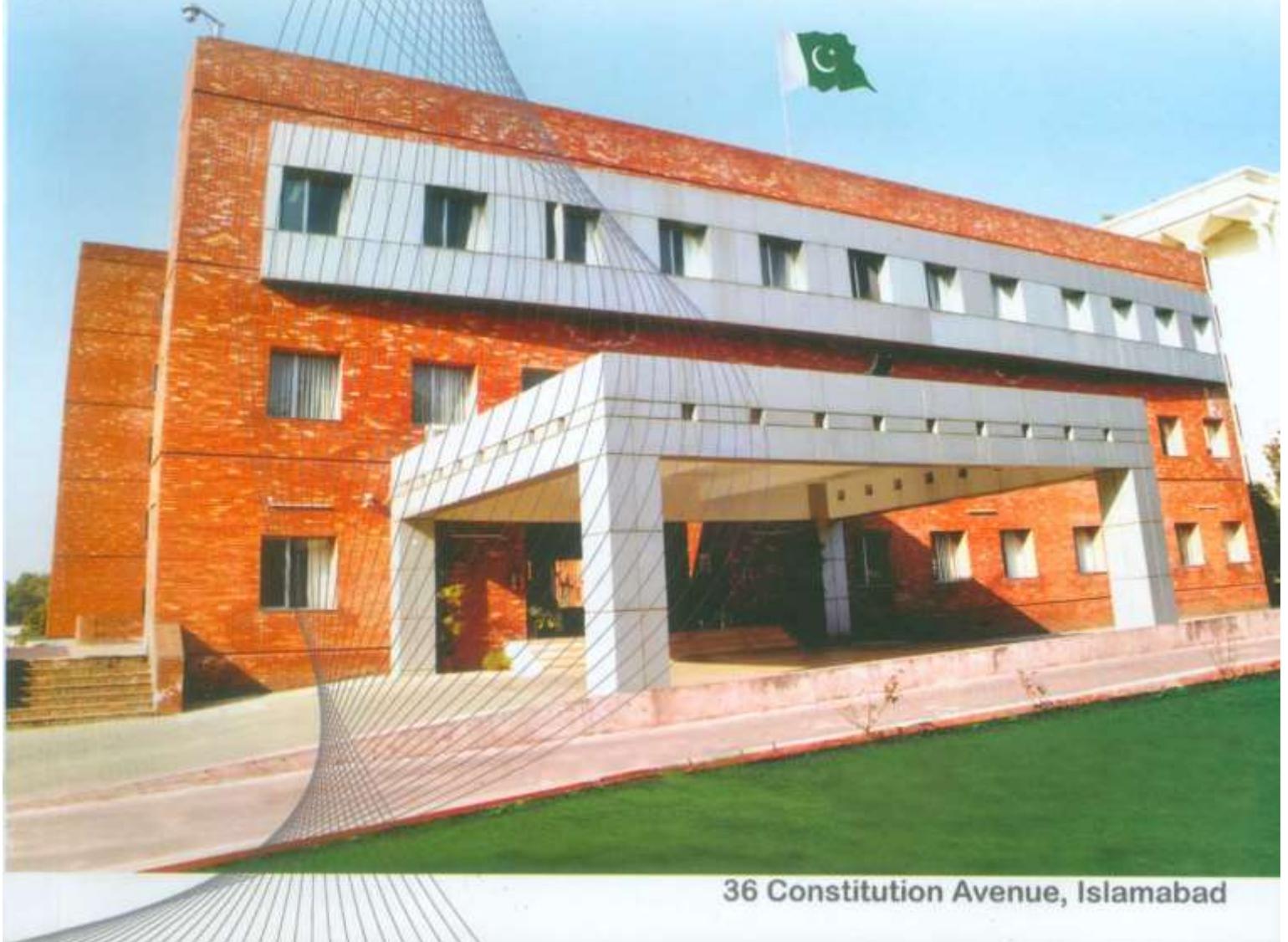




FEDERAL OMBUDSMAN

## Annual Report 2013

# *30 Years of* **Federal Ombudsman of Pakistan**



36 Constitution Avenue, Islamabad

2013 – The year of institutional reforms and clearance of huge backlog of complaints of several years.

The institution of Federal Ombudsman has completed 30 years of its existence in Pakistan. It is now recognised as the most easily accessible, effective and free of cost forum for the redress of grievances of the citizens against the misuse of powers by the state institutions.

**WAFAQI MOHTASIB  
(FEDERAL OMBUDSMAN)  
OF PAKISTAN**

**ANNUAL REPORT 2013**

## FOREWORD

by the Federal Ombudsman

In 2013, the institution of the Wafaqi Mohtasib (Ombudsman) of Pakistan turned thirty. Today, it stands tall, robust and vibrant but more importantly, it takes pride and satisfaction in having risen to the expectations of those who had laid its first brick. And in doing so, it received and processed complaints from nearly **one million** Pakistanis who had fallen prey to official apathy, incompetence and maladministration.

The year 2013 was a difficult but eventful one for the Office of the Wafaqi Mohtasib. As the Office remained without a Wafaqi Mohtasib, for over two years, pendency of complaints on the eve of 2013 stood at a colossal 77,690, some five years or more older, while 35,276 fresh complaints were received during 2013, raising the total to 112,966 cases at the end of December, 2013. It was not only frustrating for the large number of complainants but it also defeated the very purpose for which this Office had been established – to provide free of cost and expeditious relief to the mal-administered. Processing and handling such an unprecedentedly large number was indeed daunting.

By the grace of the Almighty, this huge challenge was met with an equally resolute determination. Through extraordinary steps taken by this Office and its officials, 68,243 cases were finalized and disposed of during the year 2013, **a record for the last 30 years** since the establishment of this Office when an average of 16,583 cases were disposed of annually. Out of 38,191 pending cases 20,463 have also since been processed and draft findings are under appraisal for approval. Thus, cases approved or finalized for approval during 2013 stand at 88,706, again a record for this Office.

The past year not only witnessed unprecedented disposal of a record number of cases but also saw **introduction of much needed amendments** to the Mohtasib law, making this Office even more sensitive and responsive to the complaints of the aggrieved. Amongst these, the ones binding this Office to finalize its **findings within 60 days** and for the President to decide a **representation within 90 days** of its submission are indeed extraordinary as are the **new provisions for grant of injunction, punishment for contempt** and for **effective implementation**. Provision has now also been made for **review of findings** which was earlier not available to the complainants. It also documented some unique interventions to make certain public sector organizations more alive and sensitive to the needs of the people.

It was in recognition of these special initiatives by this Office that the Ombudsmen from the Asian countries **unanimously elected the Wafaqi Mohtasib of Pakistan as their President to represent them in I.O.I.** This was indeed **a unique honour for Pakistan** as also for the Office of the Wafaqi Mohtasib of Pakistan.

This Office appointed full time **Grievance Commissioners for Overseas Pakistanis** and the **Civic Agencies** and took **cognisance, on its own motion**, of serious and persistent public complaints such as the **outbreak of measles** and the **non-availability of machine readable passports**. Both led to detailed investigations and much needed reforms in the system bringing institutional and long lasting relief to the common man.

In appreciation of the measures proposed by the Committee appointed by the Wafaqi Mohtasib for transparent procurement of measles' vaccines, its storage and inoculation, UNICEF offered to provide free of cost vaccines to Pakistan for children between the ages of 09 months and 05 years and also to reimburse expenditure incurred on administration of vaccines. On the issue of non-availability of machine readable passports, intervention by this Office helped the Directorate General of Immigration and Passports to clear the huge backlog within weeks.

The year also saw the **extension of the jurisdiction** of this Office to **K-Electric (KESC)**, Federally Administered Tribal Areas (**FATA**) and the proposal to extend to the **Cantonment Boards**. This Office also placed special focus on **upgrading its human resource**, placing **premium on experience and expertise** and on establishing even higher standards for investigation and disposal of complaints both at the head office and, in particular, at the regional offices.

We have endeavoured, in every way we could, to live upto the expectations of those who look up to this Office for prompt and just relief. Excellence, however, has no limit. We shall continue to raise its bar for the Office of the Wafaqi Mohtasib and we are confident that we shall continue to enjoy the trust and confidence of our compatriots who see this Office as a forum for relief that is hassle free, cost free, easy and quick.

We are grateful to Mr. Abdul Rauf Chaudhry, Federal Tax Ombudsman and Dr. Shoaib Suddle, Former Tax Ombudsman for holding the acting charge during the temporary absence of the Federal Ombudsman.

**M. Salman Faruqi,N.I.**



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# **Federal Ombudsman of Pakistan**

Annual Report 2013

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## **Overview**

- **Chapter 1 About Us**
- **Chapter 2 2013 – Year in Review**
- **Chapter 3 Management Review**
- **Chapter 4 30 Years of the Institution of Ombudsman in Pakistan**
- **Chapter 5 Present and Former Federal Ombudsmen**
- **Chapter 6 Looking Ahead**

Thirty Years of Commitment to  
Public Service and  
Dispensation of Administrative Justice

## Overview

### Chapter 1

#### *About Us*

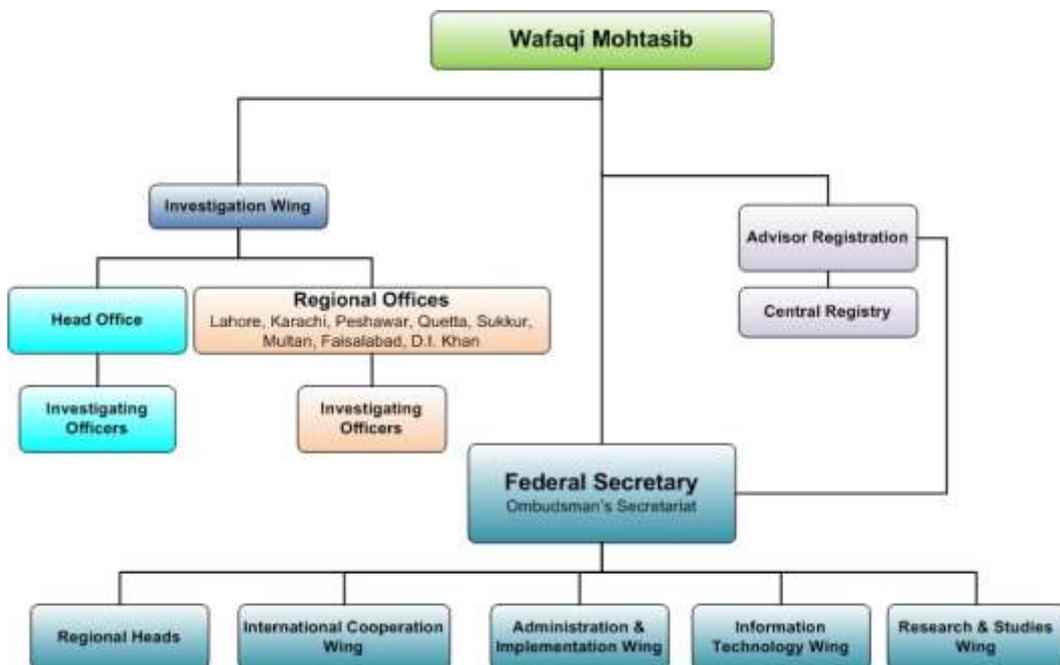
The Constitution of 1973 provided for a Federal Ombudsman and the institution was created through President's Order No. I of 1983. At the Federal level the institution of the Federal Ombudsman of Pakistan was first of its kind in Asia. This was a pioneering step for a developing country to emulate the best practices of the first world countries.

It is a quasi-judicial body that redresses the grievances of the common men against federal agencies and organizations. It takes cognizance of cases of mal-administration and provides relief through a simple but speedy procedure. Therefore, it is considered a 'poor man's court' as no lawyer is required nor any fee is charged.

In its working it mitigates mal-practices, brings transparency and establishes accountability of public functionaries.

Investigation is conducted by Advisors, Associate Advisors and Consultants who are selected strictly on the basis of their qualification, experience and track record of service. These are retired judges of the superior court and retired federal secretaries and ambassadors and senior officials of law enforcement agencies and other individuals with proven capabilities. The list is placed in appendix – I.

#### *Organogram*



## Chapter 2

# 2013– Year in Review

Performance during the year 2013 is briefly indicated in this Chapter supported by Tables/Figures and ‘Statistical Analysis’. At the end, the Table also shows the highest ever disposal during the year under report.

### *Inflow and Disposal of Complaints*

<b>Table 1 Complaints Handling Data During the Year 2013</b>		
i)	Number of pending complaints brought forward from the previous years	77,690
ii)	Number of complaints received during the year	35,276
iii)	Total workload during the year (i + ii)	112,966
iv)	Number of complaints disposed of after initial examination/preliminary investigation	6,532
v)	Number of complaints admitted for detailed investigation	28,744
vi)	Total investigation workload during the year (i + v)	106,434
vii)	Number of complaints disposed of after detailed examination and orders by the Honourable Wafaqi Mohtasib	68,243
viii)	Total Disposal during the year (iv + vii)	74,775
ix)	Number of additional complaints investigated and awaiting approval	20,463

Out of 38,191 pending/under investigation cases, 20,463 have also since been processed and draft findings are under appraisal for approval by H.W.M. Thus, cases approved or finalized for approval during 2013 stand at 88,706, a record for this Office.

### *Fresh Complaints*

During the year 2013 a total number of 35,276 complaints were registered at Head Office and its Regional Offices.

