S.P. He alleged that the Office of A.G. Sindh was using delaying tactics for want of illegal gratification. The complainant stated that it was astonishing that after 13 years of his promotion as D.S.P., an Office Order was required by the Office of the A.G. Sindh, when the Government of Sindh is regularly sending copies of such Orders in any case to the A.G. The complainant also argued that if his promotion order had not been received by the A.G. Sindh, how his Last Pay Certificate (LPC) was issued and how he was allowed to draw his salary from the District Accounts Office, Sukkur. He stated that on his promotion his first

posting was as D.S.P, Mirpur Mathelo, under the audit control of DAO, Sukkur. The complainant stated that except pension he has no other source of income, he has hardly any money to pay the school fee of his children and for survival of his family. He requested that the A.G. Sindh be directed to finalize his pension case without further loss of time and make full payment of pension dues to him.

On taking up the matter with the A.G, Sindh, it was indicated that the matter had been shuttling between Home Department, Government of Sindh, Karachi and A.G. Sindh. One of the objections was that the Promotion Orders from Non-Gazetted cadre to the Gazetted post were not found recorded in the Service Book. It was with the intervention of this Secretariat, that the S.S.P, Karachi after doing the needful resubmitted the pension papers to the A.G. Sindh. As a result, the complainant ultimately informed that his pension has been finalized and his grievance stands redressed. While closing the case, it was directed that the Agency should take appropriate steps to keep service record of the Government servants in an up-to-date and easily accessible shape. It was desired in this connection that specific instructions be issued to all concerned.

AGRICULTURAL DEVELOPMENT BANK OF PAKISTAN (ADBP)

Complaint No. Reg-H/75/2001

Misappropriation of Deposited Amount

The complainant, a resident of village Haji Mureed Jhulan, District Sanghar stated that he had deposited due amounts in his own account and in his father's account with the ADBP, Shahpur Chakar Branch, in August, 1998. He stated that it was found after some time that the amount deposited in his account had not been credited in the record of the ADBP. On taking up the matter with the Agency, it was reported that the amount had been misappropriated by an employee of the Bank, instead of crediting it in the complainant's account. However, on the intervention of this Secretariat, the official who had retained the amount with himself, credited it in the complainant's account. The grievance of the complainant was redressed. It was recommended to the Agency that the complainant should not suffer any loss in the form of interest/profit for the period the due amount was not credited to his account. It was also recommended that strict disciplinary action should be taken against the official who illegally retained the amount with him. The Agency implemented the recommendations.

HOUSING BUILDING FINANCE CORPORATION (HBFC)***Complaint No. Reg-K/1965/2000*****Delay in Returning Property Documents**

The lady complainant from Karachi stated that she had purchased a house in Bagh-e-Ibrahim, Malir, Karachi, against which a loan of Rs. 100,000/- had been drawn in 1992 by the previous owner. She stated that after purchasing the house she kept on depositing the due repayments regularly. The complainant stated that she made a payment of Rs. 20,000/- on 4.11.1998 and another of Rs. 20,000/- on 5.10.1999. She stated that with the same, she presumed that complete repayment has been made against the loan, and hence she requested the HBFC to return the property documents. There was no response, on which the complainant requested for intervention.

On taking up the matter with the Agency it replied that the complainant was asked to provide a photocopy of the receipt for the last payment of Rs. 20,000/- but she did not provide the same. This was stated as the reason for non-closure of the loan account. A hearing was held, during which the Agency's record was examined, which revealed that the final payment of Rs. 20,000/- by the complainant on 5-10-1999 had been duly communicated, but it was not entered in the complainant's account. During the investigation of other complaints as well, it was noticed that the officials of HBFC have become habitual not to keep the receipts in proper files, with the result that borrowers are often asked to provide photocopies of a number of repayments made by them. It was observed that the same is a proof of negligence of officials of the Agency. This slackness and negligence appeared to have become a common practice. The Chairman HBFC was therefore asked to hold an inquiry in the matter and take disciplinary action against officials found responsible for such negligence. It was directed that the practice of asking the borrowers to furnish repayment receipts should be stopped forthwith, and record should be kept up-dated by the officials of HBFC. So far as the complainant is concerned, after updating of her account, it was worked out that Rs.5204/- were refundable to her. It was recommended that the refundable amount of Rs.5204/- be paid to the complainant without any further loss of time and property documents be returned to her forthwith. The Agency implemented the recommendations.

INFORMATION TECHNOLOGY AND TELECOMMUNICATION DIVISION**PAKISTAN TELECOMMUNICATION CORPORATION LIMITED (PTCL)*****Complaint No. Reg-H/3310/2000***
Unjust Withdrawal of '18' Facility

The complainant stated that with the conversion of Taxila Exchange into a Digital one the facility of '18' was withdrawn. The subscribers were now required to dial 537452 for registering a complaint instead dialling the convenient number '18'. This involved charging of a local call whereas the '18' facility was free. The complainant requested that the Agency be directed to restore the '18' facility.

On referring the matter to him, Director (Telegraphs), RTR, Rawalpindi replied that subscribers of Taxila Exchange can register complaints on '17' in addition to 537452. However, the complainant stated in his rejoinder that the staff manning '17' position does not register complaints, and advises the callers to dial 537452. The complainant insisted for restoration of '18' facility. A hearing was held, which was attended by the DE, Taxila. He reported that consequent to our intervention the '18' facility has been restored.

Complaint No. Reg-H/12582/2000
Delay in Payment of Bills for Work Done

The complainant, a building maintenance sub contractor of PTCL carried out some maintenance work in the office of the General Manager, Overseas Telecommunication Region (OTR) on 15th September, 1998. He submitted a bill amounting to Rs.18,016/-, but was paid Rs.9,060/- only, with an understanding that the balance will be paid within one month. The same was not done in spite of efforts of the complainant and the lapse of all this time.

On taking up the matter with the Agency the General Manager, OTR, Islamabad stated in reply that the complainant had only submitted a bill for Rs.9,537/- and on deduction of tax he had been paid Rs.9,060/- and hence there was no cause for the complaint. Rather, the Agency stated that the complainant has raised the discrepancy after a considerable time and the concerned official, the then Supervisor has now even retired. It was found that since the bills were beyond the financial limit of the competent

authority, the complainant had been advised by the Supervisor to split the bill, as a result of which he had got payment for one bill and the other one was apparently misplaced. Investigation revealed that the complainant had carried out the work on verbal instructions and was now unable to verify the rest of his claim. The representative of the Agency was advised to get in touch with the former Supervisor and verify the claim of the complainant. Subsequently, Assistant General Manager, OTR, Islamabad confirmed that the ex-Supervisor had now verified the bill, which was duly approved by the competent authority and had been submitted to the Accounts Department. The matter was thus amicably resolved.

Complaint No. Reg-H/19234/2000
Delay in Shifting Telephone

The complainant a resident of Islamabad had requested the PTCL for shifting of his telephone to the House in F-7/1, Islamabad, owned by him, which had been previously rented out by him. He had obtained a clearance from Accounts Officer (Telephone Revenue). However, he was refused the shifting of telephone. On taking up the matter with the Agency it was found that the refusal was due to outstanding arrears amounting to Rs.125,333/- against telephone of the previous occupant of the house. Efforts had been made to locate the defaulter, but with no success. As such, the premises had been declared as 'defaulter' and the Agency stated that the request of the complainant cannot be accommodated.

Examination of the relevant record produced during the hearing revealed that the previous occupant had defaulted in payment in 12/98 for the first time. However, the telephone was not disconnected till 4/2000. The complainant being owner of the premises, it was essential for the tenant to have obtained his permission before installation of the said telephone. Examination of the record revealed that in the formal contract with the PTCL, the signatures appended against the owner's permission for the installation of the telephone were forged. The National Identity Card (NIC) number mentioned was also fake. The contract form itself was incomplete and neither the name of the subscriber nor the NIC number was mentioned.

It was obvious that the telephone was installed by the Agency without following the laid down procedure and adopting necessary safeguards. It was held that it is grossly unjust to penalize the complainant, the owner of the premises, and to harass him by denying him the telephone facility for the Agency's negligence. It was desired that an inquiry be held

in order to investigate the circumstances under which the telephone was provided without following proper procedure and arrears allowed to accumulate. It was recommended that the complainant should be issued the demand note within 15 days for shifting as requested, if technically feasible. The Agency reported that an inquiry is underway; a demand note was issued and telephone has been installed.

Complaint No. Reg-K/1740/2000
Excessive/Wrong Billing

The complainant, resident of Karachi complained about excessive/wrong billing of his telephone. He received a bill of October, 1999 containing overseas calls as follows; Nigeria (1 call) Saudi Arabia (1 call) and U.A.E. (8 calls). He stated that he is a retired person having a large family to support and he has no relationship with any person living abroad, not to speak of these countries. He stated that he had made considerable efforts for the redressal of his grievance with the concerned authorities, but got no relief, and therefore requested for intervention.

On taking up the matter with the PTCL it reported that the complaint had been considered by the Regional Vigilance Committee (RVC) in its meeting held on 6.3.2000 and it was regretted to provide any relief on the basis of local investigation/check up report. The Agency stated that the complainant's telephone is a Digital one with Secret Code Barring Facility and he should have availed the same. A hearing was held in the case and it was concluded that against all the arguments of the Agency, it was established that the complainant has no relation residing outside the country. It was therefore recommended that the overseas calls shown in the relevant bill be deleted. It was also recommended that the telephone, which was disconnected due to non-payment of the impugned bill, should be restored without any charges. The Agency implemented the recommendations.

INDUSTRIES AND PRODUCTION DIVISION

UTILITY STORES CORPORATION (USC)

Complaint No. Reg-H/5004/2001 and sixteen others
Delay in Payment of C.P. Fund and Other Dues

The complainants stated that they had been serving in various capacities in the Utility Stores Corporation (USC). They stated that in the name of downsizing, their services were retrenched in the later part of year

2000. They complained that their CPF and other dues have not been paid to them, in spite of the lapse of all this time. On taking up the matter with the Agency, the USC Head Office, Islamabad stated in their reply that the Corporation has been in serious financial crisis due to substantial accumulated losses and colossal decline in its sales. Resultantly, the Corporation was forced to close substantial number of stores. The Agency further stated that the services of 844 surplus employees, including the complainants were retrenched. It was stated that claims on account of payment of dues of the ex-employees are under process, and for this purpose shortages/dues/amounts recoverable etc from the individuals as per rules are to be checked and adjusted.

There were quite a few other complaints as well about the same matter, which were dealt with. As a result of intervention of this Secretariat, the Agency informed that in the case of seventeen of these complaints, cheques have been issued for final payment of C.P Fund and other dues. It was a matter of satisfaction that intervention of this Secretariat was of help as such.

INTERIOR DIVISION

CAPITAL DEVELOPMENT AUTHORITY (CDA)

Complaint No. Reg-H/2125/2000

Delay in Payment of Retirement Dues of Her Husband

The complainant from Islamabad stated that her husband had retired from CDA in October, 1998 and that she is lying sick. She stated that despite passage for more than 2 years, pension of her husband has not yet been sanctioned by the CDA.

On taking up the matter with the Agency, in its reply it was indicated that Pension Payment Order (PPO) has been issued by the CDA on 17.2.2000. However, no reason was indicated for the delay. Investigations revealed that complainant's husband's service record was not kept updated and various departments of CDA kept on corresponding with each other and thus wasted more than two years time in sanctioning pension for one of its own employees. It was also noted that according to Government orders, pension claims of the retiring Government Servants are to be prepared 6 months before the actual date of retirement of any employee, and in case there is a delay beyond one month of the date of his retirement or death, he or his family, as the case may be, is to be awarded anticipatory

pension to the extent of 80%. It was observed that neither of the following provisions of relevant rules were followed by CDA:-

“19.— Pension and Gratuity: (1) On retirement from service, a civil servant shall be entitled to receive such pension or gratuity as may be prescribed.

...

(4) If the determination of the amount of pension or gratuity admissible to a civil servant is delayed beyond one month of the date of his retirement or death, he or his family, as the case may be, shall be paid provisionally such anticipatory pension or gratuity as may be determined by the prescribed authority according to the length of service of the civil servant which qualified for pension or gratuity; and any over payment consequent on such provisional payment shall be adjusted against the amount of pension or gratuity finally determined as payable to such civil servant or his family.”

Chairman, CDA was therefore directed that personal documents/service books of all employees should be kept up-dated all the time. It was also desired that annual inspection of offices should be carried out by a committee of officers, who amongst other matters should inspect the documentation state of personal/service documents of employees and record the proceedings for information and orders of Chairman CDA.

Islamabad Capital Territory Administration (ICT)

Complaint No. Reg-H/16679/99
Request for Grant of Family Pension

The complainant from Islamabad stated that her husband was appointed as Khateeb of Imamia Masjid, Islamabad w.e.f 1.12.1972 and continued working as such upto 31.12.1986. She stated that w.e.f 2nd January, 1987 her late husband was transferred to Masjid Imamus Sadiq, G-9/2, Islamabad, where he worked upto 16th October, 1991, when he died while in service. The complainant requested that she should be given family pension on the basis of the service of her late husband.

On taking up the matter with the Agency, the Islamabad Capital Territory (ICT) Administration, it acknowledged that the complainant's

late husband was appointed as Khateeb in BPS-9 in December, 1972 in the Shrine Wing and served as indicated by the complainant. However, the services of Shrine Wing of Directorate of Auqaf of ICT Administration were notified to be pensionable w.e.f 29th April, 1998. As such the Agency took the plea that the deceased was not entitled to receive the pensionary benefits at the time of death and accordingly the complainant is also not entitled to family pension. In her rejoinder the complainant stated that when her late husband started service in 1972 he was an employee of Auqaf Department, Punjab and services of the employees of Punjab Auqaf Department became pensionable with the issue of the Government of the Punjab, Auqaf Department Notification dated 2nd April, 1973. As per the same, the Punjab Auqaf Employees Pension Rules, 1973 came into effect. The complainant also pointed out to Findings/Recommendations given by this Secretariat in an earlier similar complaint where the services of the employee had been transferred from the Punjab Auqaf Department to the ICT Administration. In these Findings it had been held that under the principle of equity, the same rule shall apply when the Provincial employees are transferred to the Federation. As such, it was held that the complainant was entitled to pension before transfer of his services to the Federation; hence, he should have carried such benefits with him which was admissible to him in the Province. During the hearing that was held in the present case, it was noted that the complainant's late husband had put in 17 years 2 months and 12 days service with Shrine Wing upto 13.2.1990, during which period he drew his salary from the Shrine Fund. However, w.e.f 14.2.1990 the deceased was selected and appointed on regular side and started drawing salary from the Federal Government Exchequer. He died on 16.10.1991. The Agency conceded that it is prepared to pay family pension out of Shrine Fund. However, in order to fulfil the codal formality the complainant should deposit the pension contribution for the period of 1 year 8 months and 2 days, the period the deceased drew his salary from the Public Exchequer. The complainant was prepared to do that. The Agency agreed that with the same, the total service of the deceased would be counted right from 1.12.1972 to 16.10.1991, i.e 18 years 10 months and 14 days. It was recommended that the Agency should pay family pension to the complainant accordingly.

Complaint No. Reg-H/767/2001 & Reg-H/1711/2001
**Non-increase in Rent of Buildings No. 14-R and 14-F, F-8 Markaz,
Islamabad, Occupied by the Office of Chief Commissioner, ICT,
Islamabad**

The complainants stated that the above mentioned premises belonging to them have been occupied by the Islamabad Capital Territory (ICT) Administration since 1981, and the last contract in this respect was as per Lease Agreements signed for 3 years on 1.7.1995, which expired on 30-6-1998. The complainants stated that w.e.f. 1.7.1998, a 30% increase in rent is due them, they applied for the same to the agency, but the increase has not been given to them so far. They stated that the file about increase of rent has been moving between the Office of ICT Administration, Secretary Interior Division, Secretary Finance Division and Secretary, Housing and Works. The complainants stated that in processing the requested increase of rent, various documents are being asked for, one by one. They protested that they have already supplied all the documents ever since 1981 when the premises was first occupied by the Agency. The complainants requested that the Agency be asked to increase the present rent of Rs.4.50 per s.ft. by 30% w.e.f. 1.7.1998, according to the Government instructions.

On taking up the matter with it, the ICT Administration replied that the matter is still under consideration/correspondence with the Ministry of Interior/Finance. The Agency also referred to the Islamabad Rent Restriction Ordinance, 2001 which has been promulgated w.e.f. 23.1.2001. The Agency took the plea that according to the provisions of the same, an increase in rent @ 25% is permissible on completion of 3 years of tenancy. On this basis, the Agency took the plea that the buildings completed 3 years period on 30.6.1998 and the proposal for increase in rent has been amended according to reduce the increase to 25%, instead of 30%.