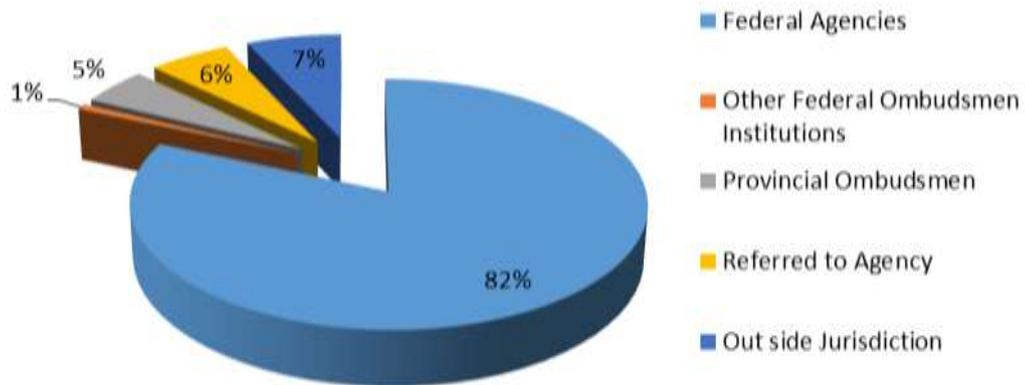
<b>Table 2 Complaints Admitted and Disposed of During the Year 2013</b>				
S.No.	Office	Complaints Registered	Disposed of <i>in limine</i>	Admitted
1	Head Office	11,505	4,324	7,181
2	R.O. Lahore	9,704	928	8,776
3	R.O. Karachi	2,615	625	1,990
4	R.O. Peshawar	2,783	37	2,746
5	R.O. Quetta	268	15	253
6	R.O. Sukkur	3,221	198	3,023
7	R.O. Multan	2,184	224	1,960
8	R.O. Faisalabad	2,194	149	2,045
9	R.O. D.I. Khan	799	32	767
10	R.O. Swat	3	0	3
<b>Total:</b>		<b>35,276</b>	<b>6,532</b>	<b>28,744</b>

### *Initial Examination*

After receipt, a complaint is carefully scrutinized by the Registrar to determine whether detailed investigation is required or the complaint is outside the purview of Wafaqi Mohtasib as

laid down in President’s Order No. 1 of 1983 read with the Federal Ombudsmen Institutional Reforms Act, 2013. Complaints pertaining to Provincial Agencies or relating to other institutions are passed on to them for action at their end. Some complainants approach this Secretariat prematurely. Such complaints are referred to concerned Agency for disposal. The proportion of complaints received against the Federal Agencies and Other Agencies as well as those Outside jurisdiction, is given in figure below:-

**Figure I: Proportion of Complaints Received**

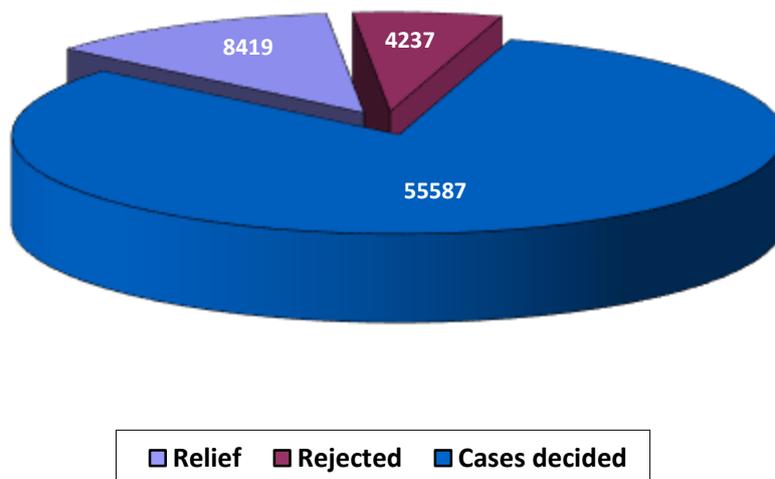


**Grievances Redressed**

Outcome of the detailed investigations during the year was as below:-

Table 3 Disposal, Relief and Rejected		
i)	Rejected	4,237
ii)	Cases decided and relief provided to the complainants	64,006

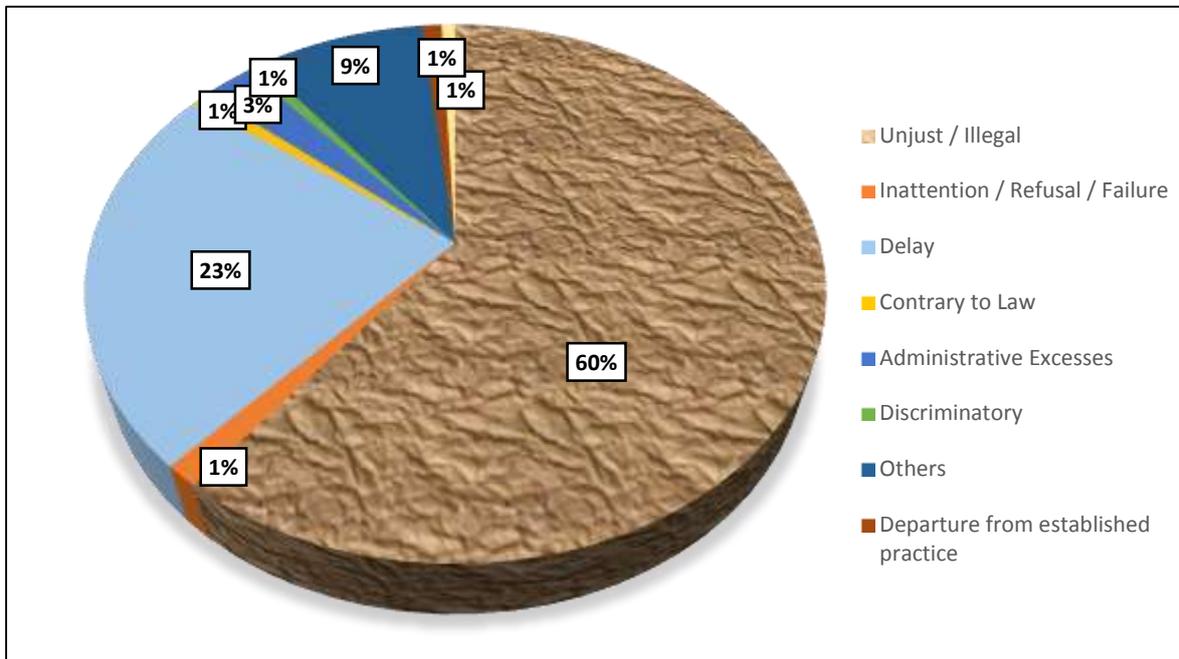
**Figure II: Grievance Redressed**



*Nature of alleged mal-administration*

The nature of alleged mal-administration in admitted cases for detailed investigation, as seen from the complaints, is given in the figure below:-

**Figure III: Nature of Alleged Mal-administration**



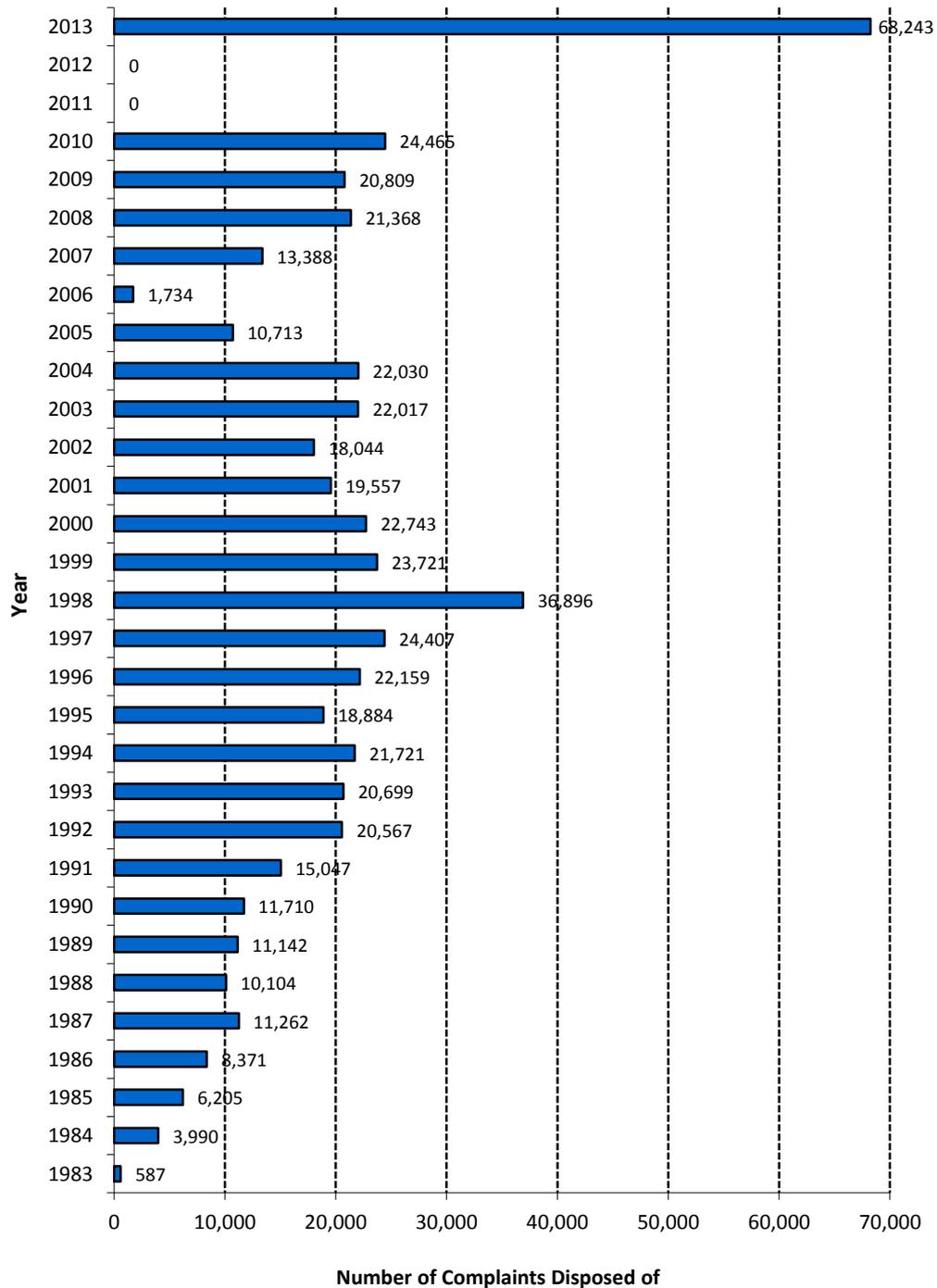
*Complaint Disposal Data since the Establishment of the Office of Federal Ombudsman in 1983*

Table 4 and the Figure-IV below indicate the year-wise number of complaints disposed of ever since the establishment of this Office.

<b>Table 4 Disposal for the Period from 08.08.1983 to December, 2013</b>		
<b>Year</b>	<b>Disposal</b>	<b>Name of the Wafaqi Mohtasib</b>
1983	587	Chief Justice (R) Sardar Muhammad Iqbal of Lahore High Court
1984	3,990	-do-
1985	6,205	-do-
1986	8,371	-do-
1987	11,262	-do-
1988	10,104	Mr. Justice (R) Shafi ur Rehman / Mr. Justice (R) Aslam Riaz Hussain (Judges Supreme Court)
1989	11,142	Mr. Justice (R) Aslam Riaz Hussain (Judge Supreme Court)
1990	11,710	-do-
1991	15,047	Mr. Justice (R) Usman Ali Shah (Judge Supreme Court)
1992	20,567	-do-
1993	20,699	-do-
1994	21,721	-do-
1995	18,884	Mr. Justice (R) Abdul Shakurul Salam (Judge Supreme Court)
1996	22,159	-do-
1997	24,407	-do-
1998	36,896	-do-
1999	23,721	Mr. Justice (R) Khalil ur Rehman (Judge Supreme Court)
2000	22,743	Mr. Justice (R) Muhammad Bashir Jehangiri (Judge Supreme Court)
2001	19,557	-do-
2002	18,044	Mr. Imtiaz Ahmed Sahibzada (former Cabinet Secretary)
2003	22,017	-do-
2004	22,030	-do-
2005	10,713	-do-
2006	1,734	Mr. Javed Sadiq Malik (former Principal Secretary to the Prime Minister)
2007	13,388	-do-
2008	21,368	-do-
2009	20,809	-do-
2010	24,465	-do-
2011	-	Office of Wafaqi Mohtasib was vacant
2012	-	Office of Wafaqi Mohtasib was vacant till Mr. M. Salman Faruqui was appointed as Acting Mohtasib
2013	68,243	Mr. M. Salman Faruqui (former Secretary General to the President) appointed as Wafaqi Mohtasib

For the last 29 years, the average disposal per year has been 16,583 complaints, while during the year 2013 a staggering number of 68,243 complaints were settled which is the highest disposal during the last 30 years and comes to an average of 5,686 complaints per month.

Figure IV: Disposal for the Period from 08.08.1983 to December, 2013



District-wise figures during the year 2013 are as under:-

Lahore	4,211
Peshawar	2,108
Kasur	1,833
Sukkur	1,780
Faisalabad	1,358
Islamabad	1,094
Karachi	1,085
Multan	812
Sheikhupura	802
Rawalpindi	798
Okara	610
Nankana Sahib	590
D I Khan	574
Sargodha	555
Gujranwala	474
Pakpattan	421
Naushahro Feroze	406
Khairpur	382
Charsadda	371
Rahim Yar Khan	335
Nowshera	332
Sanghar	309
Khanewal	307
Hyderabad	306
Mirpur Khas	288
Hafizabad	285
Mianwali	284
Muzaffargarh	275
Bahawalpur	246
Gujrat	245
Ghotki	238
Sahiwal	236
Bahawal Nagar	232
Vehari	224
Quetta	206
<b>Total</b>	<b>35,276</b>

## Chapter 3

# Management Review

### *Up-Gradation of Human Resource*

#### **Appointment of Advisors, Associate Advisors and Consultants**

In the past the investigation of complaints was usually assigned to retired government officers of BS-19 and below who were appointed as Consultants. Most other Investigating Officers were in BS-20. This practice did not facilitate speedy and quality disposal of complaints.

During 2013, it was decided to appoint retired BS-20 and above officers of civil services and judges of superior judiciary as Advisors, Associate Advisors and Consultants to ensure not only the quality of investigation work but also to clear the backlog of around 77,690 complaints accumulated overtime, when the position of Wafaqi Mohtasib remained vacant.

To ensure transparency in these appointments, an advertisement in the leading newspapers as well as on the website of the Wafaqi Mohtasib Secretariat was published. A high-level Committee, comprising of the following, was constituted to recommend suitable individuals for such appointments:-

(i)	Federal Tax Ombudsman	Chairman
(ii)	Secretary, Cabinet Division	Member
(iii)	Secretary, Finance Division	Member
(iv)	Secretary, Establishment Division	Member
(v)	Secretary, Wafaqi Mohtasib Secretariat	Member/Secretary

#### **Up-gradation of facilities at Wafaqi Mohtasib Secretariat Building, Islamabad**

In line with the prestige and the vital role of the Office of Wafaqi Mohtasib, a new custom-built building at the Constitution Avenue was completed and occupied by the Wafaqi Mohtasib Secretariat. The building has a covered area of 75,000 sq. ft. and is equipped with IT network, an auditorium, hearing rooms, record rooms, conference rooms, waiting rooms, complainant facilitation centre, library, etc.