In their rejoinders the complainants argued that the Islamabad Rent Restriction Ordinance, 2001 has been promulgated on January 23, 2001, while their request for increase in rent w.e.f 1.7.1998 pertains to the date prior to the promulgation of the said Ordinance, and as such the Government instructions prevailing at that time would be applicable for the purpose of enhancement of rent. The matter was followed up considerably with the Interior Division. It was particularly pointed out to them that the non-payment of rent ever since 1998 is totally unfair, is in gross violation of the norms of justice, and even of human rights of the citizens affected. It was pointed out that the complainants have been protesting about such a

violation by an Administration, which is supposed to dispense justice to the general public. Consequently, it was intimated that the Finance Division have conveyed their approval for enhancement of the rent of the premises of the complainants to Rs.5.00 per s.ft. In their further comments on this report, the complainants protested and argued that according to the Government Instructions 30% increase is due on the previous rent of Rs.4.50 per s.ft. w.e.f 1.7.1998 for the next three years period, which means that the rent should have been enhanced to Rs. 5.85 per s.ft. for the period 1.7.1998 to 30.6.2001. The complainants further stated that in accordance with the Islamabad Rent Restrictions Ordinance, 2001 which came into effect from 23.1.2001, they are entitled to a further enhancement of the rent of their premises by 25% w.e.f 1.7.2001 onwards, which would mean an increase of 25% on Rs.5.85 and the rent w.e.f 1.7.2001 should be fixed at Rs.7.31 per s.ft. from then onwards. A detailed hearing was held and the plea of the complainants was held to be correct. It was accordingly recommended that they should be given increase in rent accordingly, subject to execution of Lease Agreements for the purpose.

REGISTRATION DIRECTORATE/NATIONAL DATABASE & REGISTRATION AUTHORITY (NADRA)

Complaint No. Reg-H/4443/2001 **Delay in Issuance of NIC**

The complainant from Rawalpindi stated that the National Identity Card of his wife had been originally issued from Faisalabad and after marriage he had requested for issue of her new NIC from Rawalpindi. He stated that the relevant documents were submitted in Registration Office, Satellite Town, Rawalpindi alongwith the original NIC on 16.1.2001, the date of return was communicated as 2nd February, 2001, but the NIC had not been issued.

On taking up the matter with the Registration Directorate, Islamabad, the Agency acknowledged that the documents and the NIC had been duly submitted by the complainant, but as per prescribed procedure, it was necessary for the District Registration Office, Rawalpindi to get the particulars verified from the District Registration Office, Faisalabad before issuance of the revised NIC. It was with the intervention of this Secretariat that the verification report from District Registration Office, Faisalabad was expedited and the complainant was supplied with the new NIC of his wife.

Complaint No. Reg-H/8795/2001**Return of NIC Forms after Keeping for 106 Days**

The complainant from Rawalpindi stated that he had got the National Identity Cards for himself and his family issued 25 years ago from Mandi Bahauddin. He wanted that new NICs to be issued from Rawalpindi, and stated that he had deposited all the relevant documents for the new NICs for himself and his family with District Registration Office, Rawalpindi on 2nd March, 2001. He complained that the forms kept lying with the office for 106 days, after which they were simply returned to him.

On taking up the matter with the Registration Directorate, Islamabad, it confirmed that the Registration forms in respect of the complainant and his family were booked with the District Registration Office, Rawalpindi on 2nd March, 2001, for issuance of revised NIC, after cancellation of the earlier NICs issued from District Registration Office, Mandi Bahauddin. It was stated that on examining the forms District Registration Office, Rawalpindi had raised a valid objection on Form RG-I of one of complainant's sons. In order to clarify the same, complainant had been asked to submit Form B in original or attach a certified copy of Matric Certificate of his son, but the complainant had not done that. The complainant was contacted by District Registrar, Rawalpindi, and was requested to see the advice mentioned on the form of his son. It was stated that after one hour he brought a copy of Matric Certificate of his son and NICs were issued to his family on 11.8.2001. A Photostat copy of the complainant's written statement was enclosed. In the same, the complainant had acknowledged that he has got the NICs, he is satisfied, and has no complaint now against the Agency. It was a matter of satisfaction that it was the intervention of this Secretariat which expedited the held up matter, and the NICs were duly issued to the complainant.

Directorate General of Registration, Karachi/I.G. Police Sindh

Complaint No. Reg-H/6761/2000**Delay in Issuance of National Identity Cards**

The complainant, a resident of North Karachi complained of delay in issuance of National Identity Cards to himself and his family members. The original NICs were issued from Rawalpindi and had been misplaced. He applied to the District Registration Office, Karachi for issue of NICs. In response to his application for fresh NICs, the papers were sent to Rawalpindi for verification from where no reply was forthcoming. In the

absence of the verification, the Agency referred the matter to the Sindh Police for spot verification of antecedents of the family. The complainant informed in his rejoinder and complained that the family members including the complainant's wife and daughters were directed by the local police to appear in the Police Station for verification, although this enquiry could have been conducted by the Police by visiting their house. Ultimately, with the intervention of this office the Agency issued the NICs to the complainant and his family members. Although the grievance of the complainant had been redressed promptly, it was observed that the attitude of the local police, in calling the entire family members, including the girls at the Police Station was totally unjustified, unethical and against the dignity of the citizens.

The Inspector General of Police, Sindh is under the jurisdiction of the Province of Sindh, but it was recommended to him that instructions be issued to all the Police Stations under him, not to call the family members of any applicant for a new NIC at the Police Station and such verification should be conducted by visiting the house of the applicant.

KASHMIR AFFAIRS, NORTHERN AREAS AND STATES & FRONTIER REGIONS (KANA & SAFRON) DIVISION

Complaint No. Reg-H/2127/2001

Non-payment of Leave Encashment

The complainant presently residing in Islamabad stated that he was working in the Commissionerate of Afghan Refugees, Peshawar since 4th May, 1982 and was retrenched from the service w.e.f 15th March, 1996. He stated that he has not been paid leave encashment due to him, because of lack of funds with the Commissionerate. He stated that the Commissionerate has been making efforts for additional funds required for this purpose, but has had no success. He requested for intervention for payment of his leave encashment.

On taking up the matter with the Agency, it reported that the services of the complainant had been on contract, and a question had arisen as to whether the contract employees are to be paid leave encashment or not. It was stated that consequent to a Court decision the contract employees have become entitled to be granted leave encashment. The Agency explained that accordingly over 2000 employees are to be paid leave encashment, the complainant is one of them and the amount required is well over Rs.52 million. It was stated that during the financial year

1999-2000 the complainant submitted his bill rather late and the AGPR failed to make payment against it, because funds lapsed at the end of the financial year, i.e 30th June, 2000. The Agency stated that it has been ever-since making efforts for the allocation of required funds, which have not so far succeeded. The KANA & SAFRON Division had moved a summary for supplementary grant to the Finance Division for allocation of funds for the financial year 2000-2001, but the matter had been deferred by the Finance Division to the financial year 2001-2002. Consequently, the KANA & SAFRON Division informed that they have again moved the Finance Division for a supplementary grant vide their U.O. Note dated 8th August, 2001, and leave encashment will be paid to the employees of Afghan Refugees Organizations, including the complainant, as and when funds are provided by the Finance Division.

The case was closed, with directions to the Finance Division that they should urgently release the requested funds to the KANA & SAFRON Division, so that the rightful dues of the retrenched employees are duly paid.

LABOUR, MANPOWER AND OVERSEAS PAKISTANIS DIVISION

Complaint No. Reg-H/13027/2000

Request for Appointment of Her Daughter in Place of Her Lost Husband

The complainant from Islamabad stated that her husband was serving in the Bureau of Immigration and Overseas Employment as Naib Qasid; he disappeared on 16.10.1999 and despite sustained search efforts could not be tracked down. She stated that since her husband was the only earning member of the family, comprising of seven members, including a mentally retarded daughter, she direly needs assistance for sustenance. She requested that the Agency may be directed to give employment to her daughter who has passed her Higher Secondary School Examination, beside processing the pension case of her husband.

On taking up the matter with the Agency it reported that the Police was endeavouring to locate the missing individual who has been missing since 16.10.1999. After he had been missing for more than one year he was retired from service w.e.f 16.11.2000 in order to enable his family to draw family pension as admissible under the Rules. It was stated that the Pension Papers have been already completed and the family has been

asked to provide supporting documents to facilitate submission of the same to AGPR. Referring to the complainant's request for employing her daughter, it was stated that she could not be appointed against the post of Naib Qasid, as nature of the job did not merit selection of a female as Naib Qasid. The Agency however promised that if any suitable post fell vacant in the future, the case of her appointment would be considered. The Agency had obtained an application from the son of the missing official for consideration of his appointment as Naib Qasid against some vacant post alongwith other candidates.

On sending the report of the Agency to the complainant, she stated in her rejoinder that she had applied for appointment of her son under the special circumstances. Referring to application of her son for appointment against the post of Naib Qasid, she requested that he be appointed against the vacancy created as a result of retirement of her husband, instead of appointment in routine. During the hearing that was held, the Agency was advised to expedite preparation of pension papers of complainant's husband and finalise payment of the same and other dues relating to his service, as well as the Benevolent Fund grant as entitled.

As regards the appointment of complainant's son as Naib Qasid the Agency stated that only one post of Naib Qasid existed, about which also it was apprehended that it is to be abolished under the policy of rightsizing. The Agency, however, stated that it is making efforts to save the post by obtaining an NOC from the Establishment Division, in order to provide relief to the genuinely aggrieved complainant. The complainant expressed her hardship and stated that her family would be threatened with an acute financial crisis if her son is not appointed. It was recommended to the Agency that it should ensure the appointment of the son of the complainant by making personal efforts for obtaining NOC from the Establishment Division.

PETROLEUM AND NATURAL RESOURCES DIVISION

SUI NORTHERN GAS PIPELINES LTD. (SNGPL)

Complaint No. Reg-H/1362/2001 **Delay in Giving Gas Connection**

The complainant from Abbottabad submitted this application on behalf of the residents of Ehtisham Colony, Abbottabad. He stated that they had applied for Sui gas connections in 1997-98 and since then have

made consistent efforts to obtain gas supply, but in vain. He stated that the SNGPL authorities under one pretext or another have avoided installation of the requisite connections. He stated that the residents are prepared to meet the cost involved in laying the gas pipeline. He requested that the SNGPL be ordered to do the needful.

On taking up the matter with the Agency, it reported that on submission of necessary documents regarding the adjacent land by the complainant, it was agreed in principle to provide the necessary connections. The Agency stated that a formal proposal letter had been issued and the residents of the area had been asked to deposit the security amounts and sign the contract documents. It was promised that on completion of the formalities, connections would be provided.

On calling the complainant's rejoinder he replied that he himself has got a connection on 18th March, 2001, due to the intervention of this Secretariat. However, he pointed that the colony consists of 19 houses and that only 150 meters pipeline is required for supply of gas to those houses as well. He stated that a 14 feet wide municipal road intervenes in between the houses located on both sides of the road, and without laying gas pipeline on the road in question, connections cannot be provided to other residents. He requested that the Regional Manager SNGPL, Abbottabad should be directed to solve the problem by laying the requisite pipeline. A hearing that was held was attended by the complainant and residents of the locality alongwith representative of the Agency. In its consequent report the Agency stated that the gas pipeline in the vicinity in Usmanabad has been laid on operational ground.

The complainant and residents of the locality numbering 19, in a further rejoinder stated that the Managing Director, SNGPL has assured that supply of gas to residents would be completed within the year 2001-2002. They requested that instructions be issued to the Agency for laying 470 feet gas pipeline, which is required to provide connections to the 19 remaining houses. During a further hearing that was held, the Sales Officer, SNGPL reported that the problem of the complainants has been solved and gas connections have been provided to the remaining 19 houses also. The complainant in a written statement dated 22nd October, 2001 confirmed that the Agency has taken action accordingly, and expressed gratitude to this Secretariat for solving the four years old problem. It was a matter of satisfaction that as a result of efforts of this Secretariat the requisite 470 feet gas pipeline was laid by the Agency in October, 2001 and all the affected residents got due relief.

RAILWAYS DIVISION

Complaint No. Reg-H/9271/2001

Failure to Provide Due Treatment being Patient of Hepatitis-C

The complainant an employee of Pakistan Railways, working in Rawalpindi stated that he has been suffering from Hepatitis-C virus associated Chronic Liver disease as diagnosed on 4.1.2001. He stated that he had the relevant tests (HCV-RNA by PCR) done from the Armed Forces Institute of Pathology (AFIP), Rawalpindi on 12.3.2001. The complainant stated that enclosing the results of the same he approached the Director, Health and Medical Services, Pakistan Railways Headquarters; Lahore; he was admitted in the Railway Hospital, Rawalpindi on 16-5-2001, but was discharged on 11-6-2001, and he was certified to be fit to attend to his duties. He complained that he was not given proper treatment and was discharged without the same. He requested that he should be given proper treatment, specially when the facilities of International Islamic Medical College (IIMC) Trust, Hospital, Rawalpindi are available for the employees of Pakistan Railways.

On taking up the matter with the Agency, the Medical Superintendent, Pakistan Railways, Hospital, Rawalpindi stated in the reply that during admission to the Hospital, the complainant was provided symptomatic treatment, necessary tests were carried out, and he was also scheduled for liver biopsy, but he himself requested to be discharged. It was further stated that patients of Hepatitis-C are physically and mentally alright in the early stages of the disease, and as such the complainant was rightly declared fit for duty and allowed to continue his work. In his rejoinder the complainant controverted the report of the Agency, and stated that he had the HCV-RNA by PCR test carried from outside in March, 2001 by incurring private expenditure, because the Agency was not serious about it and was putting him off. The complainant stated that though the result of this test was 'Positive', the disease was assessed to be of 'moderate grade'. He stated that the specialist doctors advise 'a course of antiviral therapy' at this stage of the disease. He complained that the Agency did not provide him the required treatment. He stated that he even got the biopsy done privately by incurring expenditure of a few thousand rupees. He stated that if the disease is left at this stage, or treatment is delayed, it can result in serious and fatal diseases like hepato cellular carcinoma, cirrhosis of liver, enlargement of spleen etc. The complainant stated that being a low paid employee, it is not possible for him to undergo the treatment at his own expense, and stated that on the other hand, IIMC

Trust Hospital has the best facilities available, but the Agency is not giving him treatment from the same.

The matter was discussed in a detailed hearing attended by both the parties. The complainant alleged that the Agency is bent upon saving the expenditure, for which reason the need for his treatment is not being properly assessed. He pressed that among other things, he should be given 'interferon' treatment. The Agency's representative in this respect referred to Davidson's Principles and Practice of Medicine, (Eighteenth Edition) and the following remarks in the same, about this treatment:-

“Interferon is the only drug available for the treatment of HCV infection; elimination of the HCV-RNA from the blood after 6-12 months' treatment is achieved in only about 15% of cases. Combination therapy with interferon and ribavirin is currently being evaluated.”

The complainant argued that even though the rate of success of the medicine and treatment is not 100%, there is no reason to deny him the treatment, and to leave his health and life open to serious fatal disease. There is all the reason in the argument of the complainant that he should not be denied what-ever treatment can be provided to him. It was therefore recommended that a 2nd and even 3rd opinion should be obtained about the future treatment of the complainant from specialists in the field, to the satisfaction of the complainant. It was recommended that as a result of the same, the fullest possible treatment should be provided by the Pakistan Railways to the complainant, of which he is an employee. As explained during the hearing also, Pakistan Railways have the best possible facilities of medical treatment available with the cooperation of IIMC Trust Hospital, Rawalpindi, with whom they have entered into a contract for the treatment of their employees. It was recommended that the complainant should be provided all possible treatment from IIMC Trust Hospital also.

PAKISTAN BAITUL MAAL

Complaint No. Reg-H/1901/2001 **Financial Aid for Dialysis Patients**

The complainant, from Karachi enclosed a Press Clipping from the daily 'Jang' of 3rd February, 2001, in which it had been stated that the Pakistan Bait-ul-Maal has stopped financial assistance to Dialysis Patients. He specially mentioned pathetically the case of a 19 years old boy, who

had passed his Intermediate examination in 1999, had fallen ill, and due to the non-functioning of kidneys, was undergoing dialysis. The complainant stated that the stoppage of such financial assistance by Pakistan Bait-ul-Maal (PBM) was a grave matter for the affected patients and requested for intervention.

On taking up the matter with the Agency, it reported that the National Dialysis Treatment Scheme (NDTS) is now being run by the Chief Executive's Secretariat; all applications regarding treatment of dialysis are received and processed in the Chief Executive's Secretariat. Patients are referred by Chief Executive Office to different hospitals for dialysis alongwith the issuance of a coupon book to the patient. On presentation of coupons, the patients get free medical treatment. Coupons are presented to the Chief Executive's Secretariat by concerned hospitals for reimbursement of charges. It was clarified that PBM has no concern with the processing of applications and reimbursement of the coupons etc., but it provides funds to the C.E's Secretariat for the purpose, as and when directed by it. It was further stated that from the time NDTS initiated its working in 1998 PBM has provided 360 Million Rupees and latest on 27.3.2001, an amount of Rs.50 Millions was released in response to the amount desired by the C.E's Secretariat. The complainant's apprehension about stoppage of financial assistance for the dialysis patients was thus allayed. It was clarified that Pakistan Bait-ul-Mal has not stopped any funds for the above scheme, rather it releases the funds as and when directed by the C.E's Secretariat.