## Chapter 4

### 30 Years of the Institution of Ombudsman in Pakistan

by Mr. Justice (Retd) Muhammad Raza Khan



The concept of Ombudsman, as envisaged in Islam during the period of Caliphate of Hazrat Umer, could not be accepted for almost thirteen centuries as the people in authority were not inclined to surrender to any other institution of accountability. Following the dictum that “The King can do no wrong”, they believed that their deeds and orders were the law. Therefore, they did not consider themselves answerable to any other individual or collective authority. However, the process of accountability continued throughout the Muslim era in the form of the institution of Deewan-ul-Mazalim.

During the beginning of 19<sup>th</sup> century, when the King of Sweden was living in exile, he noticed the unique role of the institution of Deewan-ul-Mazalim in Turkey. He decided to replicate the institution in his country on his restoration to power. It was in the year 1809 when the first institution of Ombudsmen was established in Sweden. The acceptability of the concept was very slow and other nations did not adopt the idea readily. Instead they had been watching the performance of the institution for almost one century and it was only in the year 1908 that the model of Swedish Ombudsman was replicated in New Zealand. Thereafter the concept gained rapid acceptability worldwide. During the last one hundred years, solitary institution has been replicated into hundreds of similar institutions, having national, provincial or regional character. It has produced extraordinary results at the level of local government institutions. In addition to the state-run organizations, scores of institutions are working on private basis. It can be safely said that now the institution has thousands of replications with hundreds of thousand men and women, throughout the world, working in some manner in achieving the objective of the institution. The beneficiaries of the institution can be counted in millions.

Identical to the slow growth worldwide, of the concept of the Ombudsman, there has been slow pace of process of acceptability of the institution within the country. The statute of the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order 1983 (President’s Order No.1 of 1983) was promulgated in the first month of 1983. The first Ombudsman was therefore, designated in January 1983. Justice (Retd) Sardar Muhammad Iqbal took almost seven months in studying the principles of the newly conceived Institution before he actually embarked on the journey of the Ombudsmanship on the 8<sup>th</sup> day of August, 1983 when he took oath of the Office. He aggressively worked to build a team of dedicated workers and devoted considerable time daily to discuss the salient features of the concept and practice of Ombudsman.

People were initially pessimistic about the benefits of the institution and there was general apprehension that the institution shall collapse like the erstwhile Vigilance Commission. However, after a span of 20 years the concept had become acceptable. The model of Federal Ombudsman was initially reproduced by the establishment of the Ombudsman for Azad Jammu and Kashmir followed by the Provincial Ombudsman of Government of Sindh. Subsequently its tremendous growth indicates that today, after 30 years of its coming into being, the institution has grown to almost one dozen Ombudsmen Institutions at the Federal and Provincial levels.

Since then there has been constant demand for its extension to the areas which were not henceforth considered to be subject to the accountability. Responding to the overwhelming demand, the Federal Government had established the Federal Tax Ombudsman, the Federal Insurance Ombudsman, the Banking Mohtasib and the Ombudsman for Protection of Women against Harassment at Workplace. All the Provincial Governments have established the Provincial Ombudsman. The Governments of Sindh and Punjab have also established the offices of Provincial Ombudsman for Protection of Women against Harassment at Workplace.

The Government of Khyber Pakhtunkhawa, which is the latest addition to the family of Ombudsmen was reluctant to establish the institution on the model of the Wafaqi Mohtasib as the then government had intended to establish the institution by amalgamating the concept of Ombudsman with the concept of Hisba. This goal could not be successfully achieved. It may be added here that the history of Muslim world shows that there were two types of Institutions with different role to play. The concept of Deewan-ul-Mazalim focussed on the accountability of government functionaries. Whereas the institution of Hisba intended to achieve the goal of morals and character building, promotion of virtues, discouragement of forbidden and the creation of atmosphere of highest standards in trade and industry in accordance with the Islamic injunctions. Deewan-ul-Mazalim worked as a regular institution established at specific premises and working through the official process of correspondence and conducting hearing of the cases with written final verdicts. On the contrary the institution of Hisba performed its functions through the trained work force in the streets and communities.

The successful growth and acceptability had become possible due to the innovative steps introduced during the initial period of the creation of the institution. The informal procedure of accepting the complaints directly from the citizen without the involvement of any third person and without the requirement of following any specific format or language was a pleasant surprise for the people. There was no compulsion to submit printed or typed applications to initiate the process. Handwritten applications, in any language, were acceptable and, if needed, the translation process was undertaken by the office free of cost. There was the facility, to draft the complaints for the illiterate complainants and that too without any cost or court fee and in a cordial and respectable manner. The prompt dispatch of acknowledgement letters for receipt of complaints and immediate commencement of investigative process was another surprise for the people who appreciated the innovation even if their complaints had been declined for lack of jurisdiction.

The flexibility of the investigation process was another step forward. The rigidity of following a set procedure has been discarded in the Ombudsman offices. The investigating officer can choose the process of asking for comments of the Agency, site inspection, inquiry on phone or fax, inspection of documents, personal visits, interviews, collection of information through local Commissioners, convenient fixation of dates for hearing at the places convenient to the general public, informal resolution of disputes etc. as per nature of each case. This flexible mode of process, being citizen-friendly, had provided impetus to the institution.

The “Citizen’s Hour” was a unique idea where the Ombudsman used to meet the complainants daily at a given time whether at Head Office or at Regional Offices. Any person, who wanted to present his view point to the Ombudsman, could meet him during the said time without any prior appointment. This proved to be an extremely successful tool for elimination of delay and corruption. Thus a practical approach was devised that by simple procedure of providing accessibility by the senior officers to the general public and by setting mechanism for avoiding delay, the goal of eliminating corruption can be achieved.

The mode of investigation through correspondence proved to be a blessing for the common man as he was not required to attend the Office on each date. The process of hearing in a non-adversarial manner was also a new experiences as the complainant was provided a comfortable environment to express his viewpoint informally.

During the journey of thirty years the citizens developed confidence in the performance and achievements of the institution. At the same time the agencies also gained confidence that the institution shall focus on the redressal of citizen’s grievances without being averse to the Government. The legislature, being the repository of the will of the people, is satisfied with the performance of Ombudsman which is demonstrated by the enforcement of laws for extension of the benefits to specialized branches of the Government like taxation, banking, insurance, women and children.

However, over the years a need had arisen to bring the law in line with changing values and requirements of the time. In view of the renewed commitment and to strengthen the existing legal framework, much needed amendments in the Law were introduced in 2013, through an Act of the Parliament – the Federal Ombudsmen Institutional Reforms Act, 2013. The Law has made the Office of the Ombudsman even more sensitive and responsive to the complaints of the aggrieved. Amongst these, the ones binding this Office to finalize its findings within 60 days and for the President to decide a representation within 90 days of its submission are indeed extraordinary as are the new provisions for grant of injunction, punishment for contempt and for effective implementation. Provision has now also been made for review of findings which was earlier not available to the complainants. It also documented some unique interventions to make certain public sector organizations more alive and sensitive to the needs of the people. The approval of the law for institutional reforms, within the shortest record period, also indicates the complete satisfaction of the law-makers in the institution.

Since 1983, the incumbents of the Office Wafaqi Mohtasib performed their due role not only in providing relief for the citizens but also by strengthening and augmenting the institution. The solid foundations laid by the first Ombudsman (the late) Justice (R) Sardar Muhammad Iqbal were supplemented by Justice (R) Shafi ur Rehman through consolidation of the procedures into a documented form. The Ombudsman like Justice (R) Aslam Riaz Hussain, Justice (R) Usman Ali Shah and Justice (R) Abdul Shakurul Salam had taken the concept of Ombudsmanship to the grass-root level for the benefit of the citizens. The former Civil Servants like Sahibzada Imtiaz and Mr. Javed Sadiq Malik had produced exemplary output by documenting and updating the procedural regulations of the agencies with a purpose of promoting transparency and accountability. Similarly, the present Federal Ombudsman, Mr. M. Salman Faruqui, has a major share of contribution whereby he provided much needed impetus and steered through the long overdue reforms in the legal framework in a span of only few weeks.

The Federal Ombudsmen Institutional Reforms Act 2013, besides making the institution even more responsive to the aggrieved, has further strengthened it in having its findings/recommendations implemented by the Federal Government agencies. Thus all those who had held and are now holding the office have played positive role and each single step has been taken with a determined focus on achieving the maximum relief to the common man. A way forward has been properly identified and it can be hoped, that the future of this institution shall lead to the Good Governance, where rule of law, accountability and principles of natural justice shall be followed in letter and spirit and in consonance with the Islamic injunctions where the functionaries of the State are duty bound to serve the citizens as they are answerable for their deeds in this world as well as hereafter.

## Chapter 5

### Present and Former Federal Ombudsmen

#### Mr. M. Salman Faruqi, N.I., Federal Ombudsman



Mr. M. Salman Faruqi, a career civil servant, was promoted as Secretary General to the Government of Pakistan (with the status of Federal Minister of State) in 1993. He held several major appointments during his half a century of public service, which include Deputy Chairman Planning Commission, Ambassador at Large, Secretary to the Prime Minister of Pakistan and Secretary General to the President of Pakistan (with the status of Federal Minister) when he was given the additional charge of the office of the Acting Federal Ombudsman of Pakistan in the year 2012. He later assumed charge of the Office of the Federal Ombudsman on 1<sup>st</sup> March, 2013.

Mr. Faruqi is currently Vice-Chairman of the Board of Governors of National School of Public Policy and a Member of the Board of Governors of International Islamic University and of the syndicate of Quaid-e-Azam University.

In recognition of his meritorious public services, Mr. Faruqi was awarded Nishan-i-Imtiaz (N.I.), the highest civil award in Pakistan.

Mr. Faruqi was unanimously elected as the Regional President of the Ombudsmen of the Asian Region to represent the Region in the International Ombudsman Institute (IOI). This was the first ever honour for an Ombudsman from Pakistan.



***Mr. Justice (R) Sardar Muhammad Iqbal, Ombudsman (1983-87)***

Chief Justice (R) Sardar Muhammad Iqbal of Lahore High Court was the First Ombudsman of Pakistan. He taught at the Punjab University Law College for two decades. He was conferred with the civil award of Sitara-e-Pakistan in 1957. He was elected in 1979 as Chairman, International Appellate Court Judges Division, of the World Association of Judges.



***Mr. Justice (R) Shafi ur Rehman, Acting Ombudsman (1987-88)***

Mr. Justice (R) Shafi ur Rehman was one of the longest serving judges of the Supreme Court of Pakistan. He was conferred Nishan-i-Imtiaz for his meritorious services in the field of Human Rights. He also served as Chairman, Commission on Eradication of Corruption and Chairman, Central Zakat Council.



***Mr. Justice (R) Aslam Riaz Hussain, Bar-at-Law, Acting Ombudsman (1988-91)***

Mr. Justice (R) Aslam Riaz Hussain was appointed Chief Justice of the Lahore High Court in 1976. He was appointed as permanent Judge of the Supreme Court in 1978 while acting as the Governor of Punjab. He did Diploma in Fine Arts from Slade School of Arts of London.



***Mr. Justice (R) S. Usman Ali Shah, Ombudsman (1991-95)***

Mr. Justice S. Usman Ali Shah, a Judge of the Supreme Court, was appointed as Chief Justice of Peshawar High Court in 1981. He also acted as the Governor of Khyber Pakhtunkhwa (former NWFP) during 1986. He remained a Member on the Panel of the Permanent International Court of Arbitration at Hague for a 6-year tenure in 1983. He was elevated as Judge of the Supreme Court in 1987. He was unanimously elected to the Board of Directors of the International Ombudsman Institute in October 1993 to represent the Asian region.



***Mr. Justice (R) Abdul Shakurul Salam, Ombudsman (1995-99)***

Mr. Justice (R) Abdul Shakurul Salam, a Judge of the Supreme Court, acted as the Governor of Punjab during 1988. He also held the office of Minister of Law, Justice and Parliamentary Affairs, Religious Affairs and Minorities. As Ombudsman he hosted the Board of Directors of IOI during 1998 in Islamabad.



***Mr. Justice (R) Khalil ur Rehman Khan, Acting Ombudsman (1999-2000)***

Mr. Justice Khalil ur Rehman Khan, a Judge of the Supreme Court, compiled commentary on “Qanun-e-Shahadat, 1984” (Law of Evidence) adapted from Justice Monir’s Principles and Digest of the Law of Evidence. As Ombudsman he was elected as Director on the Board of International Ombudsman Institute (IOI) to represent the Asian region.



***Mr. Justice (R) Muhammad Bashir Jehangiri, Acting Ombudsman (2000-2002)***

As Acting Ombudsman, Mr. Justice Muhammad Bashir Jehangiri, Chief Justice of the Supreme Court, hosted the meeting of the Board of Directors of the Asian Ombudsmen Association (AOA) in Islamabad during 2000. As President of the AOA, he chaired the fifth Asian Ombudsmen Conference held in Manila (Philippines) where he was unanimously elected as President of AOA for the next two years. He chaired the sixth Asian Ombudsmen Conference held in Tokyo during 2001.



***Mr. Imtiaz Ahmad Sahibzada, Ombudsman (2002-2006)***

Before his appointment as Ombudsman, Mr. Imtiaz Ahmad Sahibzada served as Cabinet Secretary and as a member of the National Security Council. He also served as a Member of the Federal Public Service Commission and Chairman of the Federal Land Commission.



***Mr. Javed Sadiq Malik, Ombudsman (2006-2010)***

Mr. Javed Sadiq Malik was serving as Principal Secretary to the Prime Minister when he was appointed as Ombudsman. He was also elected as the President of the Asian Ombudsmen Association (AOA). During his tenure, the construction of the Secretariat building of the Ombudsman was undertaken.

## Chapter 6

# Looking Ahead

Since its inception in 1983, the Office of the Wafaqi Mohtasib is continuously striving to live up to its *raison d'être* by providing free of cost relief to the citizens suffering due to the apathy, neglect, indifference and maladministration of State institutions. However, not all State institutions and their functionaries are negligent or indifferent or incompetent. But those that are, make life difficult for hundreds of thousands every year. This Office has, over the past thirty years, brought relief and smile on the faces of those very hundreds of thousands. The Office of the Federal Ombudsman, however, believes that success should be an unending aspiration as indeed should be the commitment to serve the distressed.

While the far-reaching amendments in the Mohtasib law strengthened the Institution in implementing its findings, it placed even greater responsibility on the Federal Ombudsman. In order to effectively and judiciously shoulder the enhanced responsibility, the Wafaqi Mohtasib Secretariat intends to undertake measures and reforms that would further improve its efficiency and accountability. For the purpose, the Office intends to have **its performance evaluation conducted by highly credible external evaluators**. The findings will be useful in further improving the system for prompt and just relief to the complainants and above all, in implementation of the recommendations.

Plan is also afoot to launch a **study to measure the impact** of the investigations by the Federal Ombudsman on governance generally and public service delivery in particular.

Encouraged by the public trust and in view of the ever-rising volume of complaints, Regional Offices of the Wafaqi Mohtasib were opened in the four provincial headquarters during 1984-85. Subsequently, the offices were also set up at Multan, Faisalabad, Sukkur and D. I. Khan for providing speedy and free of cost relief to the people at their door step. To bring relief even closer to the people, similar offices are proposed to be opened in Hyderabad and Abbottabad. It is also proposed to connect the Head Office and the regions through video conferencing so that the complainant is heard from a facility closest to him.

On-line system will be modified and improved for interface with the Ministries and Agencies of the government, enabling the Office of the Mohtasib to interact on a regular basis to generate prompt response by the Agencies and facilitate implementation of the recommendations of the Wafaqi Mohtasib. The data thus collected will also serve as valuable source of information for the heads of the Organizations and Agencies to assess their performance besides identifying strengths and weaknesses in the system. This would have a positive impact on governance in the future.

Appointing a Grievance Commissioner for FATA, following the decision of the Government to extend the jurisdiction of the Wafaqi Mohtasib to Federally Administered Tribal Areas (FATA), is a step in that direction.

Despite the fact that the institution of the Wafaqi Mohtasib was created over thirty years back, the general citizenry is still not familiar with the yeoman services being provided by this Office to aggrieved Pakistanis suffering from maladministration in government agencies. It will be the sincere endeavour of the Ombudsman's Secretariat to launch a concerted campaign through the electronic and print media to sensitize Pakistanis about the relief that can be given to citizens suffering from incidents of maladministration in government agencies of Pakistan. Every effort will also be made to ensure that the personnel of the Wafaqi Mohtasib Secretariat remain fully imbued with a missionary zeal in helping aggrieved parties as behoves an institution traditionally known to be a friend of the citizens.

The Wafaqi Mohtasib Secretariat is determined to fulfil the expectations of those who look up to this Office for redress of their grievances. It is equally determined to do so with ever-increasing speed and efficiency for which it shall continue to look ahead for new ideas and innovations, whether from within or from outside.



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# **Federal Ombudsman of Pakistan**

Annual Report 2013

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## **Part I Legal Framework and Institutional Reforms**

- **Chapter 1 The Federal Ombudsmen Institutional Reforms Act, 2013**
- **Chapter 2 Consultation with Stakeholders and the Federal Cabinet Moved to Approve the Proposed Reforms**
- **Chapter 3 Extension of Jurisdiction**

Determined to Make the Legal Framework  
More Citizen Friendly, Ensuring Prompt and  
Fair Disposal of Public Complaints

## Chapter 1

### *The Federal Ombudsmen Institutional Reforms Act, 2013*

#### *Background*

Establishment of the Office of the Wafaqi Mohtasib (Ombudsman) Order 1983 (President's Order No. I of 1983) was enforced in the year 1983. Over a period of time, a need had been felt to improve upon the laws to make them more citizen friendly and for prompt consideration and disposal of citizens' complaints on merit as well as effective implementation of the relief granted. Unfortunately, in spite of the need to amend the law to bring it in consonance with changing needs of society, the same could not be done due to constitutional constraints. The President's Order of 1983 was mentioned in the fifth Schedule of the Constitution. The amendment of this Order required two-third majority in the Parliament. During the period of 30 years either there was no such majority or it was not considered politically expedient to amend the law.

However, the Schedule got repealed through 18<sup>th</sup> Constitutional Amendment, thereby removing the embargo of 2/3 majority to amend the said law from April 2010. Thereafter, an attempt to amend the Law was made, for the first time, by the present Wafaqi Mohtasib after having taken over as Acting Federal Ombudsman in December 2012.

During the period of thirty years the concept of Ombudsman was not only globally recognized but there was an unprecedented acceptance of the idea which led to the growth of the institution within the country and subsequently the institution of Wafaqi Mohtasib, which was established in 1983, was replicated into twelve types of Ombudsmen Institutions dealing with the taxation matters, insurance, banking, women and children and matters relating to the Provincial domain of all the four Provinces as well as the Ombudsman for Azad Jammu and Kashmir under separate laws. The laws relating to the Provincial Ombudsmen and the Mohtasib for Azad Jammu and Kashmir, being provincial legislation, could only be amended by the relevant Assembly whereas the Federal Ombudsmen Institutions established through the federal statutes could be reformed through common legislation by the Federal Parliament.

Besides the global recognition of the concept of the Ombudsman, there had also been a commendable exercise of providing a coordination mechanism through the appropriate Association of Ombudsmen established on regional basis. The Asian Ombudsmen Association (AOA), where the Pakistan Ombudsmen have played leading role, had recommended the establishment of coordination forum of the Ombudsmen in Pakistan and consequently the Forum of Pakistan Ombudsmen (FPO) had been established where all the Federal and Provincial Ombudsmen including the Ombudsman for Azad Jammu and Kashmir are the members. The FPO had been highlighting the need for the reformation and standardization of the laws and the appointment of the incumbent Ombudsman had added impetus to the fulfilment of the long overdue requirement.

For the purpose, the Wafaqi Mohtasib invited suggestions from the Forum of Pakistan Ombudsmen headed by the Federal Tax Ombudsman with all Ombudsmen of Pakistan as its members. The proposals thus received were placed on the website of Wafaqi Mohtasib and also circulated to the prominent members of civil society, lawyer forums and NGOs working in the relevant field for their input. Based on the feedback, a law was promulgated through Presidential Ordinance called the Federal Ombudsmen Institutional Reforms Ordinance 2013. In accordance with the Federal Government Rules of Business 1973, the Ordinance was subsequently presented

in the Parliament which considered and passed the Bill into law with minor adjustments and within the shortest span of only a few days. There after a new Law for the purpose of standardization of the statutes relating to the Ombudsmen, namely the Federal Ombudsmen Institutional Reforms Act, 2013 was promulgated to ensure not only uniformity of the laws but also early disposal of complaints. This law has an overriding effect on the Federal laws presently in force. The respective provincial legislatures shall be at liberty to amend their respective legal instruments.

Salient features of the Federal Ombudsmen Institutional Reforms Act, 2013 are:-

***Incorporation of a timeframe for expeditious disposal.*** Another important step for bringing about the Institutional Reforms relates to expeditious disposal of complaints. Previously there were internal administrative instructions for early disposal of cases but these instructions did not have the required legal support due to which Agencies had been using delaying tactics making finalization of investigation take long time and the effect of administrative instructions was diluted. For the first time a fool-proof mechanism has been introduced for quick disposal of cases and the amendments introduced in the Act not only prescribed the timeline for various stages of investigation of the case but the consequences of non-compliance by the Agency have also been provided in the Act. The Law provides a strict time frame to compel government agencies to respond to the Ombudsman within 15 days extendable only once for another period of seven days on a sufficient cause. Law prescribes timeline for the Ombudsman to dispose of complaints within 60 days while decide review petition in 45 days. Additionally the Law also prescribed timeframe for the President who is bound to decide the Representation within 90 days. These statutory provisions will make it possible to provide quick and effective relief to the aggrieved citizens who shall be able to get final verdict within a period of six to seven months including all stages of Review and Representation.

***Uniformity of Tenure of the Ombudsmen.*** There was no uniformity in the tenure of five Federal Ombudsmen. They all had different tenure. Some had statutory tenure of four years while others had three years tenure. The Ombudsman for Protection of Women at Workplace had no fixed tenure as there was no statutory provision for the protection of tenure. Therefore, for the purpose of uniformity the new Law provides that all the Ombudsmen should have fixed tenure of four years and shall not be eligible for an extension in tenure or re-appointment under any circumstances. However, the Ombudsman shall continue to hold office after expiry of his tenure till a successor enters upon the office. By so doing, the Law now guarantees that there would not be any vacuum during interregnum that could cause delay in disposal of public complaints.

***Transitional Arrangement.*** The Law provides that at any time office of the Ombudsman is vacant or he is unable to perform functions due to any cause, the President shall appoint an Acting Ombudsman who shall perform functions and exercise powers as are vested in the Ombudsman. Provided that till such time the “Acting Ombudsman” is appointed, the Wafaqi Mohtasib (Ombudsman) shall act as Acting Ombudsman for any other office of Ombudsman and in case the Wafaqi Mohtasib is absent or unable to perform functions of his office, the Federal Tax Ombudsman shall act as Wafaqi Mohtasib (Ombudsman) in addition to his own duties. The Law has thus put in place a statutory mechanism to automatically fill in the blanks so that the aggrieved citizens may not suffer due to non-availability of Ombudsman or due to the failure of the government to appoint Ombudsman or Acting Ombudsman in time.

***Power to grant Temporary Injunction.*** Two major amendments have been introduced in the legislation to enhance the power of the Ombudsmen so as to effectively redress the grievances of the aggrieved citizens. It has been provided that the Ombudsman should

have the power to issue temporary injunction and the power to execute the recommendations, orders or decisions. While granting temporary injunction the Ombudsman shall be competent to stay the operation to the impugned order for a period of 60 days and during the said period the matter shall be finally heard and decided by him. However, the exercise of this authority shall be regulated by the provisions of the Code of Civil Procedure applicable to the Civil Courts.

***Effective Implementation.*** With regards to the implementation of the recommendations of the Ombudsman, the basic statute i.e. the President's Order No. 1 of 1983 has properly taken care of, empowering the Ombudsman to execute his orders and recommendations. He could take action against the functionaries of the Agency primarily responsible for the defiance of recommendations. In addition to recording adverse entry in the service dossier of the public functionary, a defiance report could also be submitted to the President, being the Head of State, for his orders. In addition to these proceedings the Ombudsman has been empowered to punish a person for committing contempt of his office by exercising the same powers as are vested in the Supreme Court. Moreover, Federal Ombudsman was authorized to direct the criminal or disciplinary action against the public functionary against whom maladministration is established. Ombudsman could also grant compensation to aggrieved citizen against the functionaries of the Agency responsible for such maladministration. Furthermore, if a complaint against public functionary was found to be false or frivolous, the Federal Ombudsman could grant compensation to such public functionary against the complainant for unsubstantiated allegations.

***Power to punish for contempt.*** Under the new Law all the Federal Ombudsmen have been vested with the power to punish for contempt as provided in the Contempt of Court Ordinance 2003.

***Redefining Agency.*** The term "Agency" has been redefined to expand the Ombudsman's jurisdiction to all entities in which the Federal Government has a share, with specific notification in the official gazette by Wafaqi Mohtasib (Ombudsman).

***Removal of Ombudsman.*** The new Law provides that Ombudsman may be removed from office through Supreme Judicial Council on the grounds of "being incapable of properly performing duties of his office by reason of physical or mental incapacity or found to have been guilty of misconduct".

***Resignation.*** For the purpose of uniformity it has been provided in the new Law that the Ombudsman may resign his office by writing under his hand addressed to the President.

***Power to appoint Grievance Commissioner.*** The Law provides that the Ombudsman shall appoint or designate an officer not below BS-21 as Grievance Commissioner in an Agency against which a large number of complaints are received persistently.

***Standardization of the Laws of five Ombudsmen.*** All offices were established under separate Acts of the Parliament. Over the years a requirement emerged to bring some uniformity in the powers, functions and working of all these five Ombudsmen. This law is designed to have an overriding effect on the federal laws presently in force. The respective provincial legislatures shall be at liberty to amend their respective legal instruments.

***Exercise the Powers of a Civil Court.*** The existing legislation has already vested powers of a civil court as far as summoning, recording statements and examination of a witness is concerned. The same powers have now been extended for the effective implementation of the recommendations of Ombudsman.

**Power of Review.** Previously the Ombudsman could revisit his findings/recommendations. However, the power of review was not specifically created by the statute. The President has removed this lacuna. The new Law allows the complainant to file a review petition which the Ombudsman has to decide within forty five days and that the Ombudsman shall have the power of review in case new evidence comes up under the Code of Civil Procedure.

**Representation to the President.** Previously the representation to the President used to be filed through the Law and Justice Division. Under the new Law, the representation shall be addressed directly to the President and it shall be processed in the office of the President by a person who had been or qualified to be a judge of the Supreme Court or has been Wafaqi Mohtasib or Federal Tax Mohtasib. Such representation shall be decided by the President within 90 days.

**Administrative and Financial Autonomy.** It has been provided that the expenditure for all the offices of Ombudsman shall be charged to the Federal Consolidated Fund and all Ombudsmen as Chief Executives and Principal Accounting Officer shall exercise complete administrative and financial autonomy within the allocated budget.

**Bar of jurisdiction.** The new Law provides that no court or authority shall have jurisdiction to entertain a matter which falls within the jurisdiction of an Ombudsman nor any court or authority shall assume jurisdiction in respect of any matter pending with or decided by an Ombudsman.

### ***Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulations, 2013***

In order to incorporate provisions of the newly promulgated Federal Ombudsmen Institutional Reforms Act, 2013 appropriately in the Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulations, 2003, these Regulations have been revised. These Regulations now provide following process for complaint handling:

- (i) Acknowledging complaints.
- (ii) Promptly assessing complaints and assigning them priority.
- (iii) Planning an investigation if one is needed.
- (iv) Investigating the complaint to determine the facts and options for resolution.
- (v) Keeping the complainant informed of progress of investigation.
- (vi) After proper investigation, providing remedy where appropriate.
- (vii) Advising on options for review/representation if the complainant remains dissatisfied with the remedy.

With addition of the above provisions, the Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulations 2013 have put in place, a mechanism to promptly allay the concerns of complainants and to provide redress.