WATER AND POWER DIVISION

WATER AND POWER DEVELOPMENT AUTHORITY (WAPDA)

Complaint No. Reg-H/1527/2001

Unjust Charging of Detection Bill

The complainant from Rawalpindi stated that he is constructing a house in Satellite Town, and construction work on it was discontinued for 8 to 9 months due to financial constraints. The complainant stated that during this period, the Agency served a notice regarding missing of seals of the electric meter installed on an electric pole outside his premises. He stated that the Agency then served a detection bill amounting to Rs.14,277/- without any justification. He approached the concerned SDO/XEN for correction of the bill, but to no avail. He stated on oath that

he is unaware of the broken/missing seals of the meter and requested for justice.

On taking up the matter with the Agency, it reported that the complainant has been charged 3933 units as detection bill since all the three seals were found missing from the meter. The Agency also forwarded a copy of the detection bill and consumption data since 3/2000. In his rejoinder the complainant again denied the Agency's allegation and stated that he is un-aware of the missing/broken seals. He clarified that the low consumption from 4/2000 onwards indicated by the consumption data supplied by the Agency was mainly due to stoppage of construction work. He further stated that the Agency's meter reader visits/inspects the meter every month while taking the reading, and in case the seals were missing/broken, then why the meter reader did not take any notice. The complainant stated that earlier he had paid the cost of the Meter Security Box (MSB) to the Agency consequent to the demand notice, but the Agency had fixed the MSB without its cover. The complainant argued that under these circumstances how the consumer could be made responsible for the missing seals of the meter installed outside the premises.

During a hearing that was held, the Agency's representative produced a copy of the Kalamzoo book and the consumption data from 6/99 onwards. The complainant explained that there was low consumption from 4/2000 onwards due to stoppage of construction work. He stated that presently a Chowkidar is residing in the under construction house, using very little electricity only for unavoidable points. The complainant explained that on the other hand, the previous consumption was higher because the construction work was in progress at that time. The complainant further informed that the Agency had disconnected his supply from 4/2001 and that is why his consumption for the period from 4/2001 to 6/2001 is nil. He stated that presently he is taking supply from another single phase meter installed in the same premises.

Examination of the Kalamzoo Book and the consumption data indicated that the seals had been shown as missing ever since 1998, but the Agency did not take any notice. It was concluded that the Agency had failed to substantiate its case. In view of the same it was recommended that the Agency should withdraw the unjust detection bill and reconnect complainant's supply by installing a new healthy meter along with a Meter Security Box. Compliance was desired to be reported within 30 days. The Agency reported that the meter has been duly installed.

Complaint No. Reg. L/7136/2000**Disconnection of Power Supply Due to Arrears of Previous Occupant**

The complainant from Lahore stated that the Agency had declared him a defaulter of Rs.60,610 and disconnected his power connection. Investigation of the complaint indicated that the complainant had purchased the premises from someone and a part of the premises was being used for commercial purposes by M/s X Cold Storage. The tariff being levied was also commercial tariff (A-2). The arrears had accumulated against M/s X Cold Storage, and the Agency had disconnected the power supply on the basis of the same. The complainant stated that he had repeatedly informed the Agency about the present address of the then owner of M/s X Cold Storage. He complained that instead of recovering the outstanding amount of Rs.60,610 by approaching him, the Agency has charged the arrears on the complainant. He stated that the previous owner is an influential person and the Agency was hesitating to recover the outstanding dues from him.

Investigation of the complaint established that the Agency officials remained indifferent to recover the arrears of Rs.60,610 from the then owner of M/s X Cold Storage, but as soon as the previous owner sold out his property, the Agency unjustly levied the previously due amount on the complainant, the new buyer of the property. It was clear thus that the Agency wilfully desisted from recovering the dues from the actual owner, who happened to be an influential person of the locality. The Agency was therefore directed to recover the outstanding dues from the previous owner of M/s X Cold Storage and to restore the power supply of the complainant, the present owner, which was disconnected for recovery of these dues. Compliance was desired within 30 days. The Agency made a representation to the President of Pakistan. Consequently, the Agency confirmed implementation in accordance with modified decision by the President of Pakistan after disposal of representation of the Agency, wherein the new owner/consumer was entitled to obtain power connection on payment of connection charges instead of free of charges as per recommendations and main recommendation regarding recovery of defaulted amount of Rs.60,610 from the previous owners M/s X Cold Storage, remained intact.

Complaint No. Reg-L/7793/2000**Non-payment of Compensation Against Damaged Trees**

The complainant from Mauza Nada, Tehsil Kamonke, District Gujranwala complained that the Chief Engineer SCARP, Lahore and

Project Director, SCARP Construction Circle, Jaranwala Road, Faisalabad had not yet paid him the compensation for the damage to his garden, while digging out the Jeowal Drain through his land. He further stated that SCARP had already referred the matter to the Agriculture Department, Punjab Government for assessing the value of damage to the fruit trees, and the Agriculture Department had assessed its value at Rs.7,71,500/-, but the compensation had not been paid to him. The complainant therefore sought intervention, requesting that WAPDA/SCARP may be directed to pay him the compensation alongwith mark up for the last 5 years.

On taking up the matter with the Agency, it admitted that fruit garden owned by the complainant was existing in the alignment of Jewel Drain excavated by WAPDA. The Land Acquisition Collector (LAC) had verified from record that 239 fruit trees of different kinds in an area of 11 kanals garden were existing, which were uprooted for the construction of this drain. Investigation of the complaint revealed that at the time of excavation of the drain in 1996, an inventory of effected fruit trees was prepared and was sent to the Agriculture Department for assessment of cost on 31.8.1996. Later on, the LAC WAPDA, after deducting the cost of wood of trees used by the owner verified the claim of Rs.6,50,000/-. The value assessed by the Agriculture Department was on very high side, therefore, negotiations were held with the complainant, so that he may accept a reasonable price. After negotiations the complainant had agreed to accept Rs.3,50,000/-.

On sending a copy of the Agency's report to the complainant, he confirmed that the cost of Rs.3,50,000/- offered by the Department was acceptable to him. He requested that the Agency may be directed to immediately pay this amount to him. In view of the same, the Agency was advised to finalize the case on top priority basis, and to release the payment to the complainant within 45 days. The Agency implemented the recommendations accordingly.

Complaint No. Reg-/11311/2000

Compensation Claim on Account of Electrocution of Buffalo

The complainant, resident of Kahna Nau, Lahore stated that on 3rd August, 2000 his Buffalo which was passing by an electric pole at Ferozepur Road, Ward No. 14, Kahna Nau, was electrocuted. The complainant stated that as there was electric current around the pole also, he managed to save his life, but the Buffalo died of electrocution. He informed the Chief Executive, LESCO who held an inquiry in the matter,

but he was not given the compensation. He requested that an amount of Rs.40,000 be paid to him as compensation.

On calling a report, the Agency stated that 3rd August, 2000 was a rainy day, the Buffalo was wounded and got entangled into the structure of the pole and struck her head against it, which caused electrocution. The complainant lodged a report with the Police about the incident and a post mortem of the buffalo was also carried out. According to the medical report the Buffalo might have died due to electric shock.

As per damage report of the Agency the accident occurred because of short circuiting of the structure due to touching of LT Line Jumpers with D-Strap. The structure installed for H-Pole of transformer was also not earthed. An Investigating Committee which had looked into the matter, had recommended for action under the rules against the Line Superintendent Incharge for poor maintenance on his part. It was therefore established that the buffalo died due to negligence of Wapda. Consequently, it was recommended that the Agency should pay a compensation of Rs.25,000 to the complainant for the death of his buffalo. Compliance was desired within 30 days. The Agency implemented the recommendation.

CHAPTER - VIII

IMPROVEMENTS REPORTED BY AGENCIES TO ALLEVIATE MAL-ADMINISTRATION

While redressal of individual grievances is the primary task, it is essential that the very causes of mal-administration are eliminated by the Agencies. Non-responsive attitude towards the genuine grievances of members of public results in their frustration and ultimate resort to Office of the Ombudsman. The Agencies have been repeatedly asked to set up effective complaint redressal mechanisms within themselves. They have been asked time and again to nominate senior officers for the purpose of attending to complaints of individuals there and then. It has been emphasized to the Agencies for this purpose that they should display at prominent places within their premises, information regarding the redressal of public grievances. It should be indicated as to whom they should approach in case of any grievance. There is a lot to be desired from the side of the Agencies in this respect. It has been emphasized again in the recommendations in Chapter-IX that the Agencies should take effective steps in this direction. The latest steps taken by various major Agencies against whom complaints are received in order to alleviate mal-administration are indicated here.

WATER AND POWER DEVELOPMENT AUTHORITY (WAPDA)

The following further improvements have been reported by Wapda in order to check mal-administration and to redress the consumers' complaints:

- i) One window operations for solving billing complaints of consumers and to save them from frequent visits to various Wapda

Offices for correction of their electricity bills have been strengthened and made more effective.

- ii) Central complaints cells with dedicated telephone facility are working round-the-clock for attending to consumers' electricity complaints. Such Complaints Centres have also been established at Sub-Divisional level and twenty-four hours services is being provided to the consumers.
- iii) To resolve billing disputes of the consumers, Committees have been formulated at Circle and Headquarters level.
- iv) Each Consumer has been provided with a Meter Reading Card which remains at his premises for ensuring reading every month by the Meter Readers and Supervisory Staff/Officers.
- v) Open Katcheries are being periodically arranged by the junior and senior officers including Chairman, Wapda for on-the-spot redressal of complaints.
- vi) Instructions have been issued that Detection Bills shall not be charged merely on the basis of bogus seals of meters but only when clear proof for theft is available with the office.
- vii) To improve low voltage problem of various areas, several Grid Stations have been upgraded.
- viii) A large number of lines have been renovated for ensuring smooth power supply to the consumers.
- ix) Surveillance Directorates established at each Distribution Supply Company are functioning satisfactorily and volume of wrong billing complaints and theft of electricity has reduced to a considerable extent.
- x) A large number of Commercial Banks as well as Post Offices throughout the country have been authorised to collect electricity bills to minimize consumer complaints in this regard.
- xi) Strict disciplinary action is being taken against the employees for inefficiency/misconduct.

PAKISTAN TELECOMMUNICATION COMPANY LIMITED (PTCL)

The following latest steps have been reported by the PTCL:

- i) **Launching of Telephone Directory on CD and Web Site and “on-line” Registration of Complaints:** To make the Enquiry (17) information available to general public. The entire Telephone Directory has been stored on CD and Web Site. New Telephone Directories have been printed and its distribution to the customers is under process in almost all maintenance regions. Special care has been taken to print accurate and upto-date information in the directories as far as possible. PTCL also plans to put the directory on CD for sale through its Customer Services Centres in the near future.
- ii) **Introduction of Voice Messaging System (un-attendance of B-party numbers):** A new facility has been introduced for the customers to record their messages during their absence (un-attendance of B-party numbers) in ten major cities. These messages can be easily retrieved from any telephone anywhere in Pakistan or abroad.
- iii) **Provision of Internet Access Network:** As per Government policy, the PTCL has provided internet facilities in 556 places (including Remote Digital Line Units) throughout the country with single pulse 131 XXX facility for ensuring single unit charges. To redress the internet and general public complaints, help line services have been provided in the major cities with inquiry No. 111-222-117 and complaint No. 111-222-118 respectively.
- iv) **Computerized Directory Assistance System (CDAS):** To provide correct, update and quick enquiry information services (17), the PTCL has established Computerized Directory Assistance System in various cities. The introduction of this system will certainly minimize the customer complaints about correctness of information and delayed response.
- v) **Provision of New Telephone Connection (NTC) Achievement of NTC target for the year 2000/2001:** New Telephone Connections are being provided on first come first served basis, with the instructions to the regions to provide the same within 24 hours subject to availability of network.

This has eliminated the concept of delayed installation of new telephone connections (NTC). A total of 394,056 new telephone connection were provided during the financial year ending 30th June, 2001.

- v) **Introduction of Special Package for NTC in low demand areas:** To encourage the public, PTCL introduced a special promotional/incentive package for a limited period and this has been welcomed by customers.
- vii) **Establishment of Toll Free Numbers:** Toll Free telephone numbers have been introduced in the PTCL network so that the general public can easily access the private/public managements without any charges. This service will also be helpful for lodging complaints and can also be used as help lines for the clients of various companies.
- viii) **Introduction of Integrated Services Digital Network (ISDN):** It is faster, clear voice and fax communication plus a new way to send and receive video images, graphic and complex computer data on phone line. A customer can have single ISDN line installed, just like a conventional phone line. Presently 1373 ISDN connection are working in the country.
- ix) **Computerized Cable Record in Maintenance Divisions:** In order to minimize the time wasted on calling feasibility reports and to improve the telephone installation/shifting procedure, the computerization of cable network record in the maintenance divisions is under progress.
- x) **Computerized Fault Management System (CFMS):** Computerized Fault Management System is fully operational in Islamabad, Karachi, Hyderabad and Mirpur Khas. Speedy work for introduction of CFMS at other cities is under progress which will eliminate the non-attendance of 18 complaint operators and will also reduce the factor of false rectification of faults by the line staff.
- xi) **Local Calls Boundaries in multi Exchange Area:** The local call boundaries in multi exchange areas have been extended from 25Km upto 35Km in Metropolitan cities of Lahore and Karachi to the benefit of customers for local charges in that area.

- xii) **Extension in Code Bar Facilities:** The Code Bar facilities have been extended on the following calls to restrict the misuse of telephone and minimize the billing complaints.
 - Trunk calls
 - Premium Rate Services
 - Mobile Cellular Operator after implementation of Calling Party Pays (CPP) regime
 - Voice Messaging System (VMS)

- xiii) **Optical Fibre Access Network:** 140 MB PDH Optical fibre transmission system installed in 1992 has been further improved through up-gradation of the system 622 MB (SDH) to cope with the demanding situation. PTCL shifted 99 per cent of its long distance digital circuit from analogue media to this high speed transmission system throughout the country. 4962 Kilometre long optical fibre cable has been laid alongwith the main and alternate routes including a number of spurs and subsidiary routes. In case of digital cross connect (DXX), there are 551 circuits working in 37 cities and more than 200 nodes are installed for this service.

- xiv) **Reduction of Faults through Rehabilitation Work:** The old un-serviceable network having completed their usual life which were the main cause of repeated faults/breakdowns are being replaced/rehabilitated in various Regions/Units.

- xv) **Origination of Exception Report:** The daily exception reports originated from the Gateway Exchanges for heavy calling ISD subscribers are sent to the concerned Region immediately for verification and payment which has certainly reduced the number of defaulted cases of ISD/NWD customers.

- xvi) **Information Technology:** PTC is extending the internet throughout the country without any discrimination. To boost up this facility, the following steps have been taken by PTCL:
 - At present 108 ISPs are providing internet services throughout the country. The number of internet user has crossed the 800,000 barrier and more than 1000 PRIS are provided to data/internet users.

- Commercial operation of Pakistan Internet Exchange (PIE) is being started. This will optimise the band width utilization for data operators and ISPs.
 - PTCL has provided ISP “help line service” through dialling 128.
 - PTCL has encouraged investors to go for optical fibre links on contribution basis in case PTCL’s network is delayed in that particular vicinity. It was not allowed before.
 - PTCL has reduced the bandwidth rates thrice and further reduction is in the offing.
 - PTCL has provided free Internet access to Universities.
 - PTCL has responded to government desire and created an independent Wing known as ITI Region. PTCL has opened itself to Telehousing project in order to encourage the co-located environment.
- xvii) **International Gateway Exchange:** New international gateway exchange is being planned in Islamabad due to considerable increase in international traffic. At present more than 54 countries are directly connected to Pakistan.
- xviii) **Telecommunications Facilities:** Tariff slabs as well as the tariff rates have been reduced. Half rate tariff from 1830 hrs and Quarter rate tariff from 2130 hrs has been introduced. Revision of NWD tariff and zones during the year 2000 were the parts of PTCL policy for continuous reduction in NWD tariff to alleviate monetary pressure. All the existing analogue exchanges are being converted into digital ones. More than 98% work has been completed in this respect and the remaining is scheduled to be completed till end of 2002.

Besides this, major network expansions have also been carried out to provide telecom facilities to the common man even at the remotest place of the country.

SUI NORTHERN GAS PIPELINES LIMITED (SNGPL)

SNGPL have reported that in order to bring improvement, all new gas connection application on the existing gas main network are being processed strictly on turn/merit basis, i.e. "first come first served basis". Presently, the waiting period varies from 4 weeks to 12 weeks for processing of online connection applications. However, steps are being undertaken to minimize the waiting period in these Regions.

Due to financial constraints the Company is not in a position to extend its gas main network in new localities. However, in order to remove anomalies upto a maximum length of 1,500 metres, extensions are being undertaken on turn/merit basis.

In the current fiscal year, i.e. 2001-2002, the Company anticipates to provide 100,000 new domestic gas connections in Punjab and NWFP.