## Chapter 2

### Consultation with the Stakeholders and Summary for the Federal Cabinet for Approval of the Proposed Reforms



M. SALMAN FARUQUI,  
N.I.  
*Acting Federal Ombudsman*

F.No.1(1)/WM/2012  
Islamabad, 20<sup>th</sup> December, 2012

Subject: ELICITING VIEWS OF STAKEHOLDERS IN IMPROVING THE OMBUDSMAN INSTITUTION

Dear Sir,

I have taken over recently as the Acting Ombudsman/Wafaqi Mohtasib of Pakistan. As you are aware, the architecture of the Ombudsman institutions include the Wafaqi Mohtasib, the Federal Tax Mohtasib, the Federal Insurance Mohtasib, the Banking Mohtasib and the Federal Ombudsman Against Harassment of Women at the Workplace at the Federal level. There are also Provincial Ombudsman institutions as well as the AJK Mohtasib.

I am mindful of the Ombudsman institution's foremost duty to the public to provide speedy redress to citizens against all forms of maladministration as defined in the relevant statutes. Prompt redress of public grievances is of the essence.

While I have taken up the task of pending complaints as a challenge, an exercise was conducted on priority basis to assess the legal and procedural bottlenecks that adversely affect Ombudsmen's performance. A meeting was chaired by Federal Tax Ombudsman, Dr. Shoaib Suddle to identify such bottlenecks. The recommendations of the meeting are enclosed.

I believe that the real stakeholders of the reform process are the public themselves as represented by the civil society organizations and resource individuals like you. This is the spirit in which I am addressing this letter to you. I greatly value the wisdom and experience that you possess and urge you to convey your well considered views or any recommendations on the reform proposals to: [secretary@mohtasib.gov.pk](mailto:secretary@mohtasib.gov.pk)

I assure you that every possible consideration shall be given to your proposals and recommendations for legislation. I would, therefore, urge you to kindly render your valuable advice on the draft document.

Yours sincerely,

## Summary for the Cabinet

Copy No. 79

F.No.3(148)A-II/2013

**WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT**  
**ISLAMABAD**

**SUMMARY FOR THE CABINET**

Subject: - **OMBUDSMEN INSTITUTIONAL REFORMS BILL 2013**

The Institutions of Ombudsman were established from 1983 onwards. Presently, there are eleven (11) Ombudsmen in Pakistan, viz:-

- i. Wafaqi Mohtasib (Ombudsman)
- ii. Federal Tax Ombudsman
- iii. Banking Mohtasib
- iv. Federal Insurance Mohtasib
- v. Federal Ombudsman for Protection Against Harassment of Women at Work place
- vi. Provincial Ombudsman, Punjab
- vii. Provincial Ombudsman, Sindh
- viii. Provincial Ombudsman, Khyber Pakhtunkhwa
- ix. Provincial Ombudsman, Balochistan
- x. Ombudsman of Azad Jammu & Kashmir
- xi. Provincial Ombudsman, Sindh, for Protection Against Harassment of Women at Work place.

All these offices of Ombudsmen are established under separate acts of the parliament and the respective provincial assemblies.

2. Over a period of time, a need has been felt to improve upon the laws to make them more citizen friendly and for prompt consideration and disposal of citizen complaints on merit followed by effective implementation of the relief, if any, granted by the concerned Ombudsman. For this, the Acting Wafaqi Mohtasib asked the Forum of Pakistan Ombudsmen to give suggestions. This forum is headed by the Federal Tax Ombudsman and all Ombudsmen of Pakistan are its members. The suggestions received were then placed on the website of Wafaqi Mohtasib and also circulated to the prominent members of civil society, lawyers' forums and NGOs working in the relevant field for their valuable input. Based on the feedback, a new law for the purpose of standardization of the statutes relating to the Ombudsmen has been proposed which is to ensure not only uniformity of the laws but also early disposal of complaints.

3. This law is to have an overriding effect on the federal laws presently in force. The respective provincial legislatures shall be at liberty to amend their respective legal instruments. Salient features of the bill are explained below:-

- i. **Expeditious Disposal of Complaints:** Under the prevailing laws, the Ombudsmen have been empowered to regulate their own procedure for disposal of complaints. However, in certain cases, the reports from the Agency or the appearance of representatives for hearing of the complaints takes several months thereby delaying the disposal of complaints. A time frame is proposed to be incorporated in the law not only to compel the Agency to respond to the Ombudsman within the prescribed period but also to restrict disposal of the complaints by the Ombudsman within the shortest possible time. It is, therefore, proposed that the Agency be obliged to respond within 15 days and this period could be extended by one week for special reasons. It is also proposed that the failure to respond within the given time or the failure of representative to appear for the hearing of the complaints should entail disciplinary action against the concerned civil servant.
- ii. **Temporary Injunctions:** It has been provided in the existing laws that the conduct of investigations shall not affect any action taken by the Agency or any power or duty of the Agency to take further action with respect to a matter under investigation. This provision results in severe failure of justice in emergent cases and the situation becomes irreversible in certain matters with the passage of time. It is proposed that the Ombudsman should have the power to issue temporary injunctions in appropriate cases. Such injunctions shall only be granted by the Ombudsman himself.
- iii. **Appointment of Grievance Commissioner:** There are certain agencies with persistent high number of complaints against them and despite the recommendations, the causes of mal-administration are not eliminated and complaints continuously flow against these agencies for various administrative, systemic or personal reasons. It is proposed that the Establishment of the Office of Wafaqi Mohtasib Order 1983 be suitably amended by incorporating a provision to enable the Mohtasib to appoint Grievance Commissioner of the level of a senior officer at a particular office of the agency for specific period to root out the causes of persistent flow of complaints against that office.
- iv. **Procedure for Implementation of Recommendations:** It has been noted that the Agencies delay implementation of certain recommendations despite issuance of defiance

notices or rejection of the representation by the President. This amounts to the negation of justice to the aggrieved citizen. A proposal is, therefore, being made for the effective implementation of the decisions and recommendations of the Ombudsman by exercising the powers vested in the Civil Court.

- v. **Exercise of Powers of the Civil Court:-** All the five existing laws contain a provision that each of the Ombudsmen shall have the powers vested in the Civil Courts under the Code of Civil Procedure for summoning and enforcing attendance of any person, recording statement of witnesses on oath, issuing commission for the examination of witnesses and compelling production of documents. However, the existing laws do not provide for the issuance of temporary injunction or implementation of decisions. It has been proposed that the Ombudsmen may be vested with the powers of Civil Court in this regard.
- vi. **Review Petition by the Complainant:** The Agencies have been enabled to move a review petition against the findings of the Ombudsman but the citizens do not have any enabling provision to file a review petition if he is not satisfied with the findings on his complaint. This amounts to discrimination. Therefore, it has been proposed that this discrimination be eliminated and the citizen shall also have the right to file review.
- vii. **Power of Review:** Sometimes a new evidence comes up after decision of the Ombudsman warranting review. In that eventuality, the complainant or the Agency has no other resort but to go in appeal before the President. Presently, such powers of review are only partly available with Wafaqi Mohtasib and the Federal Tax Ombudsman. There is a need to give full powers to all the Ombudsmen to review, amend or set aside his earlier findings. There had been decisions of the courts that the review is always creation of statute and such power cannot be exercised without any enabling provision in the law. Thus, it is proposed that for the purpose of uniformity a provision be inserted for the powers to all the Ombudsmen to vary, amend or set aside the earlier orders decision/recommendations.
- viii. **Disposal of the Review Petition:** It is also proposed that the review petition shall be heard by the Ombudsman himself and not by any member of his staff. Moreover, a time frame of 45 days has been suggested for the disposal of review petition to ensure expeditious decision.

- ix. **Streamlining the Procedure for Representation:** Presently, representations against the decisions of the Wafaqi Mohtasib, the Federal Tax Ombudsman and the Ombudsman for Protection of Women against Harassment at the Workplace lie with the President whereas the representation against the decision of the Insurance Ombudsman lies with the Chairman SECP. Likewise, representation against the Banking Mohtasib lies with the Governor State Bank of Pakistan. Moreover, considerably long time is required for the disposal of representations. For the purpose of uniformity and standardization, it is proposed that representation against the decision of any Ombudsman should lie directly with the President and mechanism and a time frame is being fixed for processing of representation and their disposal. A time frame has also been suggested for stay order which will only be granted on valid grounds. A consultant will be appointed in the Presidency to exclusively process the representations. He will be a person qualified to be a Supreme Court Judge or Federal Ombudsman or Federal Tax Ombudsman.
- x. **Bar of Jurisdiction:** The provision relating to bar of jurisdiction is not available in the laws regulating the establishment of office of some of the Ombudsmen. Therefore, during the process of investigation or the review or representation, the matter is agitated before other fora and the Ombudsmen offices have to stop processing the complaints further. Since adequate remedy in the shape of personal hearing, review petition and representation is available to a person who is aggrieved by any decision or order of the Ombudsman, the courts need to be barred during the pendency before the Mohtasib or the President.
- xi. **Amendments in the Establishment of the Office of Wafaqi Mohtasib Order 1983 (P.O. of 1983):** Definition of the term Agency is being amended to include the Organizations where the Federal Government has any share or which has been licensed by the Federal Government. This proposal is based on the tendency of various agencies to get themselves excluded from operation of Wafaqi Mohtasib despite the fact that the Agency was established by the Federal Government or the Federal Government has share in its capital. Thus the citizens with grievance against these agencies are left with no option but to seek redressal through prolonged judicial procedures requiring help of legal counsels, etc. Similarly, Article 31(3) is being amended to do away with the possibility of excluding certain agencies from the operation of the Mohtasib except by an Act of the Parliament.

- xii. **Tenure:** While the four Federal Ombudsmen (Wafaqi Mohtasib, Federal Tax Ombudsman, Insurance Ombudsman and Banking Mohtasib) have the tenure of four years, the Federal Ombudsman for the Protection of Women Against Harassment of Women at Workplace has a tenure of two years. For the purpose of uniformity it is proposed that all the Ombudsmen should have fixed tenure of four years.
- xiii. **Continuity in holding office:** In some cases, the post of Ombudsman remains vacant for quite some time resulting in the accumulation of cases (the Ombudsman is the final authority to declare a decision). For the purpose of continuity, the proposed law suggests that the incumbent Ombudsman shall continue to hold office after the expiry of his tenure till the new Ombudsman enters upon the office.
- xiv. **Acting Ombudsman:-** The prevailing laws contain a provision that in case of non-availability of the Ombudsman for any reason the Acting Ombudsman has to be appointed by the Federal Government. If the appointment of Acting Ombudsman is delayed for some reason, the office remains without an Ombudsman resulting in the accumulation of cases. There is, therefore, a need to put in place a mechanism whereby in case of non-availability of an Ombudsman the work may not suffer. It is, therefore, proposed that if the Wafaqi Mohtasib is unable to perform his functions due to any cause, the Federal Tax Ombudsman shall act as the Acting Wafaqi Mohtasib and where any of the other Ombudsman is absent or unable to perform his functions, the Wafaqi Mohtasib shall be the Acting Ombudsman of that office.
- xv. **Oath of Office:** Some of the Ombudsmen are required to take an oath before entering upon office whereas others are not required to do so. For the purpose of uniformity and standardization, it is proposed that all Ombudsmen should take oath before entering upon office, except where oath is already administered as Acting Ombudsman.
- xvi. **Removal of Ombudsman:** Some of the laws contain the provision about the procedure for removal of Ombudsman in case of misconduct through the Supreme Judicial Council whereas the other laws do not contain a similar provision. For the purpose of uniformity a proposal has been made for identical provision for all of them.

- xvii. **Resignation:** For the purpose of uniformity it has also been provided in the draft law that the Ombudsman may resign by writing under his hand addressed to the President.
- xviii. **Power to Punish for Contempt:-** Some laws contain the provision relating to the proceedings against a person for the contempt of the office of Ombudsman whereas in some other laws there is no such provision. A proposal has been made to equip all the Ombudsmen to exercise the powers under the Contempt of Court Ordinance, 2003.
- xix. **Administrative and Financial Autonomy:-** The Wafaqi Mohtasib and the Federal Tax Ombudsman have been given the administrative autonomy and all the authorities throughout the country have to act in aid of them, but despite this autonomy they have to frequently revert to the Ministries of the Federal Government for petty matters. It is therefore, proposed that the expenditure for all the offices of Ombudsmen should be charged to the Federal Consolidated Fund and every Ombudsman shall exercise administrative and financial autonomy within the allocated budget.
4. The above amendments were discussed by the undersigned, Federal Tax Ombudsman and Advisor (Law) to the Wafaqi Mohtasib namely, (R) Justice Muhammad Raza Khan with the Federal Minister for Law and Justice, who has approved submission of the summary, subject to vetting by the Ministry of Law of the draft legislation after the Cabinet approval.
5. Approval of the Cabinet is solicited to :-
- (a) allow submission of the draft bill "Ombudsmen Institutional Reforms Bill 2013" (annex-A) in the parliament, or
- (b) advise the President to promulgate an Ordinance, if the Parliament is not in session.
6. The Cabinet is requested to approve the proposal contained in para-5 above.

-sd-

**(M.Salman Faruqi)**  
**Acting Wafaqi Mohtasib**

Islamabad  
Dated 29<sup>th</sup> January, 2013

## Improving Ombudsman Laws in Pakistan: Proposed Amendments

The Office of Federal Ombudsman (Wafaqi Mohtasib) was the first such office to be setup in Pakistan in 1983. Since then, 10 other Ombudsman Offices have been established; four at the Federal level; five in the provinces; and one in AJK. The four Ombudsman Offices at the Federal level are: (1) Office of Federal Tax Ombudsman, (2) Federal Insurance Ombudsman, (3) Banking Ombudsman, and (4) Federal Ombudsperson for Protection against Harassment of Women at Workplace. Similarly, five Provincial Ombudsmen are: (1) Provincial Ombudsman Punjab, (2) Provincial Ombudsman Sindh, (3) Provincial Ombudsman Khyber Pakhtunkhwa, (4) Provincial Ombudsman Baluchistan, and (5) Provincial Ombudsman Sindh for Protection against Harassment of Women at Workplace. The laws governing their functioning are almost identical, except for the Ombudsmen for Protection against Harassment of Women at Workplace.

Overtime, a number of deficiencies and lacunae have been observed which need amendments or which are otherwise necessary to improve the working of Ombudsman Offices for promoting good governance and strengthening grievance-redressal system, as also for standardization of Ombudsman laws in Pakistan.