HOUSE BUILDING FINANCE CORPORATION (HBFC)

The HBFC during the year 2001 has taken following steps to improve its performance to facilitate clients and alleviate complaints:

- i) Customers are being provided with audited balance of closing accounts rather than un-audited ones as was being done earlier.
- ii) Customers services have improved by providing 'One Window Operation' assisted by Computer and telephone services to the staff. With the same, on the spot delivery of balances etc. is being ensured at Zonal Offices all over the country.
- iii) To avoid delay in case of death claims, the recovery staff has been directed that as and when they find/observe that the insured person has died, they will immediately hand over the list of required documents to legal heirs for timely submission of claim to State Life Insurance Corporation.
- iv) The HBFC has recently offered facility to their partners in three District Offices for payment of HBFC dues/instalments through post dated cheques. This has been done in order to save partners time and avoid their standing in queues at banks to deposit their dues. This will also save them from having to carry cash on them and save the transport costs by monthly visits to bank to

deposit money. After the success of this pilot project, this facility shall be extended to other District Offices.

- v) During the year 2001, the HBFC allowed the concession of conversion of compound interest to simple interest to 738 borrowers of Interest Bearing Loans amounting to Rs.40.333 million.
- vi) The HBFC is continuously allowing rebate of 80% Demand Charges on payment of outstanding balance or clearance of default.
- vii) Timely reply is being given to all applications/communications, positively within two weeks.
- viii) Census of documents, census of accounts and investment files have been completed and missing files have been reconstructed.

ACCOUNTANT GENERAL PAKISTAN REVENUES (AGPR)

Following steps have been taken to improve the efficiency and check mal-administration/alleviate complaints:

Establishment of Counters

- i) **One-Window System:** All types of claims of Federal Government are received at counter and their disposal is ensured within 3 days. A consolidated report with reference to progress of bills on daily basis has been introduced, in order to check the bottlenecks and to improve the efficiency of work.
- ii) A special pay fixation counter has been also established, which is exclusively handling cases of pay fixation.
- iii) A pay fixation party has been constituted, which visits various offices on specific days and provides facility of fixation of pay at the door step.
- iv) A computerized separate counter has been established to know the status of any claim, advance etc.

- v) A reception room has been set up, which provides facility for clients to contact any officer in order to address their problems on the spot from 11.00 a.m. to 1.00 p.m.
- vi) **Special Pension Cell:** A special pension cell has been established in this office for issuance of authority of increase in pension to the pensioner of Federal Government as per decision of Government of Pakistan. To facilitate the pensioners, a separate counter, reception and waiting room has been established. Under one window system, quick processing is ensured. The whole process is being supervised by senior officers of AGPR.
- vii) **Court Cases Cell:** In order to deal with court cases a special cell has been established, in which law graduate employees have been posted.
- viii) **Suspense Cell:** A suspense cell has been also recently established, in order to settle the suspense account transactions and to minimize the balances lying under this head.
- ix) **Complaint Cell:** A complaint cell is working and two responsible officers not below BPS-17 are deputed to deal with the complaints made by the clients every day between 11.00 a.m. to 1.00 p.m.

HOUSING AND WORKS DIVISION

Housing and Works Division have taken the following steps to alleviate complaints:-

- i) **Streamlining of Procedure for Hiring:** In order to regulate the procedure for hiring of houses by the Estate Office, standing instructions have been issued on 25.8.2001 as under:
 - a) The documents already prescribed for hiring should be scrutinized minutely by the concerned functionaries of the Estate Office.
 - b) Incomplete cases should be returned to the owner/allottees for completion.
 - c) Affidavit must be obtained from the owner that his house has not been hired by any other organization.

- d) Full signatures of the owner, his present/permanent (postal) address must be obtained. Copies of his NIC should also be obtained.
- e) The case may not be processed unless it is submitted through the department of the allottee.

In order to curtail personal contacts and consequential mal-practices the cheques of rent are being despatched through registered post to the banks of the owners.

The existing policy of advance rent is also being strictly adhered to, in order to exercise financial control over the budget of rent and royalties.

- ii) **Inquiry into the Affairs of the Estate Offices:** On receipt of complaints, detailed inquiry have been conducted into the affairs of the Estate Offices, Islamabad, Rawalpindi, Lahore and Quetta. Departmental proceedings have been initiated against the corrupt officers/officials. Severe action is being taken against officers and officials found involved in financial/administrative irregularities. So far 2 officers have been given major penalty and 3 officials have been removed from service.
- iii) **Computerization of Record:** The Computer Cell in the Estate Office has been established, computerization of record of the Estate Office is aimed at curtailing mal-practices in the allotment of accommodation and ensuring more responsive management.
- iv) **Restructuring and Reorganization of the Estate Office:** Restructuring and reorganization of the Estate Office is being carried out, in order to improve its working. Merger of the Estate Office, Rawalpindi in the Estate Office, Islamabad has been already effected and other changes like distribution of staff on the basis of work load are being made.
- v) **Revision of Pakistan Allocation Rules:** In order to eliminate mal-administration and cater for the latest environments, Pakistan Allocation Rules have been revised. Views of the Law & Justice, Finance and the Establishment Divisions have been

obtained. Similarly, the Federal Lodges/Hostels Rules have also been revised/updated to make the same more transparent. These have been approved by the competent authority and is now being processed further.

PAKISTAN RAILWAYS

A Complain Cell has been established in the Personnel Branch Headquarters Office, Lahore under the supervision of Deputy CPO (Coord). This Cell deals with complaints of the serving and retired employees regarding Establishment/Personnel matters. From 01 January 2001 to 30 November 2001, 395 complaints were received in this cell, out of which 336 complaints have been settled.

AGRICULTURAL DEVELOPMENT BANK OF PAKISTAN (ADBP)

Complaints received from the Headquarters of Wafaqi Mohtasib Secretariat and Regional Offices are forwarded promptly to Regional Manager concerned for seeking their comments which are transmitted to the Wafaqi Mohtasib Office. A Wafaqi Mohtasib Wing has been set up. It has received till now 2,507 complaints, out of which 2,268 have been settled and at present 239 complaints are pending.

As far as the performance of field offices is concerned the Bank has established 16 legal cells at different stations to attend investigation proceedings at various Regional Offices of the Wafaqi Mohtasib Secretariat. The Officers Incharge of legal cells closely coordinate matters between the concerned office of the ADBP and the Wafaqi Mohtasib Secretariat. Complaints containing charges of corruption, embezzlement or other serious nature are specially looked into. Disciplinary proceedings are initiated against the delinquent employees who are accordingly penalized.

CHAPTER - IX

RECOMMENDATIONS

Eversince the establishment of this Office in 1983 recommendations have been made in each Annual Report. It is a matter of satisfaction that the Agencies have acted upon quite a few of them and improved their general working. The objective is to remove, as far as possible, the causes of mal-administration. However, a lot is left to be desired. Many types of mal-administration persist and complaints of the same type continue.

Earlier Recommendations

All the Agencies as defined by Article 2(1) of the President's Order No.1 of 1983 are required to have a careful look on the status and outcome of the Recommendations made by this Office. It is therefore recommended first of all that each Agency should formulate a Committee headed by an Officer of the level of at least a Joint Secretary or BPS-20 to thoroughly examine the Recommendations made in the Annual Reports of this institution for the last three years. The position should then be placed before the Head of the Agency, who should finally assess the extent of implementation of the Recommendations. Wherever positive action is required for implementation of the Recommendations, it should be promptly taken. I would appreciate if each Agency submits a report in this respect within three months of the receipt of the present Annual Report.

General Recommendations

Before making specific recommendations about each Agency, it is desirable to make some Recommendations general to all the Agencies.

These are in respect of matters which require attention by all the Agencies, what-so-ever they are and require corrective action wherever necessary. Recommendations as below are therefore for the attention of all the Agencies.

- i) **Necessity of an In-built System of Grievances Redressal:** Complaints arise because the grievances of the complainants are not properly attended to at the level of the Agencies themselves. It is imperative therefore that each Ministry/Department/Organization should have an in-built system of redressal of public grievances. It should be visible and effective. It is therefore recommended that:-
 - (a) Each Ministry/Department/Organization should ensure that within the premises of any of its public dealing Offices, the mode of reporting grievances is prominently displayed. It should be in the form of clear information about whom and where to approach in case of a grievance.
 - (b) A fairly senior officer should be specifically nominated for the purpose of attending to public grievances. His designation and location should be precisely indicated. He should be available for attending to grievances any time.
 - (c) Senior Officers should in any case fix specific days if necessary and hours, for attending to public grievances. They should be available for listening to any complaints during these hours.
 - (d) Adequate delegation of powers should be ensured along-with the above steps, so that orders can often be passed on the spot for redressal of the grievances, wherever possible.
- ii) **Pension Cases:** This is one sphere requiring topmost priority and attention on the part of each Agency. The cases of pension and retirement dues of the retiring employees should be given a special priority. For ensuring the same, it is suggested that the relevant files dealing with these matters should bear special priority stickers. Finance Division (Regulations Wing)'s Office Memorandum No.F.13 (4)-Reg.6/89 dated 14th April, 1996 states inter-alia as follows:-

“Under CSR-906 all authorities dealing with the application for pension, should bear in mind that delay

in the payment of pension involves peculiar hardships. It is essential to ensure that the retired employees should be able to receive his pension on the date on which it becomes due. In terms of CSR-907 every employee shall submit a formal application for pension in Part-I of CSR-25. The employee should, in his own interest, submit his formal application for pension to the departmental authority concerned six months in advance of the date of his actual or anticipated retirement.”

While employees are supposed to follow this course of action, i.e. submit the formal application for pension six months in advance, it is imperative that the Agencies handle these cases on topmost priority and at personal level. The cases of widows and surviving heirs of the deceased Government servants require an extremely sympathetic consideration. These cases should also be handled similarly on top priority basis.

The Head of each institution should ensure that such cases are not held up within the Office, or in correspondence with other Offices. Wherever these cases require finalization by correspondence and by obtaining relevant information from other offices, the same should be done on top priority basis. Frequent use of telephone, faxes and personal contact should be resorted to. We owe this priority to the retiring and retired employees and their families in cases of their bereavement.

- iii) **Employment of Families of Deceased Government Servants:** As per Office Memorandum No.8/10/2000-CP-I dated 13th August, 2001, the Government of Pakistan, Establishment Division have conveyed the following Orders to all the Secretaries and Additional Secretaries Incharge of Divisions:-

“Subject: Contract Appointments

The undersigned is directed to refer to Establishment Division O.M. of even number dated 21st and 22nd March 2000 on the above subject and to say that the Chief Executive has approved addition of following sub-para to para 1 of the said O.M.:-

- iii(b) ‘The condition of open advertisement may also be relaxed by the Chief Execu-

tive for the purpose of appointment, on contract basis, of widow, or one child of a deceased civil servant who dies during service, provided that such special dispensation may be allowed only to the family of civil servants in BS-15 and below for appointment to posts in BS-5 and below’.”

In cases of sad demise of Government Servants, the families often face immense distress and are often left without any means of income. The above orders of the Chief Executive are meant to alleviate the misery in this respect. It is recommended that most generous use should be made of these directions by all the Agencies.

- iv) **Observance of Disabled Persons Quota:** As per Establishment Division’s Office Memorandum No.F.34/3/86/R-5 dated 15th October, 1998, a 2% quota has been prescribed for recruitment to posts in BPS-1 to 15. The Agencies should strictly observe the same and ensure that disabled persons have been duly appointed against their 2% share in all the relevant posts.
- v) **Hiring of Private Properties:** Numerous properties have been hired by the Government Agencies for their offices and residences of their employees. It should be ensured that rent of the same is paid strictly according to the Rules and Regulations. There is no justification in keeping the premises occupied without the payment of due rent. The requests of owners for vacation of the premises should also be proceeded with fairly, in line with the agreements entered into.

Recommendations Specific to Agencies

Further to the General Recommendations, specific Recommendations are made here in respect of selected Agencies.

Water and Power Development Authority (WAPDA)

New Connections

- i) New connections should be given strictly on the basis of priority of applications. The principle of ‘first come first served’ should be strictly followed.

- ii) Demand Notices should be issued on reasonable basis. Wherever necessary estimates of the amount demanded should be prepared after proper site inspection.
- iii) A Demand Notice once issued should be final and there should be no revision of the same or demand of any additional amount.

Billing

- i) Cards must be placed permanently with the meters, on which the meter reader should regularly record the readings, which would thus be continuously in the knowledge of the consumer.
- ii) An efficient system of registering the payment made by consumers should be ensured, so that amounts already paid do not appear as arrears in the current bill in any case.
- iii) Detection bills should not be issued on arbitrary basis. If a consumer's meter is declared as slow, a check meter, duly secured, should invariably be got installed in series with the existing meter. The slowness or other-wise should be consequently determined precisely.
- iv) With the above steps the issue of arbitrary detection bills should be completely done away with. Instead of issuing detection bills straightaway, the Agency should wait for the precise technical results as above.
- v) The previous actual consumption pattern of electricity in summer and winter months must be kept in view in the case of complaints of over billing.
- vi) Efforts should be made to resolve the complaints of over billing at the level of the Agency when the consumer approaches it. When the unfair disputed amounts are not set aside the late payment (LP) charges are imposed and often the supply is disconnected. All this action and the additional charges may ultimately turn out to be unfair.
- vii) Preferably, the meter readers should be provided with transport in order to ensure that they take regular actual readings rather

than recording bogus ones. The meter readers should also undergo regular training and orientation courses.

- viii) In case a consumer is using his premises partly for residential and partly for commercial purposes, the commercial tariff should not be levied on the whole premises. A clear distinction must be made between the domestic and commercial parts of the premises and each should be billed on the correct respective basis.

Stealing of Electricity

A strict supervision should be exercised by all levels of Officers, e.g. SEs, XENs and SDOs personally, to check the stealing of electricity. This is essential, in view of the rampant complaints of stealing of electricity with full connivance of the Agency's officials. Strictest possible disciplinary and criminal action should be taken against the officials found involved in such connivance. The consumers involved in the same should be proceeded against under the law.

Recovery of Cost of Meters

When a meter becomes out of order or is burnt, it should be determined on a fair basis as to whether the same is due to the consumer's fault or due to other causes. The consumer should be charged the cost of meter only if it is clearly proved that he is responsible for the damage or burning of the meter.

Recovery of Cost of Transformer

Similarly, in the case of burning or damage to transformers, precise reasons for the same should be determined. The consumers should in no case be burdened with charges of replacing of damaged or burnt transformers, without due proof of their being responsible for the same.

Compensation

- i) Cases of electrocution of individuals and animals should not be handled on an arbitrary basis. Whenever the same is due to fault of the Agency, it should be reasonable enough to accept the same and to pay adequate compensation to the affectees.

- ii) Compensation for land acquired for installations of the Agency should be paid promptly

Pakistan Telecommunication Company (PTCL)

Billing

Complaints regarding excessive billing of local calls form almost 90% of the total complaints filed against the Agency. Regretfully, the problem has not been analyzed at appropriate level by the Agency for remedial measures for inexplicable reasons. The Agency withdrew the code barring facility for restricting local calls vide circular No. DM.1/83/1993 dated 16.5.1994 without providing any reliable alternative to the subscribers. According to the terms of the contract, the subscribers are held responsible for all the calls made, with or without the knowledge of the subscriber. It is extremely difficult to assess the volume of misuse, if any. The Agency should examine the possibility of introducing code barring facility for local calls to eradicate the unauthorized use of telephone, as already done for NWD/ISD calls.

Possibility of extending the metering facility at the subscriber premises as available to PCOs should also be examined. This becomes all the more essential when print out of local calls is not available and the Agency has also resorted to multi-metering of local calls.

Shifting of Telephones

At times, the request of the subscriber for shifting of telephone cannot be immediately entertained due to technical reasons. It has been observed that the Agency continues billing line rent for the period when no facility has been provided due to no fault of the subscriber. It is recommended that in future, the line rent should not be billed in case the telephone cannot be shifted for technical reasons.

Restoration of Connections

In some cases, it has been noted that the connections are not restored promptly after the payment of outstanding amount. This reflects lack of coordination between the Accounts Office and the Divisional Engineer concerned, who is required to issue the restoration order. There is a requirement of better coordination between the billing staff and the

operational staff to minimize the delay. Ideally, the client should be provided one window operation to save him the harassment.

Complaints made by the Subscribers

Complaints filed with the concerned operations staff on various issues are not properly docketed. Action taken is not communicated to the subscriber. It is recommended that all complaints filed with the operational or billing staff should be properly registered and a complaint number allotted for reference. It should also be made obligatory to respond to the complainant giving the final disposal of the complaint.

Behaviour of Agency's Officials

There were complaints regarding the behaviour of the officials dealing with the public. It is the responsibility of the Agency to ensure that their staff is properly trained in customer relationship in order to enhance its image. It is my considered view that the number of complaints against the Agency can be substantially reduced if they are handled in a professional manner at the initial stage. As soon as the complaint is received from a subscriber, it should be acknowledged, promptly investigated and outcome intimated to the subscriber.

Improvement of the Accounts Wing

PTCL has been continuously upgrading its system and expanding its network for better services. Unfortunately, the Accounts Department has not been able to keep pace with the development in the Telecommunication field. The billing system is not responsive, adjustments and postings are not prompt. This is not only a source of inconvenience to the subscriber but also results in a financial loss to the Agency. This aspect requires due attention at the appropriate level.

Need for Proper Maintenance of the System

There has been lot of emphasis on expansion of the telephone network in the past few years. Whereas the number of connections has increased manifolds, the maintenance has been ignored, resulting in loss of quality. No system can function without proper preventive maintenance. This aspect needs to be attended to for a qualitative improvement in the services.

The Unfair Concept of ‘Defaulter Premises’

Liability of outstanding arrears is shifted in many cases, based on blood or business relationship. One should not suffer for the sins of others. The definition of ‘Defaulter Premises’ adopted by the Agency is totally unfair and unjust. It does not even stand the test of law and needs to be revised. It was observed that, in majority of the cases, it was the negligence of the concerned staff not to have disconnected the telephone, which resulted in accumulation of arrears. The Agency needs to review its procedure in order to prevent losses to its revenues and inconvenience to the subscriber. As repeatedly recommended the concept of ‘Defaulter Premises’ should be completely done away with.

New Connections

The new connections should be provided by following the priority of applications. Connection should be provided promptly after payment against the Demand Note.

Misuse of Lines

D.P Boxes/Cabinets/Exchanges should remain properly locked and their keys should remain with the concerned Supervisor, who should open the same only when repair or removal of faults is to be undertaken and/or new connections etc. are to be given. Surprise visits and check by Supervisors, SDOs and DEs should be a regular feature.

Proper Examination of Public Complaints

For examining the public complaints regarding excessive billing, the Headquarters, Regional and Divisional Vigilance Committees (HVCs, RVCs and DVCs) already exist. They should consider the complaints of subscribers in a fair and just manner and generally afford the opportunity of hearing to the subscribers, before taking final decision.

Training of Staff

Short training/Refresher courses should be arranged regularly for the staff, in order to guide them constantly about improving the working and image of the Agency.

Sui Northern Gas Pipelines Ltd. (SNGPL) and Sui Southern Gas Company Ltd. (SSGCL)

Billing

It should be ensured that meter readers take regular readings and bills are not issued on presumptive basis. The Offices of Gas Companies should make all efforts to settle the complaints about excessive or wrong billing at their level. Bills should be sent to the consumers on regular basis and sufficient time should be given in the same for payment.

New Connections

New connections should be given on priority basis. Waiting lists should be properly maintained for the purpose. Demand Notices should be issued according to the priority and after the amount of Demand Notice has been deposited, there should be no delay in giving the connection.

Need for Proper Expansion of the System

Both the Gas Companies should have specific Five Year and Annual Development Plans for the expansion of the gas supply system. These Plans should be duly approved by the competent authority. Expansion of gas supply must be according to these Plans, instead of being on a haphazard basis. Localities which are willing to pay the full cost of pipeline should be given preference. Discrimination in giving connections to localities should be avoided.

House Building Finance Corporation (HBFC)

Prompt Sanction of Loans and Release of Installments

Once all formalities are fulfilled, the loan should be sanctioned promptly. On the one hand, unnecessary objections should not be raised. On the other hand, it should be ensured that the borrower actually has the capacity of paying back the loan. Soundness of the property mortgaged against the loan should also be ensured.

Regular Issue of Correct Account Statements

Account Statements should be regularly issued to the borrowers. Preferably, these should be sent by Registered Post, in order to avoid the usual complaint of borrowers that they did not receive the statements

regularly. The Account Statements should be duly audited and should be issued from one source only. It should be ensured that contradictory statements are not issued from the Branch Office and the Head Office. Statements once issued should be final.

Regular Audit of Accounts

Audit of Loan Account should be carried out in all branches of the Agency regularly. This would ensure that all statements issued are consequent to the Audit.

Practice of Issuing of Un-audited Accounts Statements

Although the Agency has informed, as reported in Chapter-VIII, that all Account Statements now being issued are audited ones, it is once again emphasized that in no case un-audited Account Statements should be issued, the figures of which are changed later.

Cases of Remission and Benefits

The Government announces from time to time various benefits in the form of part or full remission of interest etc. to widows, orphans and retired persons. It is imperative that their cases should be dealt with on priority basis.

Reasonable Application of Operational Circulars

Operational Circulars should be applied favourably and reasonably and benefits otherwise due should not be refused on flimsy grounds.

Closure of Accounts

The borrowers should be provided with precise Statement of Account at the time of closure of a Loan Account and no difficulty should be created. The formalities should be fulfilled quickly and the documents of mortgaged property should be returned without any delay.

State Life Insurance Corporation (SLIC)

Need for Proper Guidance to Prospective Customers

While ensuring individuals proper guidance must be given to them as regards their responsibility towards the Insurance Policy and various

pitfalls. The prospective customer should be duly informed about Regulations of the Agency, e.g about lapse of Policies and surrender value of Policies, in case the customer cannot continue with the same. Complete information should be given to the Policy Holder in printed form. The Terms and Conditions should be fully explained by the Insurance Agent to the prospective customers.

Proper Medical Examination

Proper and thorough medical examination of the prospective customer should be carried out. The results of the same should be treated final, once for all. There is no justification whatsoever to produce belated medical evidence after the sad demise of the insurant, in order to deny the claim of the beneficiaries.

Intimation About Lapse of Policy

Although it may not be the statutory responsibility of the Agency to inform the insurant in advance about the lapse of a Policy, but it is the moral responsibility of the Agency to do so. This would alleviate instances in which the insurant remained in dark.

Acceptance of Premia by Insurance Agents

The Insurance Agents are in no case allowed to accept installments of premia from the insurants. They should not in any case involve themselves in accepting premia from the insurants. They should rather guide the insurants that premia are to be deposited by them directly as per Terms and Conditions of the Policy.

Payment of Surrendered Value

In case the insurant is unable to continue with the Policy due to financial difficulties or other reasons, the surrendered value should be paid back to him promptly. No difficulty should be created in this respect. The Agency should not have resort to intricate technicalities in order to justify the reduction in the amount which should be rightly paid to the insurant as surrendered value.

Check by Superior Field Officers

Superior Field Officers of the Agency should independently check certain percentage of the insurance proposals before they are forwarded to

the Underwriting Cell of SLIC, where all the aspects of the proposal form should be correctly appraised before the underwriting is agreed to.

Accounts Offices

The recommendations below are meant for the Office of Accountant General Pakistan Revenues (AGPR), Accountants General (AGs) of the four Provinces and District Accounts Officers.

- i) G.P Fund Accounts should be fully computerized. In the case of employees who are required to serve within different audit circles, the G.P Fund Account should be consolidated at one place with a single G.P Fund Account Number. There are a lot of employees who serve in various Divisions of the Federal Government at different times and on deputation to the Provincial Governments and to autonomous bodies. It should be ensured that the accounts of such employees are centralized at one place, all credits and interest/profit is added to them and the resulting upto date balance is available at any time.
- ii) In case of missing G.P Fund credits reasonable evidence provided by the employees should be accepted and accounts should be updated.
- iii) House Building and Conveyance advances should be given strictly according to the two waiting lists; one being the general waiting list and the second being the waiting list of priority recommended by competent authority in the employee's parent organization.
- iv) Sanction of advances on the basis of discretion should be completely avoided.
- v) In cases of employees occupying Government accommodation house rent deduction @ 5% are essentially made from their emoluments. These should be regularly conveyed to the Estate Office. It is the responsibility of the Accounts Office concerned to do so.
- vi) Senior Officers should exercise vigilance on the processing of bills submitted by various organizations and private parties. These should be passed expeditiously and raising of unfair and unnecessary objections should be avoided.

Agricultural Development Bank of Pakistan (ADBP)

Recommendations as below are made in respect of Agricultural Development Bank of Pakistan (ADBP).

- i) Borrowers, especially those in the rural areas, illiterate farmers, must be fully educated about the procedures and liabilities pertaining to the loans. Signing of loan documents must be supervised by fairly senior officers, in order to ensure against fraudulent drawal of loans in somebody-else's name. This is essentially required in view of the fact that quite a few farmers are illiterate and their signatures/thumb impressions can be obtained on papers, of which they know nothing. Vigilance in this respect should be exercised at the working level and also by the highest level of the Agency.
- ii) Various benefits and remissions as announced by the Government from time to time in the form of policy packages, should be given to the relevant borrowers expeditiously and without creating difficulties.
- iii) The Agency must fully satisfy itself about the soundness of the property taken as mortgage against the loans. The matter should not be left at the level of junior officers. Vigilance should be constantly exercised in this respect by the senior officers as well.

Housing and Works Division

Recommendations as below are made in respect of Housing and Works Division:-

- i) **Allotment of Government Accommodation:** Allotment of Government Accommodation should be strictly in accordance with the General Waiting List and a percentage should be fixed for allotments against waiting lists prepared consequent to deliberations of the Out of Turn Allotment Committee (OATC). All employees having special reasons for out of turn allotment should duly apply for that purpose and all such requests should strictly be examined on a realistic, fair and just basis in order to determine the genuineness and priority of the same. Allotments on discretionary basis should be completely done away with. If

that be inevitable in any case, a very small percentage should be reserved for it.

- ii) **Need for Computerization:** Complete computerization should be undertaken for the purpose of maintaining the above mentioned lists and upto date/proper record of the allotments.
- iii) **Subletting and Unauthorized occupation:** Strict vigilance should be exercised by the Agency to check the rampant vice of subletting accommodation by the allottees. Surprise checks should be a regular feature and senior officers of the Agency should exercise their personal supervision in this respect. Allotments of accommodation should not be made to non-entitled employees.
- iv) **Regular Payment of Rent to Owners:** Although the Agency has reported substantial improvement in this respect, it is once again emphasized that owners of hired accommodation should be paid the due rent regularly in a systematic manner, so that the need for their personal visits to the Estate Office is eliminated or at least minimized.
- v) **Proper Maintenance of House Rent Deductions Record of Employees:** In case of employees who have been allotted Government accommodation, regular deductions of house rent charges @ 5% are invariably made from their relevant emoluments. It should be ensured that the Accounts Offices concerned convey this information and its record should be properly maintained by Rent Section of the Estate Office. The record should be upto date at any time. This is all the more essential in order to avoid difficulties at the time of retirement of an employee.

Capital Development Authority (CDA)

Recommendations as below are made in respect of the Capital Development Authority (CDA).

- i) The Agency should realize its responsibility towards a continuous development of Islamabad in a planned manner. With the shifting of many offices to the Federal Capital, there is a dire necessity of construction of more accommodation for the employees of all grades. The construction of Office accommodation should be in a phased and controlled manner.

- ii) Development of residential sectors once announced and for which payments have been collected should in no case be delayed. Doing so would be an extremely unjust on the part of the Agency.
- iii) With the manifold increase in case of property tax, water charges and other charges by CDA, it is imperative that it should improve the civic amenities proportionately.
- iv) CDA should strictly follow the waiting lists for allotment of accommodation to its employees and all sorts of discrimination should be avoided.

Allama Iqbal Open University (AIOU)

Recommendations as below are made in respect of the Allama Iqbal Open University (AIOU).

- i) Criteria for admissions should be clearly indicated in the various prospectuses and should be strictly followed.
- ii) Results should be declared and conveyed without delays.
- iii) Regular briefing of Tutors should be undertaken at the beginning of each semester. This should be followed by mid-semester briefing with letters addressed to them.

Need for Provincial Ombudsman in NWFP

The process of Ombudsmanship is not complete unless there are Provincial Ombudsmen in the Provinces as well, in addition to the Federal Ombudsman. As already stated in Chapter-I, the Province of Sindh and AJK were the first ones to establish the institution of Ombudsman. They were followed by Punjab and most recently in the year 2001, by the Province of Balochistan. Now it is the North West Frontier Province (NWFP) which is left without an Ombudsman. Due to ignorance of the general public, quite a few complaints are received by this Office, which relate to Provincial matters of NWFP. Unfortunately, no action can be taken on them, nor can they be forwarded to any proper quarters for action. It is emphasized that there is a dire need of setting up the institution of Provincial Ombudsman in the NWFP. The matter requires attention of the highest echelons of the Government.

APPENDIX - I

STATISTICAL ANALYSIS

TABLE I
TOTAL NUMBER OF COMPLAINTS RECEIVED
DURING THE YEAR 2001

S. No.	Agency	Number of Complaints	Percentage of Total
1.	Federal Agencies	29,717	89%
2.	Provincial Agencies and others	3,668	11%
Grand Total:		33,385	*100%

* Total of percentage due to rounding

TABLE II
**REASONS FOR NON-ADMISSION AFTER INITIAL
EXAMINATION/PRELIMINARY INVESTIGATION
DURING THE YEAR 2001**

S. No.	Reasons for Rejection	Number of Complaints	Percentage of Total
1.	No Mal-administration	518	4%
2.	Service Matters	944	9%
3.	Complainant's Confirmation not Received	699	7%
4.	Anonymous/Pseudonymous	276	3%
5.	Sub judice Matters	240	2%
6.	Otherwise Beyond Jurisdiction *	7,857	75%
Total:		10,534	100**

* It includes petitions, prayers, premature complaints and requests as well as complaints against Provincial Government or Government functionaries in their private capacity.

** Total may not tally due to rounding.

TABLE III

NATURE OF ALLEGED MAL-ADMINISTRATION IN COMPLAINTS ADMITTED FOR INVESTIGATION DURING THE YEAR 2001

S. No.	Nature of Mal-administration	Number of Complaints	Percentage* of Total
1.	Delay	3,049	13%
2.	Inattention	607	3%
3.	Neglect	38	-
4.	Inefficiency/Ineptitude	53	-
5.	Unjust/Biased Decisions	13,886	61%
6.	Actions Contrary to Law/Rules	59	-
7.	Corrupt Motives	78	-
8.	Administrative Excesses	1,075	5%
9.	Discrimination/Favouritism	164	1%
10.	Arbitrary Decisions	97	-
11.	Other Causes	3,745	16%
Total:		22,851	100%

The above data provides the directions in which efforts need to be made in overhauling our public dealing offices for better operations.

* Total may not tally due to rounding.

TABLE IV

DIVISION-WISE DISTRIBUTION OF COMPLAINTS RECEIVED AND ADMITTED DURING THE YEAR 2001

S. No.	Name of Agency	Complaints Received	Complaints Admitted
1.	Cabinet Division	286	186
2.	Commerce Division	708	539
3.	Communications Division	647	373
4.	Minorities, Culture, Sports, Tourism & Youth Affairs Division	4	3
5.	Defence Division	513	159
6.	Defence Production Division	7	1
7.	Economic Affairs Division	-	-
8.	Education Division	890	681
9.	Election Commission of Pakistan	-	-
10.	Environment, Local Government and Rural Development Division	16	3
11.	Establishment Division	112	38
12.	Finance Division	2,845	1,528
13.	Food, Agriculture and Livestock Division	47	22
14.	Foreign Affairs Division	18	11
15.	Health Division	105	58
16.	Housing and Works Division	504	344
17.	Industries and Production Division	266	202
18.	Information and Media Development Division	72	29
19.	Information Technology & Telecom Division	3,694	2,791
20.	Interior Division	415	197

S. No.	Name of Agency	Complaints Received	Complaints Admitted
21.	Kashmir Affairs, Northern Areas and State & Frontier Region Division	56	25
22.	Labour Manpower & Overseas Pakistanis Division	243	169
23.	Law, Justice & Human Rights Division	16	2
24.	Parliamentary Affairs Division	-	-
25.	Petroleum and Natural Resources Division	1,629	1,238
26.	Planning and Development Division	4	2
27.	Population Welfare Division	43	17
28.	Railways Division	623	278
29.	Religious Affairs, Zakat and Ushr Division	88	42
30.	Scientific and Technological Research Division	15	7
31.	Statistics Division	8	5
32.	Water and Power Division	15,798	13,821
33.	Women's Development, Social Welfare and Special Education Division	13	7
34.	Chief Executive's Secretariat	30	10
35.	President's Secretariat	-	-
36.	Senate Secretariat/National Assembly	2	1
37.	Non-Federal/Provincial/Private	3,668	62
	Total:	33,385	22,851

TABLE V
DIVISION-WISE DISTRIBUTION OF COMPLAINTS
DISPOSED OF AFTER INVESTIGATION
DURING THE YEAR 2001

S. No.	Name of Agency	Redressed	Rejected
1.	Cabinet Division	151	14
2.	Commerce Division	326	110
3.	Communications Division	238	91
4.	Minorities, Culture, Sports, Tourism & Youth Affairs Division	1	1
5.	Defence Division	113	38
6.	Defence Production Division	1	-
7.	Economic Affairs Division	-	-
8.	Education Division	414	20
9.	Election Commission of Pakistan	-	-
10.	Environment, Local Government and Rural Development Division	5	-
11.	Establishment Division	8	10
12.	Finance Division	874	277
13.	Food, Agriculture and Livestock Division	12	2
14.	Foreign Affairs Division	4	2
15.	Health Division	27	4
16.	Housing and Works Division	333	55
17.	Industries and Production Division	51	60
18.	Information and Media Development Division	27	5
19.	Information Technology & Telecom Division	2,261	856
20.	Interior Division	138	39

S. No.	Name of Agency	Redressed	Rejected
21.	Kashmir Affairs, Northern Areas and State & Frontier Region Division	18	7
22.	Labour Manpower & Overseas Pakistanis Division	41	30
23.	Law, Justice & Human Rights Division	-	2
24.	Parliamentary Affairs Division	-	-
25.	Petroleum and Natural Resources Division	990	129
26.	Planning and Development Division	-	-
27.	Population Welfare Division	7	3
28.	Railways Division	165	62
29.	Religious Affairs, Zakat and Ushr Division	18	13
30.	Scientific and Technological Research Division	11	3
31.	Statistics Division	3	-
32.	Water and Power Division	9,336	2,062
33.	Women's Development, Social Welfare and Special Education Division	2	-
34.	Chief Executive's Secretariat	-	-
35.	President's Secretariat	7	2
36.	Senate Secretariat/National Assembly	-	1
37.	Non-Federal/Provincial/Private	59	18
	Total:	15,641	3,916