For this purpose, the following amendments are proposed in respective Ombudsman laws:

### Enhancing Effectiveness of Ombudsman Offices in Redressing Citizens' Complaints

- Grievance Commissioners shall be appointed in major public dealing Departments / Organisations. Their mandate will be to get public grievances resolved instantaneously by the Division / Department /Organisation concerned. If a grievance is not resolved within ten working days, the Grievance Commissioner shall refer the complaint directly to the Ombudsman concerned for taking cognizance of the matter.

- To add transparency to the working of public sector, the Ombudsman's role as a Commissioner under the Freedom of Information laws shall be effectively strengthened, in the light of Article 19-A of the Constitution.
- To provide speedy relief to the aggrieved citizens, the Ombudsman Offices shall be required to issue their findings / recommendations within a period of 60 days from the date of receipt of the complaint.
- No review against the findings of the Ombudsman shall lie after 30 days of the receipt of recommendations by the aggrieved party.
- As the Office of the Ombudsman is meant to provide speedy redress of public grievances against maladministration of public officials, and as long-delayed decisions on representations against the findings / recommendations of the Ombudsman are tantamount to denying relief to the aggrieved citizens, the government departments shall not have a right to file a representation against Ombudsman's findings / recommendations. The "agency" concerned shall only have right to file a review, not a representation.
- No individual government servant shall have the right to challenge Ombudsman's recommendations involving disciplinary and/or criminal proceedings against him. The reason behind this amendment is that the public official held guilty of maladministration will have sufficient opportunity of defending himself during any disciplinary and/or criminal proceedings initiated against him, including the right of appeal as provided under the relevant laws.
- As representations take years to decide, a representation before the President or the Governor, as the case maybe, shall be filed directly, not through the Law Division / other channels.
- No government servant shall have the right to institute any legal proceedings in a court of law against the findings / recommendations of an Ombudsman,

except with the prior approval of Secretary of the concerned Division / Department.

- Non implementation of findings / recommendations of the Ombudsman within the prescribed time limit shall entail contempt proceedings against the relevant public official, in addition to exercise of powers as are vested in a civil court under the Code of Civil Procedure.
- Instead of filing a representation before the President or the Governor, as the case maybe, an alternate remedy could be that a review filed by the aggrieved party be considered and decided by a panel of three Ombudsman, excluding the Ombudsman who had originally decided the complaint, and similarly a panel of three Ombudsman at the provincial level. These panels may be constituted by the President of the Forum of Pakistan Ombudsman.
- To provide immediate relief to the aggrieved citizens, the Ombudsman shall have powers to issue restraining orders in emergent cases.
- The Ombudsman laws place a bar of jurisdiction on all courts or other authorities 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 their respective laws. In order to prevent frivolous litigation in respective high courts, under Article 199 of the Constitution, it is proposed that bar of jurisdiction under the respective Ombudsman laws maybe subjected, *mutatis mutandis*, to restrictions placed in Article 212(3) of the Constitution.
- Bar of jurisdiction in certain Ombudsman laws in relation to Defence Division and Defence Production Division etc. needs to be lifted in public interest except so far as it relates to their operational matters.
- Overriding effect of Ombudsman laws needs to be strengthened in public interest.

### Standardization of Ombudsman Laws

- Under the present Ombudsman laws, the tenure of Ombudsman varies from two to four years. The tenure of the Ombudsman in other countries of the world varies from four to nine years. In Australia, the tenure of the Ombudsman is seven years. In this context, the international good practice is that the tenure of the Ombudsman should be kept at least at par with the term of the Parliament. The rationale is that the decision to reappoint the same Ombudsman or appoint a new Ombudsman must not rest with the same Government.
- Recently, the Provincial Government of Sindh has amended the Ombudsman law to make the Provincial Ombudsman eligible for reappointment and the present incumbent has been so reappointed. The Ombudsman's tenure is extendable / renewable in almost all countries of the world. In the interest of standardisation within Pakistan and in line with the global practice, it is proposed that the tenure of Ombudsman may be made renewable / extendable, in appropriate cases.
- In recent past, Ombudsman Offices have remained vacant for periods ranging from several months to couple of years, with the result that in case of Wafaqi Mohtasib alone over 75,000 complaints have remained unattended during this period. In order to obviate such a possibility in future and to maintain continuity in office, it is proposed that the Ombudsman, even when his tenure is not extended, may continue to function until his successor enters upon the office.
- In order to bring the Ombudsman law in conformity with clause (2) of Article 207 of the Constitution, it is proposed that restriction on an Ombudsman from holding a judicial or quasi-judicial office, as the case maybe, may be done away with, notwithstanding two years bar from holding any office of profit in the service of Pakistan.

- In order to enable the Ombudsman to perform their functions more independently and more effectively, it is necessary to allow them full administrative and financial autonomy. As Chief Executive Officers of their respective Offices, the Ombudsman need to have full powers of re-appropriation as also flexibility in determining salary, allowances and other terms and conditions of service of their staff, with the approval of the President or the Governor, as the case maybe.
- In order to standardize the remuneration (pay and pension) and other terms and conditions of service of Ombudsman in Pakistan, it is proposed that all provincial and other Ombudsmen may be allowed remuneration, status and other terms and conditions of a judge of High Court, while the remuneration, status and other terms and conditions of Wafaqi Mohtasib and Federal Tax Ombudsman may be kept at par with a judge of the Supreme Court.
- The remuneration and other terms and conditions of an Ombudsman shall not be varied adversely during his tenure.
- No Ombudsman shall be prematurely removed from service except through the Supreme Judicial Council.

## Chapter 3

### Extension of Jurisdiction

Since its establishment in 1983, the institution of Wafaqi Mohtasib (Federal Ombudsman) has been entertaining public complaints against mal-administration in various government Agencies. However, certain agencies and areas were left outside the purview of the Federal Ombudsman and the citizens aggrieved by their excesses and mal-administration had no recourse to speedy and free of cost redress. The Federal Ombudsmen Institutional Reforms Act, 2013, while strengthening the institution has also opened doors for the public to have redress of complaints against agencies which were previously outside the jurisdiction of Wafaqi Mohtasib.

#### *K-Electric (Karachi Electric Supply Company Limited)*

The Office of the Wafaqi Mohtasib has been dealing with the complaints against energy/power sector for its mal-administration. Such complaints constitute a large percentage of the total complaints received in this Office. However, KESC being public limited company was outside the jurisdiction of Federal Ombudsman law. KESC, a vertically integrated corporation is involved in generating, transmitting and distributing power to around 20 million residents of Karachi. Earlier, there was no proper forum available to the people of Karachi where they could file complaints against the mal-administration in KESC. Mr. M. Salman Faruqi, the Hon'able Wafaqi Mohtasib, taking cognizance of the situation and in the larger public interest, approached the federal government under clause (a) of Section 2 of the Federal Ombudsmen Institutional Reforms Act, 2013 (XIV of 2013), and thereupon the federal government agreed to issue notification dated 11.9.2013 for redressal of public grievances against KESC through the forum of Federal Ombudsman. Following the notification by the Ministry of Law, Justice and Human Rights, complaints are being received by the Federal Ombudsman Secretariat and relief is being given to the public. (Copy of Notification is attached).

#### *Federally Administered Tribal Areas (FATA)*

A semi-autonomous tribal region in north-western Pakistan, comprises seven tribal agencies (districts) and six frontier regions. FATA having a population around three million is directly governed by the federal government through a special set of laws called the Frontier Crimes Regulations (FCR). The people of Federally Administered Tribal Areas are facing huge difficulties in respect of redressal of their grievances against the mal-administration of federal government departments. The Honourable Wafaqi Mohtasib, recognizing the state of affairs requested the President of Pakistan for extension of Federal Ombudsman's jurisdiction over FATA, under P.O. 1 of 1983. The President of Pakistan, exercising his powers under clause (3) of Article 247 of Constitution of Pakistan, extended the jurisdiction of this Office to Federally Administered Tribal Areas (FATA) vide notification dated 30.8.2013. Since then, the complaints are being received from the citizens of FATA against mal-administration by federal government agencies.

## *Jurisdiction over Cantonment Boards*

In view of the multifaceted problems being faced by the residents of Cantonment areas, extension of jurisdiction of the Federal Ombudsman over Cantonment Boards is also under submission to the Government. Consequent upon completion of the process, people living in the Cantonment areas would be able to file complaints against mal-administration in the Cantonment Boards, which are local bodies.

## **KESC brought under WM jurisdiction**

GOVERNMENT OF PAKISTAN  
MINISTRY OF LAW, JUSTICE & HUMAN RIGHTS

\*\*\*\*

Islamabad, the 11<sup>th</sup> September, 2013

### **NOTIFICATION**

**S.R.O. (1)/2013** In exercise of the powers conferred by clause (a) of Section 2 of the Federal Ombudsmen Institutional Reforms Act, 2013 (XIV of 2013), the Federal Government is pleased to notify Karachi Electric Supply Company (KESC) as an Agency under the aforesaid Act.

[No. F.516/2013-LAW-1]

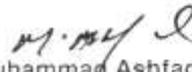
Sd/-  
(ALI AHMED)  
Section Officer

WAFAQI MOHTASIB(OMBUDSMAN)'S SECRETARIAT, ISLAMABAD

F.No. 1(4)/Imp/Jurisdiction/WMS/2013 Islamabad, the 20th September, 2013

#### Distribution:

1. P.S. to Wafaqi Mohtasib, WMS, Islamabad.
2. Sr. P.S to Secretary, WMS, Islamabad.
3. Sr. P.S. to Additional Secretary (Admin & R&S), WMS, Islamabad.
4. Sr. P.S to Additional Secretary (Complaint & Imp/ICW), WMS, Islamabad.
5. Associate Advisor (Complaints)/ Registrar, WMS, Islamabad.
6. All Investigating Officers in WMS, Islamabad.
7. Regional Heads of WMS, Regional Offices at Lahore, Karachi, Peshawar, Quetta, Multan, Faisalabad, Sukkur and D.I. Khan.
8. Director General (Implementation), WMS, Islamabad.
9. Director General (Admin), WMS, Islamabad.
10. Director (Analysis & Research), WMS, Islamabad.
11. Director (Coordination) WMS, Islamabad.
12. Director (Admn-I & II), WMS, Islamabad.
13. Section Officer (Imp), WMS, Islamabad.
14. Assistant Registrar, WMS, Islamabad.
15. Data Control Officer, WMS, Islamabad.

  
(Muhammad Ashfaq Ahmed)  
Director (Imp)

## FATA brought under WM jurisdiction

GOVERNMENT OF PAKISTAN  
MINISTRY OF STATES AND FRONTIER REGIONS

Islamabad, the 30<sup>th</sup> August, 2013.

### NOTIFICATION

**S.R.O. (1)/2013.-** In exercise of the powers conferred by clause (3) of **Article 247** of the Constitution of the Islamic Republic of Pakistan and in supersession of Notification No. **57/104(15)/ML-IB/CMLA**, dated the **13<sup>th</sup> August, 1984**, the President is pleased to direct that the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983 (P.O. 1 of **1983**), as in force **immediately** before the **commencement** of **this** notification, shall apply to the Federally Administered Tribal Areas, with immediate effect.

[F.No.11(9)P/L/2012]

(AMJAD NAZKI)  
Secretary



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# **Federal Ombudsman of Pakistan**

Annual Report 2013

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## **Part II      Handling of Complaints**

- **Chapter 1      Complaint Receipt and Registration**
- **Chapter 2      Processing of the Complaint**
- **Chapter 3      Volume and Causes of Complaints against Major Agencies**
- **Chapter 4      Focus on Implementation Process**

Striving to Promote Accountability in Governance  
through Fair, Transparent and Effective  
Complaint Handling

## Chapter 1

### Complaint Receipt and Registration

In essence, the function of the Federal Ombudsman is to provide speedy and free of cost relief to the citizens aggrieved of maladministration and misuse of authority by federal government agencies. However, it is only possible through prompt and efficient processing of complaints. Therefore, complaint handling is the key component of the functions of the Federal Ombudsman. For the purpose, an elaborate mechanism for complaint handling has been put in place in the form of Complaint Management Information System (CMIS). It is an online activity that facilitates an organized and rapid processing of the complaints throughout the Ombudsman system that works as follows:-

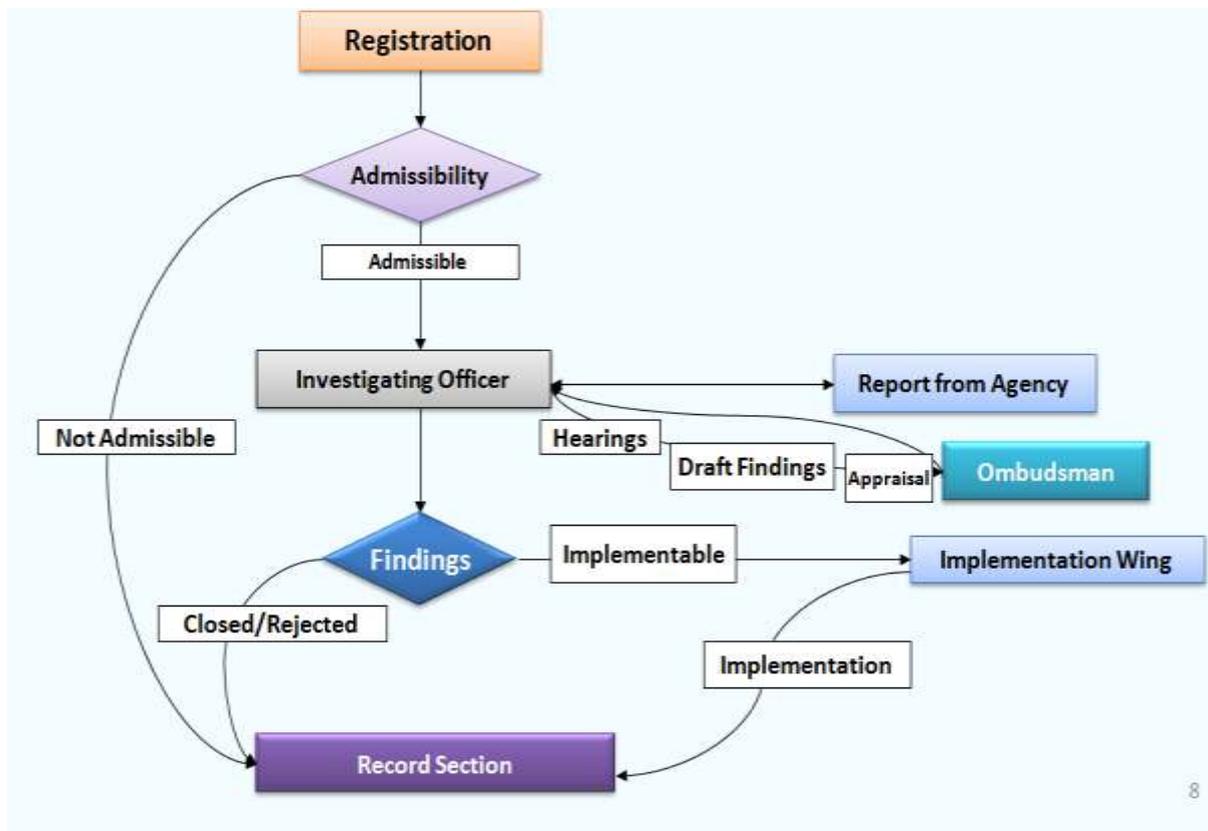


Figure V: Complaint Handling System

## Chapter 2

### Processing of the Complaint

Efficient and timely management of complaints is accomplished by following a number of essential steps.