TABLE VI

DATA REGARDING SIX AGENCIES AGAINST WHICH THE HIGHEST NUMBER OF COMPLAINTS WAS RECEIVED DURING THE YEAR 2001

S. No.	Agency	Complaints Received	Complaints Entertained	Complaints Disposed of
1.	Water and Power	15,798 (47%)	13,821 (60%)	11,398 (58%)
2.	Information Tech- nology and Telecom	3,694 (11%)	2,791 (12%)	3,117 (16%)
3.	Finance	2,845 (9%)	1,528 (7%)	1,151 (6%)
4.	Petroleum and Natural Resources	1,629 (5%)	1,238 (5%)	1,119 (6%)
5.	Education	890 (3%)	681 (3%)	434 (2%)
6.	Commerce	708 (2%)	539 (2%)	436 (2%)
	Sub-total for Six Agencies:	25,564 (77%)	20,598 (90%)	17,655 (90%)
	Total for All Agencies:	33,385 (100)	22,851 (100)	19,557 (100)

Note: Total may not tally due to rounding

TABLE VII**NUMBER OF COMPLAINTS ADMITTED, DISPOSED OF
AND PENDING DURING THE YEARS 1984 TO 2001**

Year	Complaints Entertained	Disposed of	Pending at the end of the year
1984	6,398	3,990	3,761
1985	7,419	6,205	5,302
1986	9,021	8,371	6,253
1987	10,927	11,262	5,918
1988	9,601	10,104	5,415
1989	11,737	11,142	5,716
1990	12,984	11,710	6,990
1991	20,701	15,047	12,644
1992	23,555	20,567	15,632
1993	20,934	20,699	15,867
1994	20,697	21,721	14,843
1995	18,444	18,884	14,403
1996	20,193	22,159	12,437
1997	26,486	24,407	14,985
1998	28,772	36,896	6,861
1999	28,653	23,721	11,793
2000	26,892	22,512	15,992
2001	22,851	19,557	19,286
Total	326,265	308,954	19,286

APPENDIX - II

LIST OF OFFICERS OF WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT

Head Office

Mr. Zaheer ud Din Babar, *Secretary*

Brig. Zulfiqar Ahmed Khan (Retd),
Adviser

Mr. Ehsanul Haq, *Adviser*

Mr. Naved Asghar Qureshi, *Adviser*

Mr. Muhammad Riaz, *Adviser*

Mr. Muhammad Tariq Lateef,
Director General

Mr. Mujahid Awais, *Director General*

Mr. Muhammad Raza Khan, *Adviser*

Brig. (Retd) Ahmed Salim, *Consultant*

Mr. Anees Pervez, *Director General*

Mr. Muhammad Irfan, *Director*

Mr. Muhammad Bashir Satti, *Director*

Mr. Abdur Rauf, *Director*

Mr. Umar Draz, *Librarian*

Mr. Sarfraz Hussain,
Private Secretary

Mr. Mir Zaman Chaudhry,
Private Secretary

Mr. Muhammad Aslam,
Private Secretary

Mr. Akhtar Mahmood,
Private Secretary

Mr. Akhtar Hussain, *Private Secretary*

Mr. Ifrahim Qaiser, *Caretaker*

Mr. Muhammad Shabbir,
Assistant Director

Syed Nabil Shah Gilani,
Data Control Officer

Mr. Muhammad Adalat Satti,
Superintendent

Mr. Mardan Ali Jurrat, *Superintendent*

Regional Office, Lahore

Mr. Qamaruddin, *Member*

- Mr. G. M. Javed Jah,
Director General
- Maj. (R) Zia ul Hassan, *Director General*
- Mr. M. Y. Labeeb ur Rehman,
Director General
- Mr. Saleem Sultan Durrani,
Director General
- Mr. Mohsin Kamal, *Adviser*
- Syed Fazal Hussain, *Adviser*
- Mr. Sirjees Nagi, *Adviser*
- Ch. Muhammad Saeed,
Senior Consultant
- Mrs. Fozia Zaki, *Director*
- Lt. Col. (R) Hamed-ur-Rehman,
Consultant
- Miss Seema Munawar, *Consultant*
- Mr. Muhammad Afzal Khial,
Section Officer
- Mian Muhammad Usman,
Section Officer
- Mr. Muhammad Yasin Baig, *Registrar*
- Regional Office, Karachi***
- Miss Sabiha Mirza, *Member*
- Mr. Muhammad Javed Khan,
Director General
- Mr. Altaf Hussain Mughal, *Director*
- Mr. Dur Muhammad Bhatti,
Consultant
- Mr. Vajahat Latif, *Director*
- Mr. Khurshid Ahmad Khan, *Director*
- Mr. M. Iqbal Alam, *Registrar,*
- Mr. M. Fazil Sheikh, *Deputy Director*
- Regional Office, Peshawar***
- Mr. Muhammad Iftikhar Khan,
Director General
- Mr. Aziz ur Rehman, *Consultant*
- Mr. Akhtar Zarif, *Consultant*
- Dr. Attaullah Khan, *Consultant*
- Mr. Tariq Mahmood Swati,
Consultant
- Mr. Fawad Hanif, *Consultant*
- Regional Office, Quetta***
- Mr. Khaleequz Zaman Gharsheen,
Director
- Regional Office, Sukkur***
- Mr. Abdul Karim Ansari,
Director General
- Mr. Rajab Ali Leghari, *Consultant*
- Regional Office, Multan***
- Mr. Pervaz Sultan, *Director General*
- Mr. Wajahat Mehdi Hashmi,
Director
- Regional Office, Faisalabad***
- Ch. Qurban Ali, *Director General*
- Mr. Badar-e-Munir, *Director*

APPENDIX - III

***ADDRESS DURING THE SIXTH ASIAN OMBUDSMAN CONFERENCE
ON THE THEME OF 'REALITY AND IDEALS OF ASIAN
OMBUDSMAN' BY MR. JUSTICE MUHAMMAD BASHIR JEHangIRI,
Wafaqi Mohtasib (OMBUDSMAN) OF PAKISTAN***

My fellow Ombudsmen, delegates, ladies and gentlemen!

The role and functions of the Governments have increased manifold over the years. Modern states have assumed roles and functions which were even remotely, envisaged in old times. The actions of the state are so pervasive, and the rights affected are so numerous and cover such a wide spectrum, that remedies provided through conventional institutional mechanisms are not compatible with the quantum of administrative abuses. The matters are more complicated in the third World specially Asian Countries as vast numbers are illiterate and ignorant of their rights.

2. It is not sufficient that the basic rights of the individual be recognized by law. What is needed is that the individual who feels aggrieved by the actions of the administration should have channels of appeal for undoing actions contrary to Law of equity. In addition to the normal courts the need was, therefore, felt for another independent, extraneous body, to deal with the complaints of the citizens. There has to be a forum where the citizen could call into question the bonafide of a decision that has affected him adversely. The legal formalities applicable in the normal Court of Justice often necessitate hiring the services of an experienced lawyer, which in most cases the poor petitioners cannot afford. The procedure involved in judicial proceedings is rather lengthy and cumber-

some. A quick and prompt relief cannot be provided to the complainant. The citizen having a genuine grouse against an order or decision if is in search of an organisation or forum where his grievance can be redressed and relief obtained in the shortest possible time.

3. This manifest need for the citizen's forum, which is independent of bureaucracy, independent of politicians, and which can successfully endeavour to ensure that every one gets his due. Thus the establishment of Ombudsman institution is a landmark in the quest for administrative justice. The Ombudsman helps citizens by securing for them speedy redressal of their grievances; helps the legislature in more effective supervision of the executive and in ensuring impartial and objective investigation of complaints, helps the cabinet to ascertain the true facts; it also helps the civil servants to vindicate their stand if complaints against them are not substantiated and generally helps the Government to enhance public confidence and credibility. Hence the Ombudsman ensures sound and effective governance.

4. The protection of human honour and dignity has been recognised as a cardinal principle in all civilized countries. The state is, therefore, obliged to acknowledge certain concrete rights of man which include:

- i) Equality of all citizens before law as well as equality of status and opportunity
- ii) Freedom of Religion
- iii) The right to life
- iv) The right to property
- v) Freedom of citizen
- vi) Freedom of Opinion
- vii) Freedom of Movement
- viii) Freedom of Association
- ix) Right to Privacy
- x) The Right to secure basic necessities of life
- xi) The Right to Reputation
- xii) The Right to decision in accordance with proper judicial procedure

5. To ensure the protection of these rights and achieve the aims of good governance the institution of the Ombudsman has been established in many parts of the world in recent years. There are about 222 general and 101 special Ombudsmen in almost one hundred countries. Aside from Ombudsmen or mediators who satisfy the characteristic requirements of

such an institution, other similar types of public and private complaint-settlement mechanisms have also been developed. But the ideal institution must comply with the following conditions:

- i) **Constitutional/Statutory Institution**
The Ombudsman's institution should be created under the Constitution. Its functions and jurisdiction are defined in a way that such bodies do not duplicate.
- ii) **Independence**
The appointment of the Ombudsman, his mandate and the nature of his relationship with the authorities, is provided for in the statute; with the objective that he must be independent of the executive.
- iii) **Receipt of complaints**
The Ombudsman must directly receive complaints from citizens. However, under the majority of laws, he can take 'suo motu' action on his own initiative.
- iv) **Investigative Powers**
The institution must be able to exercise investigative powers; hence the right to constrain witnesses, obtain pertinent documents and inspect premises, under threat of penalty for non-compliers. The specific provisions in its law should commit the Government agencies to collaborate with the institution in its investigations, and fact-finding proceedings.
- v) **Power to Recommend**
The Ombudsman, as administrative recourse for the appeasement of injustice, should be characterized by his power to make recommendations. This power is an inherent part of his role as representative and spokesperson for the citizens. Nonetheless, unlike a Court of Law he cannot pass the orders but his recommendations has the force of law under which the institution is established.
- vi) **Ombudsman's Immunities**
No court or other authority should have any jurisdiction to question the validity of finding/recommendation, or action taken by the Ombudsman. Also no suit prosecution or legal

proceeding lie against him or his staff for any thing, which is done in good faith.

- vii) **Confidential Investigation**
Citizen's complaints and the investigations of Ombudsman are handled confidentially.
- viii) **Appeal Body**
An Ombudsman is often an appellat institution. For a complaint to be handled, the citizen must generally have exhausted all other administrative recourse. He is not a substitute for the administrative system, but he intervenes to correct or remedy a wrong done to a citizen.
- ix) **Accessible**
As a general rule, this institution provides accessible recourse that is within reach of citizens. The Ombudsman offers easy access because, in general, this institution avoids the formalities, typical of judicial or the governmental procedures.
- x) **Inexpensive**
Complaints can often be made verbally and citizens generally are not required to fulfil formalities, prescribed for the judicial form, like making a formal petition, engaging a counsel or hiring services of experts etc.
- xi) **Promptness**
Intervention by the Ombudsman should produce quicker results than other avenues of accountability.
- xii) **Credible**
The people approach this institution to verify the legality of government agencies or the other avenues available to citizens, to validate a governmental decision or verifying information already provided by the government. Therefore, while seeking recourse, citizens generally place more confidence in the institution of ombudsman than in the government. It is therefore, obligatory that the complaints are examined closely and without any prejudice, whatsoever.

- xiii) **Democratic**
The Ombudsman should offset powerful, bloated bureaucracies and their cumbersome procedures, abuse, and monopolistic nature. This institution corrects the imbalance between the citizens and the government. It therefore, acts as an element to counterbalance the shortcomings in the governmental system.
- xiv) **Effectiveness**
The powers granted to the ombudsman should allow him to address administrative problems that the courts, the legislature and the executive cannot affectively resolve. The institution is also effective due to its relatively high reversal rate for administrative decisions.
- xv) **Expectations of the Public authorities**
While the Ombudsman meets the expectation of citizens, it should vindicate the stand of public servants if the complaints are substantiated.
- xvi) **Acceptability**
This institution should be acceptable not only to the citizens but also to the legislation
- xvii) **Non-Coercive**
The power to recommend gives the Ombudsman, a legal and moral authority that governments accepts more readily than orders of the courts of law. Thus the institution exercises a form of justice.
- xviii) **Non-Partisan**
The institution should be neutral so that it could exercise non-partisan and judicious pressure on authorities for provision of relief to the aggrieved citizens. Furthermore, the Ombudsman constitutes an additional source of information and sheds impartial light of the performance and quality of government decisions.
- xix) **Mechanism of Reform**
Ombudsman institution should be empowered to make proposals for change in upcoming legislation or amendment in rules and procedures.

- xx) **Flexible**
The Ombudsman system is required to be flexible so that informal disputes are also resolved without resorting to the procedures on routine work.
- xxi) **Creating mutual trust and enhancing self-control culture**
Ombudsman institution should also create behaviours and movements by coercive methods, and awareness among the citizens to enlighten them about their rights. Trusting people and accepting the principle of honesty in society helps discipline the citizens
- xxii) **Culture of supervision and accountability**
A mechanism be established to spread awareness amongst the masses. Media could play a role. Public awareness should be upgraded in a way that the people themselves act as effective supervisors in society and do not neglect errors.

6. The public sector is currently undergoing a change. It has become complex and dynamic process. The citizens want good government; they want full accountability of all the Government functionaries; they want economic uplift and social justice. They expect that the dignity of the citizens, as well as better standard of living in a democratic dispensation shall be reflected in concrete, tangible polices.

7. Perhaps the rapid growth in the Ombudsman institutions around the world is a reflection of the public's wish to ensure that the government with its massive authority shall become more accountable. With such an awareness spreading and the citizens becoming more aware of their rights, I am confident, that the institution of Ombudsman will become an integral part of good governance mechanisms all over the world. Thank you.

APPENDIX - IV

ESTABLISHMENT OF THE OFFICE OF WAFAQI MOHTASIB (OMBUDSMAN) ORDER, 1983

PRESIDENT'S ORDER NO. I OF 1983

Whereas it is expedient to provide for the appointment of the Wafaqi Mohtasib (Ombudsman) to diagnose, investigate, redress and rectify any injustice done to a person through mal-administration;

Now, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President and Chief Martial Law Administrator is pleased to make following order:

1. Short Title, Extent and Commencement:

- (1) This Order may be called the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983.
- (2) It extends to the whole of Pakistan.
- (3) It shall come into force at once.

2. **Definition.**—In this Order, unless there is anything repugnant in the subject or context:-

- (1) "Agency" means a Ministry, Division, Department, Commission or office of the Federal Government or statutory corporation or other institution established or controlled by the Federal Government but does not include the Supreme Court, the Supreme Judicial Council, the Federal Shariat Court or a High Court;
- (2) "Mal-administration" includes:
 - (i) a decision, process, recommendation, act of omission or commission which:
 - (a) is contrary to law, rules or regulations or is a departure from established practice or procedure, unless it is *bona fide* and for valid reasons; or
 - (b) is perverse, arbitrary or unreasonable, unjust, biased, oppressive, or discriminatory; or
 - (c) is based on irrelevant grounds; or
 - (d) involves the exercise of powers or the failure or refusal to do so, for corrupt or improper motives, such as, bribery, jobbery, favouritism, nepotism and administrative excesses; and
 - (ii) neglect, inattention, delay, incompetence, inefficiency and ineptitude, in the administration or discharge of duties and responsibilities.
- (3) "Mohtasib" means the Wafaqi Mohtasib (Ombudsman) appointed under Article 3:
- (4) "Office" means the office of the Mohtasib;
- (5) "prescribed" means prescribed by rules made under this Order;
- (6) "Public Servant" means a public servant as defined in section 21 of the Pakistan Penal Code (Act XLV of 1860), and includes a Minister, Adviser, Parliamentary Secretary and the

Chief Executive, Director, other officer or employee or member of any Agency; and

- (7) "staff" means any employee or commissioner of the Office and includes co-opted members of the staff, consultants, advisers, bailiffs, liaison officers and experts.

3. Appointment of Mohtasib

- (1) There shall be a Wafaqi Mohtasib (Ombudsman), who shall be appointed by the President.
- (2) Before entering upon office, the Mohtasib shall take an oath before the President in the form set out in the First Schedule.
- (3) The Mohtasib shall, in matters, perform his functions and exercise his powers fairly, honestly, diligently and independently of the executive; and all executive authorities throughout Pakistan shall act in aid of the Mohtasib.

4. Tenure of the Mohtasib

- (1) The Mohtasib shall hold office for a period of four years and shall not be eligible for any extension of tenure or re-appointment as Mohtasib under any circumstances.
- (2) The Mohtasib may resign his office by writing under his hand addressed to the President.

5. Mohtasib not to hold any other office of profit, etc.

- (1) The Mohtasib shall not:
- (a) hold any other office of profit in the service of Pakistan;
or
- (b) occupy any other position carrying the right to remuneration for rendering of services.
- (2) The Mohtasib shall not hold any office of profit in the service of Pakistan before the expiration of two years after he has ceased to hold that office; nor shall he be eligible during the tenure of office and for period of two years thereafter for

election as a member of Parliament or a Provincial Assembly or any local body or take part in any political activity.

6. Terms and Conditions of Service and Remuneration of Mohtasib

- (1) The Mohtasib shall be entitled to such salary, allowances and privileges and other terms and conditions of service as the President may determine and these terms shall not be varied during the term of office of Mohtasib.
- (2) The Mohtasib may be removed from office by the President on the ground of misconduct or of being incapable of properly performing the duties of his office by reasons of physical or mental incapacity:

Provided that the Mohtasib may, if he sees fit and appropriate to refute any charges, request an open public evidentiary hearing before the Supreme Judicial Council and if such a hearing is not held within thirty days of receipt of such request or not concluded within ninety days of its receipt, the Mohtasib will be absolved of any and all stigma whatever. In such circumstances, the Mohtasib may choose to leave his office and shall be entitled to receive full remuneration and benefits for the rest of his term.

- (3) If the Mohtasib makes a request under the proviso to clause (2), he shall not perform his functions under this Order until the hearing before the Supreme Judicial Council has concluded.
- (4) A Mohtasib removed from office on the ground of misconduct shall not be eligible to hold any office of profit in the service of Pakistan or for election as member of Parliament or a Provincial Assembly or any local body.

7. Acting Mohtasib

At any time when the Office of Mohtasib is vacant, or the Mohtasib is absent or is unable to perform his functions due to any cause, the President shall appoint an acting Mohtasib.

8. Appointment and Terms and Conditions of Service of Staff

- (1) The members of the staff, other than those mentioned in Article 20 or those of a class specified by the President by order in writing, shall be appointed by the President in consultation with the Mohtasib.
- (2) It shall not be necessary to consult the Federal Public Service Commission for making appointment of the members of the staff or on matters relating to qualification for such appointment and methods of their recruitment.
- (3) The members of the staff shall be entitled to such salary, allowances and other terms and conditions of service as may be prescribed having regard to the salary, allowances and other terms and conditions of service that may for the time being be admissible to other employees of the Federal Government in the corresponding Grades in the National Pay Scale.
- (4) Before entering upon office a member of the staff mentioned in clause (1) shall take an oath before the Mohtasib in the form set out in the Second Schedule.

9. Jurisdiction, Functions and Power of the Mohtasib

- (1) The Mohtasib may, on a complaint by any aggrieved person, on a reference by the President, the Federal Council or the National Assembly, as the case may be, or on a motion of the Supreme Court or a High Court made during the course of any proceedings before it or of his own motion, undertake any investigation into any allegation of mal-administration on the part of any Agency or any of its officers or employees:

Provided that the Mohtasib shall not have any jurisdiction to investigate or inquire into any matters which:

- (a) are sub-judice before a court of competent jurisdiction or tribunal or board in Pakistan on the date of the receipt of a complaint, reference or motion by him; or

- (b) relate to the external affairs of Pakistan or relations or dealing of Pakistan with any foreign state or government; or
 - (c) relate to, or are connected with the defence of Pakistan or any part thereof, the military, naval and air forces of Pakistan, or the matters covered by the laws relating to those forces.
- (2) Notwithstanding anything contained in clause (1), the Mohtasib shall not accept for investigation any complaint by or on behalf of a public servant or functionary concerning any matters relating to the Agency in which he is, or has been, working in respect of any personal grievance relating to his service therein.
 - (3) For carrying out the objectives of this Order and, in particular for ascertaining the root causes of corrupt practices and injustice, the Mohtasib may arrange for studies to be made or research to be conducted and may recommend appropriate steps for their eradication.
 - (4) The Mohtasib may set up regional offices as, when and where required.

10. Procedure and Evidence

- (1) A complaint shall be made on solemn affirmation or oath and in writing addressed to the Mohtasib by the person aggrieved or, in the case of his death, by his legal representative and may be lodged in person at the office or handed over to the Mohtasib in person or sent by any other means of communication to the office.
- (2) No anonymous or pseudonymous complaints shall be entertained.
- (3) A complaint shall be made not later than three months from the day on which the person aggrieved first had the notice of the matter alleged in the complaint, but the Mohtasib may conduct any investigation pursuant to a complaint which is not

within time if he considers that there are special circumstances which make it proper for him to do so.

- (4) When the Mohtasib proposes to conduct an investigation he shall issue to the principal officer of the Agency concerned, and to any other person who is alleged in the complaint to have taken or authorised the action complained of, a notice calling upon him to meet the allegations contained in the complaint, including rebuttal;

Provided that the Mohtasib may proceed with the investigation if no response to the notice is received by him from such principal officer or other person within thirty days of the receipt of the notice or within such longer period as may have been allowed by the Mohtasib.

- (5) Every investigation shall be conducted in private, but the Mohtasib may adopt such procedure as he considers appropriate for such investigation and he may obtain information from such persons and in such manner and make such inquiries as he thinks fit.
- (6) A person shall be entitled to appear in person or be represented before the Mohtasib.
- (7) The Mohtasib shall, in accordance with the rules made under this Order, pay expenses and allowances to any person who attends or furnishes information for the purposes of any investigation.
- (8) The conduct of an investigation shall not affect any action taken by the Agency concerned, or any power or duty of that Agency to take further action with respect to any matter subject to the investigation.
- (9) For the purposes of an investigation under this Order, the Mohtasib may require any office or member of the Agency concerned to furnish any information or to produce any document which in the opinion of the Mohtasib is relevant and helpful in the conduct of the investigation, and there shall be no obligation to maintain secrecy in respect of disclosure of

any information or document for the purposes of such investigation:

Provided that the President may, in his discretion, on grounds of its being a State secret, allow claim of privilege with respect to any information or document.

- (10) In any case where the Mohtasib decides not to conduct an investigation, he shall send to the complainant a statement of his reasons for not conducting the investigation.
- (11) Save as provided in this order, the Mohtasib shall regulate the procedure for the conduct of business or the exercise of powers under this Order.

11. Recommendations for Implementation

- (1) If, after having considered a matter on his own motion, or on a complaint or on a reference by the President, the Federal Council or the National Assembly, or on a motion by the Supreme Court or a High Court, as the case may be, the Mohtasib is of the opinion that the matter considered amounts to maladministration, he shall communicate his findings to the Agency concerned:
 - (a) to consider the matter further,
 - (b) to modify or cancel the decision, process, recommendation, act or omission;
 - (c) to explain more carefully the act or decision in question;
 - (d) to take disciplinary action against any public servant of any Agency under the relevant laws applicable to him;
 - (e) to dispose of the matter or case within a specified time;
 - (f) to take action on his findings and recommendations to improve the working and efficiency of the Agency, within a specified time; or
 - (g) to take any other step specified by the Mohtasib.

- (2) The Agency shall, within such time as may be specified by the Mohtasib, inform him about the action taken on his recommendations or the reasons for not complying with the same.
- (3) In any case where the Mohtasib has considered a matter, or conducted an investigation, on a complaint or on a reference by the President, the Federal Council or the National Assembly or on a motion by the Supreme Court or a High Court, the Mohtasib shall forward a copy of the communication received by him from the Agency in pursuance of clause (2) to the complainant or, as the case may be, the President, the Federal Council, the National Assembly, the Supreme Court or the High Court.
- (4) If, after conducting an investigation, it appears to the Mohtasib that an injustice has been caused to the person aggrieved in consequence of mal-administration and that the injustice has not been or will not be remedied, he may, if he thinks fit, lay a special report on the case before the President.
- (5) If the Agency concerned does not comply with the recommendations of the Mohtasib or does not give reasons to the satisfaction of the Mohtasib for non-compliance, it shall be treated as “Defiance of Recommendations” and shall be dealt with as hereinafter provided.

12. **Defiance of Recommendations**

- (1) If there is a “Defiance of Recommendations” by the public servant in any Agency with regard to the implementation of a recommendation given by the Mohtasib, the Mohtasib may refer the matter to the President who may, in his discretion, direct the Agency to implement the recommendation and inform the Mohtasib accordingly.
- (2) In each instance of “Defiance of Recommendations” a report by the Mohtasib shall become a part of the personal file or Character Roll of the public servant primarily responsible for the defiance:

Provided that the public servant concerned had been granted an opportunity to be heard in the matter.

13. Reference by Mohtasib

Where, during or after an inspection or an investigation, the Mohtasib is satisfied that any person is guilty of any allegations as referred to clause (1) of Article 9 the Mohtasib may refer the case to the concerned authority for appropriate corrective or disciplinary action, or both corrective and disciplinary actions, and the said authority shall inform the Mohtasib within thirty days of the receipt of reference of the action taken. If no information is received within this period, the Mohtasib may bring the matter to the notice of the President for such action as he may deem fit.

14. Powers of the Mohtasib

- (1) The Mohtasib shall, for the purposes of this Order, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely:
 - (a) summoning and enforcing the attendance of any person and examining him on oath;
 - (b) compelling the production of documents;
 - (c) receiving evidence on affidavits; and
 - (d) issuing commission for the examination of witnesses.
- (2) The Mohtasib shall have the power to require any person to furnish information on such points or matters as, in the opinion of the Mohtasib, may be useful for, or relevant to, the subject matter of any inspection or investigation.
- (3) The powers referred to in clause (1) may be exercised by the Mohtasib or any person authorised in writing by the Mohtasib in this behalf while carrying out an inspection or investigation under the provisions of this Order.
- (4) Where the Mohtasib finds the complaint referred to in clause (1) of Article 9 to be false, frivolous or vexatious, he may award reasonable compensation to the Agency, public servant or other functionary against whom the complaint was made;

and the amount of such compensation shall be recoverable from the complainant as an arrears of land revenue:

Provided that the award of compensation under this clause shall not debar the aggrieved person from seeking civil and criminal remedy.

- (5) If any Agency, public servant or other functionary fails to comply with a direction of the Mohtasib, he may, in addition to taking other actions under this Order, refer the matter to the appropriate authority for taking disciplinary action against the person who disregarded the direction of the Mohtasib.
- (6) If the Mohtasib has reason to believe that any Public servant or other functionary has acted in a manner warranting criminal or disciplinary proceedings against him, he may refer the matter to the appropriate authority for necessary action to be taken within the time specified by the Mohtasib.
- (7) The staff and the nominees of the Office may be commissioned by the Mohtasib to administer oaths for the purposes of this order and to attest various affidavits, affirmations or declarations which shall be admitted in evidence in all proceedings under this Order without proof of the signature or seal or official character of such person.

15. Power to Enter and Search any Premises

- (1) The Mohtasib, or any member of the staff authorised in this behalf, may, for the purpose of making any inspection or investigation, enter any premises where the Mohtasib or, as the case may be, such member has reason to believe that any article, book of accounts, or any other document relating to the subject matter of inspection or investigation may be found, and may:
 - (a) search such premises and inspect any article, book of accounts or other documents;
 - (b) take extract or copies of such books of accounts and documents;

- (c) impound or seal such articles, books of accounts and documents; and
- (2) All searches made under clause (1) shall be carried out, *mutatis mutandis*, in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898).

16. **Power of Punish for Contempt**

- (1) The Mohtasib shall have same powers, *mutatis mutandis*, as the Supreme Court has to punish any person for its contempt who:
 - (a) abuses, interferes with, impedes, imperils, or obstructs the process of the Mohtasib in any way or disobeys any order of the Mohtasib;
 - (b) scandalises the Mohtasib or otherwise does anything which tends to bring the Mohtasib, his staff or nominees or any person authorised by the Mohtasib in relation to his office, into hatred, ridicule or contempt;
 - (c) does anything which tends to prejudice the determination of a matter pending before the Mohtasib; or
 - (d) does any other thing which, by any other law, constitutes contempt of court:

Provided that fair comments made in good faith and in public interest on the working of the Mohtasib or any of his staff, or on final report of the Mohtasib after the completion of the investigation shall not constitute contempt of the Mohtasib or his Office.

- (2) Any person sentenced under clause (1) may, notwithstanding anything herein contained, within thirty days of the passing of the order, appeal to the Supreme Court.
- (3) Nothing in this Article takes away from the power of the President to grant pardon, reprieve or respite and to remit, suspend or commute any sentence passed by any court, tribunal or other authority.

17. Inspection Team

- (1) The Mohtasib may constitute an Inspection Team for the performance of any of the functions of the Mohtasib.
- (2) An Inspection Team shall consist of one or more members of the staff and shall be assisted by such other person or persons as the Mohtasib may consider necessary.
- (3) An Inspection Team shall exercise such of the powers of the Mohtasib as he may specify by order in writing and every report of the Inspection Team shall first be submitted to the Mohtasib with its recommendations for appropriate action.

18. Standing Committees, etc.

The Mohtasib may, whenever he thinks fit, establish standing or advisory committees at specified places with specified jurisdiction for performing such functions of the Mohtasib as assigned to them from time to time, and every report of such committee shall first be submitted to the Mohtasib with its recommendations for appropriate action.

19. Delegation of Powers

The Mohtasib may, by order in writing, delegate such of his powers as may be specified in the order to any member of his staff or to a standing or advisory committee, to be exercised subject to such conditions as may be specified, and every report of such member or committee shall first be submitted to the Mohtasib with his or its recommendations for appropriate action.

20. Appointment of Advisers, etc.

The Mohtasib may appoint advisers, consultants, fellows, bailiffs, interns, commissioners and experts or ministerial staff with or without remuneration, to assist him in the discharge of his duties under this Order.

21. Authorisation of Provincial Functionaries, etc.

The Mohtasib may, if he considers it expedient, authorise, with the consent of a Provincial Government, any agency, public servant or other functionary working under the administrative control of the Provincial Government to undertake the functions of the Mohtasib under clause (1) or

clause (2) of Article 14 in respect of any matter falling within the jurisdiction of the Mohtasib; and it shall be the duty of the agency, public servant or other functionary so authorised to undertake such functions to such extent and subject to such conditions as the Mohtasib may specify.

22. Award of Costs & Compensation & Refunds of Amounts

- (1) The Mohtasib may, where he deems necessary, call upon a public servant, other functionary or any Agency to show cause why compensation be not awarded to an aggrieved party for any loss or damage suffered by him on account of any mal-administration committed by such public servant, other functionary or agency, and after considering the explanation, and hearing such public servant, other functionary or Agency, award reasonable costs or compensation and the same shall be recoverable as arrears of land revenue from the public servant, functionary or Agency.
- (2) In cases involving payment of illegal gratification by any employee of any Agency, or to any other person on his behalf, or misappropriation, criminal breach of trust or cheating, the Mohtasib may order the payment thereof for credit to the government or pass such other order as he may deem fit.
- (3) An order made under clause (2) against any person shall not absolve such person of any liability under any other law.

23. Assistance & Advice to Mohtasib

- (1) The Mohtasib may seek the assistance of any person or authority for the performance of his functions under this Order.
- (2) All officers of any Agency and any person whose assistance has been sought by the Mohtasib in the performance of his functions shall render such assistance to the extent it is within their power or capacity.
- (3) No statement made by a person or authority in the course of giving evidence before the Mohtasib or his staff shall subject him to, or be used against him in any civil or criminal proceedings except for prosecution of such person for giving false evidence.

24. Conduct of Business

- (1) The Mohtasib shall be the Chief Executive of the Office.
- (2) The Mohtasib shall be the Principal Accounts Officer of the Office in respect of the expenditure incurred against budget grant or grants controlled by the Mohtasib and shall, for this purpose, exercise all the financial and administrative powers delegated to a Ministry or Division.

25. Requirement of Affidavits

- (1) The Mohtasib may require any complainant or any party connected or concerned with a complaint or with any inquiry or reference, to submit affidavit attested or notarised before any competent authority in that behalf within the time prescribed by the Mohtasib or his staff.
- (2) The Mohtasib may take evidence without technicalities and may also require complainants or witnesses to take lie detection tests to examine their veracity and credibility and draw such inferences that are reasonable in all circumstances of the case, especially when a person refuses, without reasonable justification, to submit to such tests.

26. Remuneration of Advisers, Consultants etc.

- (1) The Mohtasib may, in his discretion, fix an honorarium or remuneration to any person for exceptional services rendered, or valuable assistance given to the Mohtasib in carrying out his functions:

Provided that the Mohtasib shall withhold the identity of the person, if so requested by the person concerned, and take steps to provide due protection under the law to such person against harassment, victimisation, retribution, reprisals or retaliation.

27. Mohtasib & Staff to be Public Servants

The Mohtasib, the employees, officers and all other staff of the Office shall be deemed to be public servants within the meaning of Section 21 of the Pakistan Penal Code (Act XLV of 1860).

28. Annual & Other Reports

- (1) Within three months of conclusion of the calendar year to which the report pertains, the Mohtasib shall submit an Annual Report to the President.
- (2) The Mohtasib may, from time to time, lay before the President such other reports relating to his functions as he may think proper or as may be desired by the President.
- (3) Simultaneously, such reports shall be released by the Mohtasib for publication and copies thereof shall be provided to the public at reasonable cost.
- (4) The Mohtasib may also, from time to time, make public any of his studies, research, conclusions, recommendations, ideas or suggestions in respect of any matters being dealt with by the Office.
- (5) The report and other documents mentioned in this Article shall be placed before the Federal Council or the National Assembly, as the case may be.