**i. Receipt of Complaint:** A complaint may be lodged in a number of ways. Complainant may file it by post, fax or in person. It may also be registered through email or can be filed online using the direct link to CMIS provided on the website of the Secretariat against maladministration of Federal Agencies as defined under Article 2(i) & (ii) of P.O. No. 1 of 1983 read with the Federal Ombudsmen Institutional Reforms Act, 2013. Upon receipt, the Registrar processes the complaint on CMIS and allocates a unique complaint number to each case.

**ii. Initial Scrutiny.** Initial scrutiny is undertaken by the Registrar who determines its admissibility according to the procedure laid down in Articles 2, 9 and 10 of P.O. No. 1 of 1983. For admitted complaint, acknowledgement is sent to the complainant via CMIS generated letter. The admissible complaints are marked to the designated Investigation Officer for examination and inquest. Those not admitted are returned to the complainant along with reason for non-admittance. To dispose of complaints within the stipulated period of 60 days, the complainants are encouraged to furnish all relevant documents along with the complaint.

**iii. Investigation.** The Investigation Officer proceeds with investigation as follows:

- Call for report from the concerned government Agency
- Receive response from the Agency
- Call for rejoinder from the complainant
- Conduct hearing
- Carry out onsite inspection (if required)
- Prepare draft findings
- Submit draft findings for approval of the Honourable Wafaqi Mohtasib

The CMIS generates letters to the complainant and the Agency as well as uploads the status of the complaint which can be seen using a link provided on the website of the Wafaqi Mohtasib Secretariat.

**iv. Final Disposal.** After approval of the Honourable Federal Ombudsman, the findings is conveyed to the complainant for information and to the Agency for information or implementation, as the case may be. Under the new Law of 2013, the Ombudsman is required to

settle the case and convey the findings within 60 days. Timeline for disposal of complaint is as follows:-

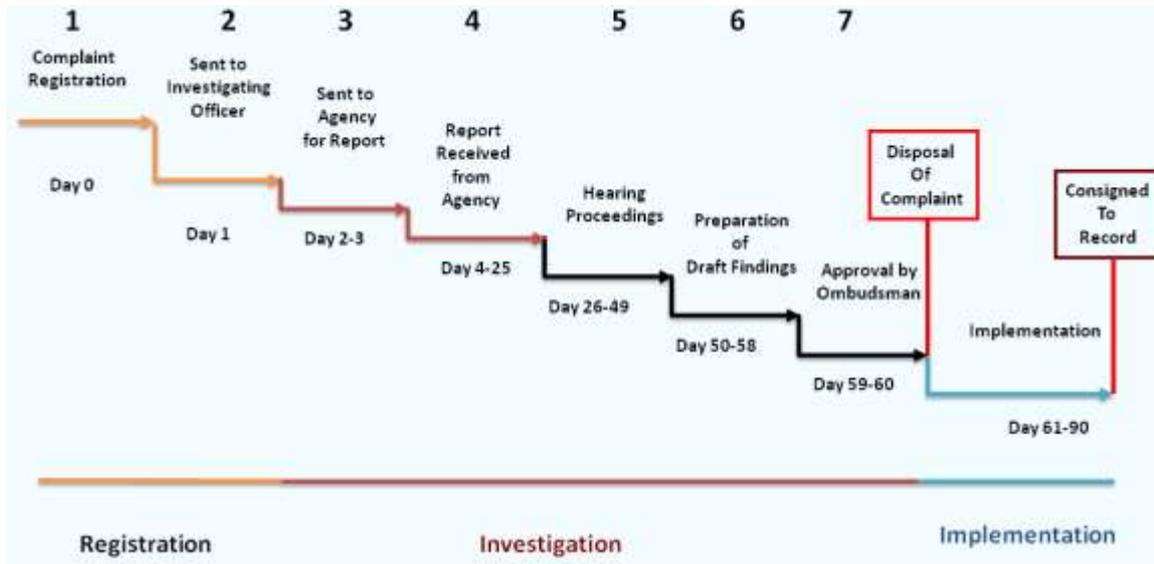


Figure VI: Timeline for complaint investigation

v. **Review.** If the complainant or the Agency is not satisfied with the findings, a review petition can be filed with the Ombudsman within 30 days of the receipt of findings. The Ombudsman is required to decide the review within 45 days of such application.

vi. **Representation.** If the complainant or the Agency is not satisfied with the findings or order passed in review, a representation to the President of Pakistan may be filed under the 2013 Law. The President is expected to decide the representation within 90 days of its filing. A retired judge of the Supreme Court assists the President in processing the representation.

vii. **Implementation of Findings.** The Ombudsman Secretariat has Implementation Interface on the Complaint Management Information System (CMIS). The implementable findings with recommendation and timeline/due date for implementation are automatically uploaded on this interface, as shown in Figure VII.

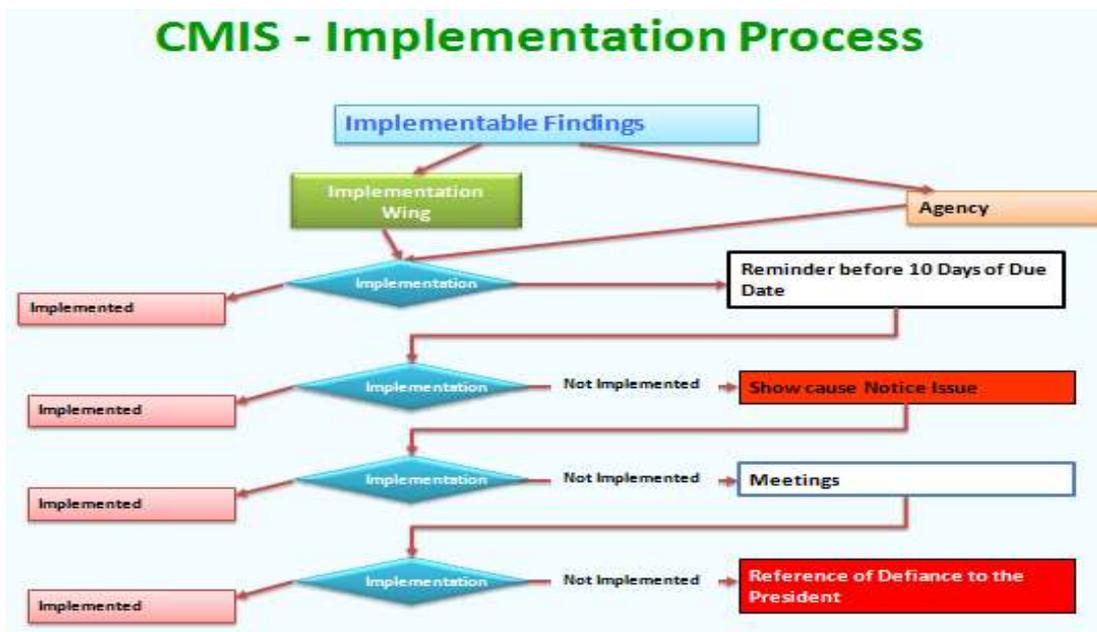


Figure VII: CMIS – Follow up of Implementation

viii. **Defiance of Ombudsman’s Recommendations.** If an Agency fails to implement the findings of the Ombudsman, he may either undertake Contempt of Court proceedings or report defiance to the President of Pakistan for initiating action against the Agency.

## Chapter 3

### Volume and Causes of Complaints against Major Agencies

The Agencies listed in the Table below attracted the maximum number of complaints during the year under review in relation to their performance in delivering their services to the citizens.

Name of the Sector
Energy Sector
National Database, Registration Sector
Higher Education Sector
Insurance Sector

#### *Volume of Complaints against Power Distribution Companies (DISCOs)*

Wafaqi Mohtasib received 16,042 complaints against Power Distribution Companies. The Table below reflects the spread of complaints against each distribution company.

Name of the Company	No. of Complaints
Lahore Electric Supply Company (LESCO)	5,694
Peshawar Electric Supply Company (PESCO)	3,495
Sukkur Electric Supply Company (SESCO)	2,454
Multan Electric Power Company (MEPCO)	1,774
Faisalabad Electric Supply Company (FESCO)	982
Hyderabad Electric Supply Company (HESCO)	707
Gujranwala Electric Power Company (GEPCO)	570
Islamabad Electric Supply Company (IESCO)	346
Quetta Electric Supply Company (QESCO)	20

## Causes of Complaints against DISCOs

Causes of Complaints	2009		2010		2011		2012		2013	
	Received	Admitted								
Excessive / wrong / inflated billing / imposition of penalty	9,799	9,654	17,136	16,931	19,366	19,349	12,234	12,170	14,943	14,694
Disconnection/ Delay in providing connection	425	399	591	572	520	519	346	343	462	427
Delay in replacement of defective meter/ Delay in installation of poles / transformers	427	402	369	355	366	364	383	382	437	398
Others	1,249	881	1,603	1,243	1,033	1,024	964	940	903	523
<b>Total</b>	<b>11,900</b>	<b>11,336</b>	<b>19,699</b>	<b>19,101</b>	<b>21,285</b>	<b>21,256</b>	<b>13,927</b>	<b>13,835</b>	<b>16,745</b>	<b>16,042</b>

In case of Power Distribution Companies, wrong/inflated billing and imposition of penalty led to 14,694 complaints. This aspect needs the attention of the Agency so that the billing system is streamlined and made consumer friendly. Wafaqi Mohtasib Secretariat has been recommending installation of smart meters at the earliest. Delay in provision of connection was also a significant cause constituting 3% of the total complaints.

### Common Causes

The major causes of complaints against DISCOs relate to the following matters:

- Electricity bills were at times issued without meter reading which resulted in huge accumulated bills. In such cases payment was distributed over installments and slab benefit was granted.
- New meters were installed sometimes without showing the meter reading to the clients during installation. In case the first bill was of heavy amount, the consumers would claim that the meter was not at zero reading to start with. If the DISCOs had followed its rules for installation of meter, such disputes would not have arisen.
- There were complaints of high voltage cables, running dangerously close to rooftops. This was mostly in dense city areas. In most cases the Agency demanded from the consumers, payment of expenses for securing the system. Agency reported that consumers often encroach upon roads to extend their houses or shops and get dangerously closer to power lines. It is recommended that Agency along with Local Bodies should ensure hazard-free power system.
- In case of theft of electricity, DISCOs mostly did not follow their own rules to ensure availability of evidence required for proving the allegation of theft. This invariably resulted in favour of the consumer and possible loss to the Agency.
- In many cases, detection bills were issued for defective meters without following the procedures, making it difficult to prove the case against the consumer.

- For industrial consumers a major complaint was against retrospective recovery for exceeding the sanctioned load and consuming power with load range warranting application of higher tariff. In most cases the load excess was reflected in the bills for years but the Agency had not taken action. Then suddenly after audit observations, the consumers are charged with higher tariff against years of power consumption. The resultant bills are enormous and beyond capacity of the payee. The Agency should take action against its officials for not correcting the tariff in the first place, and prepare a fair policy for recovery of such excess charges.

## SNGPL and SSGCL Causes of Complaints

Causes of Complaints	2009		2010		2011		2012		2013	
	Received	Admitted								
Delay in providing connection	989	963	1,494	1,469	1,832	1,798	1,724	1,693	1,854	1,796
Excessive / wrong / inflated billing	1,200	1,181	1,404	1,397	1,663	1,637	1,544	1,522	1,640	1,609
Disconnection	47	46	56	51	68	63	52	49	131	127
Others	397	353	639	598	1,241	1,170	979	912	1,285	1,133
<b>Total</b>	<b>2,633</b>	<b>2,543</b>	<b>3,593</b>	<b>3,515</b>	<b>4,804</b>	<b>4,668</b>	<b>4,299</b>	<b>4,176</b>	<b>4,910</b>	<b>4,665</b>

After electric power, natural gas is the second most essential utility service being used by the citizens. In 39% cases, the complaints were regarding delay in providing connections while in 35% it related to over-billing.

### ***Nature and Causes of Complaints:***

The complaints filed by the consumers mainly related to:

- Delay in provision of new gas connections due to non-adherence to its own policy/rules and political considerations.
- Low gas pressure.
- Gas load-shedding.
- Over-billing, primarily due to leakage at the outlet points and irregular meter reading.
- Removal/replacement of defective meters without informing the consumer.
- Sticky/faulty meter and other meter-related problems due to detection bills for alleged tampering/pilferage charges.
- Un-documented/unregistered meter due to “agent mafia” expediting connections by providing fake/illegal meters which are ultimately disconnected.

### ***Recommendations***

SNGPL is a public service department. It should strive to provide timely and cost effective service to its customers. There should be an efficient and helpful mechanism to alleviate the

grievances of the consumers. On the contrary, the rapid rise in the number of complaints against the department is indicative of the lethargy and apathy of its staff members towards the general public. Of great concern is the lack of transparency in the Department's policy on the installation of new meters, involving improper maintenance of the waiting list. To ameliorate the situation, the Department has been advised to display an updated list of applicants, on its website accessible to the public. More importantly, the Agency should work on providing skill training to its technical field staff/meter readers and should also conduct training sessions on handling of general complaints. Meanwhile, Office of the Wafaqi Mohtasib will continue to monitor the performance of the Department in the larger interest of the public.