29. Bar of Jurisdiction

No court or other authority shall have jurisdiction:

- (1) to question the validity of any action taken, or intended to be taken, or order made, or anything done or purporting to have been taken, made or done under this Order; or
- (2) to grant an injunction or stay or to make any interim order in relation to any proceedings before, or anything done or intended to be done or purporting to have been done by, or under the orders or at the instance of the Mohtasib.

30. Immunity

No suit, prosecution or other legal proceeding shall lie against the Mohtasib, his Staff, Inspection Team, nominees, member of a Standing or Advisory Committee or any person authorised by the Mohtasib for anything which is in good faith done or intended to be done under this Order.

31. Reference by President

- (1) The President may refer any matter, report or complaint for investigation and independent recommendations by the Mohtasib.
- (2) The Mohtasib shall promptly investigate any such matter, report or complaint and submit his findings or opinion within a reasonable time.
- (3) The President may, by notification in the official Gazette, exclude specified matters, public functionaries or Agency from the operation and purview of all or any of the provisions of this Order.

32. Representation to President

Any person aggrieved by a decision or order of the Mohtasib may, within thirty days of the decision or order, make a representation to the President, who may pass such order thereon as he may deem fit.

33. Informal Resolution of Disputes

- (1) Notwithstanding any thing contained in this Order, the Mohtasib and a member of the Staff shall have the authority to informally conciliate, amicably resolve, stipulate, settle or ameliorate any grievance without written memorandum and without the necessity of docketing any complaint or issuing any official notice.
- (2) The Mohtasib may appoint for purposes of liaison counsellors, whether honorary or otherwise, at local levels on such terms and conditions as the Mohtasib may deem proper.

34. Service of Process

- (1) For the purposes of this Order, a written process or communication from the Office shall be deemed to have been duly served upon a respondent or any other person by, *inter alia*, any one or more of the following methods, namely:
 - (i) by service in person through any employee of the Office or by any special process-server appointed in the name

of the Mohtasib by any authorised staff of the Office, or any other person authorised in this behalf;

- (ii) by depositing in any mail box or posting in any Post Office a postage-prepaid copy of the process, or any other document under certificate of posting or by registered post acknowledgement due to the last known address of the respondent or person concerned in the record of the Office in which case service shall be deemed to have been effected ten days after the aforesaid mailing;
 - (iii) by a police officer or any employee or nominee of the Office leaving the process or document at the last known address, abode or place of business of the respondent or person concerned and, if no one is available at the aforementioned address, premises or place, by affixing a copy of the process or other document to the main entrance of such address; and
 - (iv) by publishing the process or document through any newspaper and sending a copy thereof to the respondent or the person concerned through ordinary mail, in which case service shall be deemed to have been effected on the day of the publication of the newspaper.
- (2) In all matters involving service the burden of proof shall be upon a respondent to credibly demonstrate by assigning sufficient cause that he, in fact, had absolutely no knowledge of the process, and that he actually acted in good faith.
- (3) Whenever a document or process from the Office is mailed, the envelope or the package shall clearly bear the legend that it is from the Office.

35. Expenditure to be Charged on Federal Consolidated Fund

The remuneration payable to the Mohtasib and the administrative expenses of the Office, including the remuneration payable to staff, nominees and grantees, shall be an expenditure charged upon the Federal Consolidated Fund.

36. Rules

The Mohtasib may, with the approval of the President, make rules for carrying out the purposes of the Order.

37. Order to Override Other Laws

The provisions of this Order shall have effect notwithstanding any thing contained in any other law for the time being in force.

38. Removal of Difficulties

If any difficulty arises in giving effect to any provision of this Order, the President may make such order, not inconsistent with the provisions of this Order, as may appear to him to be necessary for the purpose of removing such difficulty.

THE FIRST SCHEDULE

[See Article 3 (2)]

I,do solemnly swear that I will bear true faith and allegiance to Pakistan.

That as Wafaqi Mohtasib, I will discharge my duties and perform my functions honestly, to the best of my ability, faithfully in accordance with the laws of the Islamic Republic of Pakistan, and without fear or favour, affection or ill-will;

That I will not allow my personal interest to influence my official conduct or my official decisions;

That I shall do my best to promote the best interest of Pakistan;

And that I will not directly or indirectly communicate, or reveal to any person any matter which shall be brought under my consideration, or shall become known to me, as Wafaqi Mohtasib, except as may be required for the due discharge of my duties as Wafaqi Mohtasib.

May Allah Almighty help and guide me (Ameen).

THE SECOND SCHEDULE

[See Article 8 (4)]

I,do solemnly swear that I will bear true faith and allegiance to Pakistan;

That as an employee of the office of the Wafaqi Mohtasib, I will discharge my duties and perform my functions honestly, to the best of my ability, faithfully in accordance with the Laws of the Islamic Republic of Pakistan and without fear or favour, affection, or ill-will.

That I will not allow my personal interest to influence my official conduct or my official decisions;

And that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration, or shall become known to me, as an employee of the office of the Wafaqi Mohtasib.

May Allah Almighty help and guide me (Ameen).

GENERAL
M. ZIA-UL-HAQ,
President and Chief Martial Law Administrator.

APPENDIX - V

LETTERS OF THANKS

In redressing grievances of the complainants we only perform our duty. However, letter of thanks are received from many of the complainants whose grievances are redressed. These often indicate how oppressed they were and how relieved they feel after their grievances have been redressed. We feel well-rewarded for the work done. We receive large number of letters of thanks. Only a few of them are reproduced here as a sample.

خدمت جناب وفاقی مستحب صاحب کوئٹہ بلوچستان

جناب عالی

رسلام علیکم

نوالہ (2013) 23/04/2001/26/Q

آپ کے توسط سے

رہی لگنے سے میرا کام ہو گیا اور میرا پیسہ مل گئے۔ یہ عدالت عالیہ کی
مہربانی تھی کہ ہم ٹریڈیوں کا کام ہو گیا۔ ورنہ یہ پیسہ کبھی نہیں
ملتا۔ یہ منہایت پرستوں کے پیسے میں چلا جاتا۔ جب میں
یہ پیسہ بنک سے لے کر آیا تو بچے اسکول سے آ کر ہوئے تھے
اور کھاتے کے انتظار میں تھے۔ تو بیوی نے پوچھا کہ پیسہ مل گیا
میں نے جواب دیا کہ ہاں۔ وہ بولی کہ سچ بول رہے ہوں۔ تو
میں نے جواب دیا کہ ہاں میں سچ بول رہا ہوں۔ تو بیوی سجدے میں
پڑ گئی۔ اور جب اٹھی تو آپ کے حق میں دعا کر رہی تھی اور
بچوں کو بھی دعا کرنے کو ہے۔ خدا اس عدالت عالیہ کو قائم و
دائم رکھے۔ اور ہم ٹریڈیوں سے کہا ہو سکتا ہے۔ خداوند
کریم آپ کو دنیا و آخرت میں سسر خیر دے۔ اور یہ
بیماری دعا ہے۔

آپ کا بہت بہت شکریہ۔ میں آج جتنا بھی شکریہ ادا
کرو وہ کم ہے۔

27 مارچ 2013ء
میرا نام

عزری ٹیوٹی

عموم علی 2004/18

بلاک # 1، گلی # 1، محلہ # 29، سزارہ ٹاؤن
بروری، کوئٹہ۔



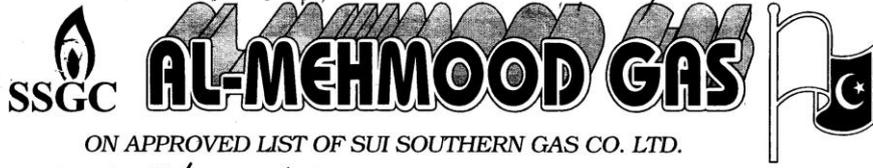
8
23-02-2001

محترمی صاحب ذمائی محنت صاحب السلام آباد
 سلام مسنونے! میں نے بورڈ آف انسٹروجن
 کے افسران کے خلاف ایک ملک درخواست مورخہ 30⁰¹/₂₀₀₁
 کو دی تھی جس کا حوالہ نمبر H/1183/2001
 آپ کی طرف سے ایک چٹی مجھے 22⁰²/₂₀₀₁
 کو موصول ہوئی ہے۔
 آپ کی اطلاع کے لیے عرض ہے کہ محکمہ ڈائل مناجات
 نے آپ کی کاوشوں کے باعث میرے والد اور ہمیشہ
 کو ڈپٹی لیٹ پاس بنیں جاری کر دی ہیں جو میں عرض
 09⁰²/₂₀₀₁ کو موصول ہوئی ہیں۔

میں اپنی طرف سے اور اپنے اہل خانہ کی طرف سے
 آپ کا اور آپ کے بھرے شرف کا تہ دل سے
 شکر گزار ہوں کہ آپ نے پاس بنوں کے اجراء
 میں ہماری معاونت فرمائی۔ آپ کی طرف سے
 قانونی و اخلاقی مدد کیلئے میں آپ کا نہایت مشکور
 و ممنون ہوں۔

والسلام
 R. Hussain

ریاست حسین لہجی سالتہ کونسلر مورخہ آبری
 تحصیل گوجران ضلع راولپنڈی



ON APPROVED LIST OF SUI SOUTHERN GAS CO. LTD.

Camp No. K/3238/99-
Ref. (F-2486) K/3480/99

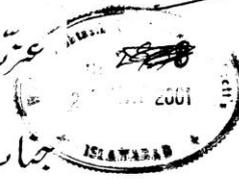
Date. 25 MAY 2001

انظہارِ تشکر

OFFICE - SHOP - NO-40
BISMILLAH: SQUARE MARKET
UNIT - NO-7
Latifabad, Hyderabad.

2938

حضرت مآب جناب - وفاقی محتسب صاحب
وفاقی محتسب سیکریٹریٹ اسلام آباد



جناب عالی!

ہم نہایت مسرت و انبساط کے ساتھ آپ کو مطلع کرتے ہیں
کہ ہماری فرم میسنرز المحمود گیس کوڈ 012 منظور شدہ S.S.G.C
لطیف آباد نمبر 7 - حیدر آباد سندھ جو 17 ماہ سے معطل تھی
اب بحال کر دی گئی ہے۔ فرم ہذا کی بحالی مورخہ 10-5-2001
کو عمل میں آئی ہے۔

ہماری فرم کی بحالی کے سلسلہ میں آپ جیسی مقتدر
شخصیات کے بھرپور تعاون پر ہم آپ کے بے حد مشکور ہیں۔
نیز آپ کی کامیابی و کامرانی کیلئے بارگاہ رب العزت میں تائب
دعا گو ہیں۔

منجانب :- محمد بدر صدیقی

میسرز المحمود گیس فرم 012

شاپ نمبر 40 - بسم اللہ اسکوائر مارکیٹ

بالمقابل: رحیل پاسپورٹ آفس

یونٹ نمبر 7 - لطیف آباد نمبر 7

حیدر آباد سندھ



26/11/20

94

محرم صفا وفاق شنبہ اعلیٰ العلیٰ اسلام آباد
صفا طالب 6916

عزیز! - قبیلہ والدہ مرحومہ کی خوشی و تقاضات کی وصولی میں

انگریزی موجودہ رازہ استیصال ہے کہ شہادت نامہ برآمد 11/10400/01
نامہ نمبر اسلام آباد 2578/01

جو تعریف صفا و والدہ کی تھی اللہ تعالیٰ کا شکر ہے
رکھنے والی و سالانہ سے میرا مرحومہ والدہ صاحبہ کی خوشی کے بقایا بقایا

جو سوال سے بچھے ادا کر دیئے ہیں عین ایک پیسہ لود سے سہارا
موجودہ لڑکی کی ایسے زیادہ نفس لود پر پناہ شکر و سونے لود کا لود لود
سے میرا مسئلہ حل کر دیا ہے میں لاد کو تمام زندگی دعا ہے
دینے لود لود اس لود
یہ لود لود

العارظی
مماۃ لود
No REG, H/110400/01
22-11-2020
در خانہ لود لود



مخدمت فیما وفاتحی محاسب اعلیٰ صاحب اسد آباد
فیما ب، عالی۔

آپ کی طرف سے ارسال کردہ مجلہ 28/9/2001 Reg. H/5111/2001 تاریخ 28/9/2001
موصول ہوئی۔ پالیسی نمبر 135611-GL بنام کرامت علی دلفیخ محمد میانہ تحصیل سبوالضلع
گڈاٹرش جو رقم فیچے پوسٹل لائف انشورنس والوں سے مبلغ = 19230/- موصول ہو چکی
ہے وہ آپ ہی کی مرحومہ بنت ہے۔ ورنہ مجھ جیسے محتاج آدمی کو ان سے کوئی توقع
نہیں تھی۔ میں تاقیامت آپ سے بہت خوش ہوں۔ آپ نے مجھ پر افسانہ عظیم
کیا ہے۔ میں آپ کا ہمدردی سے شکریہ گزار ہوں اللہ تعالیٰ آپ کی عمر میں اور تمام
اپنے کاروں کی عمر میں برکت اور دراز عمر عطا فرمائے جنہوں نے اس
محتاج کے کام میں عقہہ کیا ہے خدا کرے فریبوں کی داد کی کا یہ حکم اسی
طرح دن دو گنی ترقی کرے۔ اللہ تعالیٰ آپ کے بچوں کی عمر دراز کرے۔ میں آپ سے
بہت خوش ہوں۔ غریب آدمی کی دعاؤں کو اپنی خدمت سے
صلہ میں قبول فرمائیں۔

مخدمت

کرامت علی دلفیخ محمد

135611-GL

محمد میانہ محلہ رونی کھوئی تحصیل سبوالضلع گڈاٹرش
راج پور ضلع کھڑک پور علی

(100) بخدمت جناب و خاتمی محاسب اعلیٰ و صاحب - و خاتمی محاسب سیکرٹریٹ زمرہ پرائیویٹ اسلام آباد

3736 عنوان :- اداریہ کی رقمی فنڈ

حوالہ نمبر - 16/05/2001 dt 16/05/2001 - Reg - H/24476/98 dt 16/05/2001

جناب عالی! 5.19/7/01

مودبانہ گزارش ہے۔ کہ آپ کی کوششوں سے میرے مرحوم شوہر کے بی پی فنڈ کے بقا جاننے کی ادائیگی آج بموخر 03/07/2001 کو ہو چکی ہے۔ خدا کے بعد آپ کا جتنا بھی شکریہ ادا کروں۔ کم ہے۔ اللہ تعالیٰ آپ اور آپ کے ادارے کو مسزید مسرت اور ترقی عطا فرمائے (امین)۔

میرے پاس آپ کے شکریے کہنے کے الفاظ نہیں۔

اپک بارہو آپکی دلاری مکر کیلے دغاگو

موخر: 03-07-2001

فلوریہ بیون لہیر محمد معرفت مشیر از بیکری اسٹیٹ جنرل اسٹور
لیٹن بس اسٹاپ چوکن روڈ کوٹلیہ جھادنی۔

18

ISFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT
ZERO POINT ISLAMABAD



Sub: - Delay in storation of Commuted Portion of Pension

Your NO. REG H/486/2001 dt- 02-7-2001
Restoration of Commuted portion of Pension and
Gravity have been received by me from NBP
Peshawar Road Rawalpindi on 27.6.2001.

Thanks very much for helping me to get
my arrears of my Commuted portion of Pension.
Due to your kind efforts, I got my due, otherwise
I had been requesting CMP Lahore for last 5 years
but they did not even feel necessary to give
reply to my so many requests and other letters
written by agencies.

Date 9-7-2001

I beg to remain

~~unlambd~~ Sir,

Yours, most obediently

C-30 TA Supervisor Ghulam
Mustafa 652 Mohamudabad
Chour Harpal Rawalpindi

آل پاکستان آزاد پنشنیئر یونین

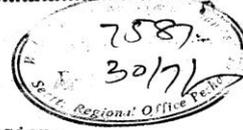
آفس: نزد زنانہ ہسپتال وزیر سرائے بنوں سٹی
بہم - بیواؤں - معذوروں اور ڈیوٹی کے دوران فوت ہونے والوں کیلئے انکا حق مانگنا

1225-26

27.7.2001.

To

Wafaqi Mohtasib (Ombudsman)'s
Secretariat;
Regional Office, Peshawar.



Subject:- Delay in grant of 50% family pension

Hon'ble Sir,

Reference your D.O.No.P/1772/2001 dated

7.7.2001.

P.P.O. has been issued to me and at last on
26.7.2001, I have been paid 50% family pension and continued
onward with all out your best efforts.

I am praying for your long life and ever

prosperity.

Thanks.

(Mst. Gul Sahib)
widow of late Shewa Khan sepoy.
c/o Haji Abdullah Jan pensioners union
wazir serai near civil zanana hospital
Bannu.

Copy to the Commandant F.C.NWFP Pshr with ref: to his No.12718/Pen:
dated 30.6.2001.

عبدالحق خان
کام: عبدالحق خان کما ٹیڈیوم
ڈائریکٹر جنرل
برہنہ پور
معدومین

Stop
put up
P/1772/01
31/7