## NADRA

Table 7 Causes of Complaints against NADRA										
Causes of Complaints	2009		2010		2011		2012		2013	
	Received	Admitted								
Delay / Non-issuance of ID Card	732	705	1,249	1,206	1,687	1,646	1,475	1,422	1,466	1,421
Administrative Irregularities	18	15	23	18	93	91	116	109	54	39
Pension / GPF	5	3	6	5	3	3	4	4	2	2
Others	90	62	201	177	265	229	363	322	419	376
Total	845	785	1,479	1,406	2,048	1,969	1,958	1,857	1,941	1,838

National Database Registration Authority (NADRA) was the third most complained against Agency. Major cause was delay / non-issuance of ID Card 77%.

Complaints against NADRA continued during the year 2013 as in the past. Most of the complaints were "delay in the issuance of new/modified CNICs". As a follow up of the complaints against NADRA, it was observed that the decisions taken by the Agency are more or less in line with their standard policy, leaving little room for exercising discretion. This obviously needs to bring changes in its policy, which will surely improve the working of NADRA. When an applicant approaches National Registration Services Centre of NADRA, for a new or modified CNIC, he is issued a token number, the same day for further reference. However, later on, contacts between NADRA and the applicants rarely exist. The telephonic contact between the NRSC and the applicants is almost impossible. This gives rise to frequent complaints of non-deliveries, which are avoidable if correct information is available to the applicants on the status of their applications. The other categories of the complaints relate to the issues such as penalties for acquiring more than one CNIC by an individual, rejections owing to non-matching of thumb impressions, and lack of adherence by the Agency to the time frame given for card delivery.

### *Duplication of CNICs*

During the period under review, large number of complaints regarding blockage of CNICs declared by NADRA in "Dup Mark Category" were received. The issue of double CNICs had

arisen as the Agency did not have an online matching/reconciliation system at the time when the new CNICs were launched in 2002. At the time, manual application Forms were submitted by the applicants at District/Tehsil/Town level NRSCs. These Application Forms were later scanned and sent to National Database System. In numerous cases, where the applicants did not receive CNICs, they applied afresh and were issued CNICs subsequently. Later, on expiry of their CNICs when they approached NRSCs for renewal, their cards were held back and blocked in “Dup Mark Category”. In all such cases, the complainants were asked to pay Rs.10,000/- for clearance of blockage under “Dup Mark Category”. Since most of the applicants were illiterate and from rural and backward areas, they suffered the most, as they did not fill up the CNIC Forms themselves, nor were they aware of follow up procedures.

During investigation of all such cases, it was difficult to determine whether the complainant actually received two CNICs. In cases, where it was established that only one CNIC was received by the complainant, relief was provided to the complainants by Wafaqi Mohtasib Secretariat. The Dup fee of Rs. 10,000/- is only justified when the applicant is actually in possession/had received a CNIC and with *mala fide* intentions applied for a new CNIC.

### ***Blockage of CNICs***

A fair number of complaints were also against blockage of CNICs declared by the Agency as Fraud Mark / Suspected cases etc. The processing of such cases is not usually done by the Agency, within the time given, as for such cases clearance from Intelligence agencies as well as verification of birth certificates, citizenship, etc. is required which is time-consuming. This office has taken actions where it found unnecessary delays.

### ***NADRA’s Swift Registration Centres Lack Staff***

Delay in many cases in the processing of CNICs was also observed due to the reason that at the NADRA Swift Registration Centres (NSRC) both at the Tehsil and District level, experienced staff were generally not posted or they faced large number of applicants at a given time. Resultantly, they failed to carry out necessary verifications and formalities. This led to delays in adhering to the date committed with applicants.

### ***Inadequate Briefings for Filling Forms***

The systems and procedures of the Agency for processing CNIC cases need improvement. Application Forms are uploaded and sent to NADRA’s main Data Warehouse, Islamabad. If for some reason the data is blocked, the applicant is not informed of the development. When he appears to collect his CNIC, he is not properly guided regarding further requirements and is generally advised to reapply. Their applications, therefore, once again get blocked, on account of a number of deficiencies etc. This process becomes repetitive and on each occasion the applicant is compelled to pay a fee for incorrectly processing his application.

### ***Problems in Delivery of CNICs***

The present practice of dispatching CNICs is to send them to the concerned Distribution Centres. Earlier the practice was to issue CNICs through postal or courier services and the undelivered CNICs were received back. Presently applicants approaching the NSRC find difficulty in tracing

their cards. Those not collected, are sent back to the Data Warehouse, Islamabad, where they are ultimately destroyed. Consequently, the applicant is advised to reapply for issuance of a duplicate CNIC and the fee paid earlier to NADRA is unjustly confiscated. This practice needs a review.

## Allama Iqbal Open University (AIOU)

Causes of Complaints	2009		2010		2011		2012		2013	
	Received	Admitted								
Non-issuance of Degrees/ Certificates / Results	676	640	877	874	808	783	770	756	851	825
Failure to give admission	84	81	89	88	72	71	111	107	116	113
Administrative irregularities	5	2	9	8	2	2	2	2	-	-
Others	202	174	148	140	183	170	531	504	426	373
Total	967	897	1,123	1,110	1,065	1,026	1,414	1,369	1,393	1,311

Allama Iqbal Open University (AIOU), which provides education to hundreds of thousands of students, was at the fourth position among the most complained against Agencies. Here, most of the complaints, about 63%, were on account of delay in issuance of degrees, certificates and results. This requires the attention of the University management so that delays on this account can be reduced to the minimum.

The Allama Iqbal Open University was established in May 1974, under an Act of the Parliament of Pakistan, with the vision to provide education and training to people, who could not leave their homes and jobs for full time studies, through correspondence courses, tutorials, seminars, workshops, laboratories, television and radio broadcasts and other mass communication media.

The Wafaqi Mohtasib's Secretariat received 1383 complaints regarding the Allama Iqbal Open University in 2013, of which 1301 were admitted. This was slightly less than 2012, but definitely higher than 2009. The increase in the number of complaints can be attributed to:

- Greater public awareness of the institution of the Wafaqi Mohtasib as an entity that is easy to access, and which dispenses justice free of cost as a poor man's court.
- Rapid and reasonable response by the Wafaqi Mohtasib Secretariat to the difficulties faced by the students in their interaction with the University.
- An improved implementation, by AIOU, of the decisions made by the Wafaqi Mohtasib on the complaints of the students.

In the process of inquiry into the complaints, it was noticed that a large percentage of complaints pertained to non-inclusion of Assignment marks. Assignments, which students are required to write, are compulsory. The non-inclusion of these marks results in students being declared unsuccessful. On the intervention of the Wafaqi Mohtasib, in most cases, the marks have been included after investigation by AIOU and the students provided a revised result, declaring them successful in the examination. The University has been advised, during the hearings, to improve the system to obviate the non-inclusion of Assignment marks.

### State Life Insurance Corporation (SLIC)

Causes of Complaints	2009		2010		2011		2012		2013	
	Received	Admitted								
Non-payment of Insurance claims	79	72	61	55	59	58	72	68	84	84
Delay/non-payment of death claims	97	94	112	111	118	117	134	134	141	137
Administrative irregularities	5	3	6	4	4	3	5	5	13	1
Others	113	88	76	68	71	59	137	118	118	113
<b>Total</b>	<b>294</b>	<b>257</b>	<b>255</b>	<b>238</b>	<b>252</b>	<b>237</b>	<b>348</b>	<b>325</b>	<b>356</b>	<b>335</b>

In the case of State Life Insurance Corporation (SLIC), which is the sixth most complained against Agency, 41% of the complaints were on account of delay /non-payment of death claims and 25% related to non-payment or delay in the payment of insurance claims.

The complaints of SLIC usually relate to impediments in payment of death claims to the families of the deceased. The hindrances faced, as pointed out by the SLIC, are non-disclosure of various diseases by the insured person at the time of entering into contract with SLIC. During investigation about the cause of death, the Agents of Insurance Company collect the evidences from Government and Private Hospitals and give weightage to the “Bed Sheet” report of the patient in which the period of disease and other health para-meters of the patient are recorded. The information is based on medical reports from the different laboratories. The insurance Agents also collect prescriptions of private Consultant and General Practitioner who are on the panel of SLIC in the vicinity of deceased.

The evidences collected, subsequent to death of the insured, from General Practitioner are made basis for denial of making payment of death claim. An issue which is of great public interest and is under investigation these days, is that Govt. employees who die after taking retirement before the age of superannuation are not being paid Group Insurance while earlier such payments were made. The stance of SLIC is that payment of Group Insurance may be made in case of death after superannuation till the age of 65 as per new agreement signed with the concerned authorities. It is an agony that a person who got deducted GI from his salary during his whole service is denied fruit of such deductions at the time of need of his family and that too without any legally sound

and well based reasons. This thing may be checked and curbed with insertion of some provisions in the relevant agreement, if possible.

## Chapter 4

### Focus on Implementation Process

A review of compliance status of the recommendations of the Wafaqi Mohtasib revealed that a number of recommendations were neither implemented nor any representation filed against them to the President which was incumbent upon the Agency within 30 days of receipt of such findings and recommendations under the President's Order No.1 of 1983. The investigation officers were responsible to monitor the process of implementation along with the investigation. It was noted that they mainly focused on the investigation and could not give due consideration to implementation process. Therefore, need to monitor implementation of such recommendations necessitated setting up of a full-fledged implementation wing. Implementation Cells were also established in the Regional Offices at Karachi, Lahore and Peshawar, and subsequently in all other Regional Offices as well.

#### *The Implementation Module*

To make the implementation monitoring system more efficient and effective, the Complaint Management Information System (CMIS) of the Wafaqi Mohtasib's office also included an implementation module to further fine-tune this Implementation Module through a number of improvements on its interface including Standard Operating Procedure (SOP). This refinement and up-gradation have resulted in efficient monitoring of the implementation of recommendations given by the Wafaqi Mohtasib.

#### *Additional Powers vested in Federal Mohtasib to Enforce Implementation*

The Federal Ombudsmen Institutional Reforms Act, 2013 made the implementation process more effective by exercising the powers under Civil Procedure Code. In addition to the powers already vested in the Wafaqi Mohtasib under the President's Order No. 1 of 1983, the Act 2013 has further strengthened the Institution for better implementation of his orders. Ombudsman has been empowered to punish a person for committing contempt of his office by exercising the same powers as are vested in the Supreme Court. Moreover, Federal Ombudsman was also authorized to direct the criminal or disciplinary action against the public functionary against whom maladministration is established. Ombudsman could also grant compensation to aggrieved citizen against the functionaries of the Agency responsible for such maladministration. Furthermore, if a complaint against public functionary was found to be false or frivolous, the Federal Ombudsman could grant compensation to such public functionary against the complainant for unsubstantiated allegations.

## *Few Policy Findings Affecting Governance in Agencies*

### **Central Directorate of National Savings (CDNS)**

*In case where a senior citizen is a nominee, Behbood Savings Certificates should be transferred to him on the demise of the original investor.*

The policy of the Agency was that nominees of the Behbood Savings Certificate scheme needed to withdraw the invested amount on the demise of the original account holder and then reinvest it in any savings scheme for which they were eligible. In a number of cases, the nominees are senior citizens who are eligible to invest in the Behbood Savings Certificates. However, even such nominees were required to first withdraw the amount and then reinvest it in the same scheme.

It was recommended that the Agency should modify its policy to allow nominees who are senior citizens to get the Behbood Savings Certificates transferred in their name on the demise of the original account-holder. This would give relief to senior citizens in view of the automatic transfer on their requests as they were in any case entitled to invest in the Behbood Savings Scheme.

The Agency has confirmed compliance of the recommendations and has stated that the policy of transfer shall apply to the cases where the certificates have been transferred to a nominee who is senior citizen and otherwise eligible to invest in BSCs.

### **Postal Life Insurance (PLI)**

*The Agency's procedure should provide for monitoring the receipt of premia and the status of a policy to make a timely detection of default in payments.*

The complainant stated that her late husband paid premium of the policy from 1988 till March 2006 and he died on 3.4.2006. However, the insurant paid premium for August 1989 in June 1992. On the death of the complainant's husband, the Agency declined to pay the death claim on the ground that the insured had not paid his August 1989 premium in time and his policy had since lapsed.

It was recommended by the Wafaqi Mohtasib that, in view of the fact that the Agency continued to accept further annual premia after June 1992 for the next 14 years or so, without informing the insurant that the policy had lapsed, it was now stopped from taking up the plea that the benefits of the policy would not be given owing to the late payment.

It was further recommended that the Agency should carry out modifications in its policy and procedures to enable monitoring the receipt of premia as well as the current status of the policy so that a timely warning is issued to the policy-holders.

The Agency has made the necessary amendment in its procedure and also amended Rule 15(3) and Rule 15(5) of the Post Office Insurance Fund Rules.

## State Life Insurance Corporation of Pakistan and Postal Life Insurance (SLIC &PLI)

*The agencies should modify the declaration in the personal statement of health in the proposal form to bring it in line with the judgment of the Supreme Court of Pakistan.*

There were increasing complaints against the State Life Insurance Corporation (SLIC) and the Postal Life Insurance (PLI) regarding the Agency's action to not only cancel the policy but also to forfeit the paid premium on the basis of alleged misstatement given by the proposer in the declaration of a policy contract. Therefore, *suo moto* cognizance was taken under Article 9(1) of President's Order No. I of 1983. The Agency justified such forfeiture in the light of the provision in the proposal form. The legal opinion of Ministry of Law, Justice and Human Rights was also sought, which opined that the existing provision was contrary to the law and in conflict with the principle laid down in the judgment of the Supreme Court of Pakistan in SLIC vs. Begum Jan (PLD 1983 SC 421).

It was recommended that both the Agencies (SLIC & PLI) should modify the declaration in the personal statement of health in the proposal form to bring it in line with the judgment of the Supreme Court of Pakistan i.e. where the contract of insurance stood vitiated the utmost benefit that could be provided to the assured, would be to return him the premium paid for the policy excluding the commission paid to the agent.

The Agency filed a representation to the President. The President's decision was that the principle laid down in the ruling of the Supreme Court had to be followed.

## Federal Employees Benevolent & Group Insurance Fund

*Cases of human hardship should not be dealt with by mechanical application of government notifications. Natural justice and equity are important considerations for good governance.*

The complainant's husband was an employee of the Federal Law Commission till the year 1992 and contributed towards the Benevolent Fund. He joined the Federal Judicial Academy thereafter and continued his contribution. The Academy became a corporate body in 1999, and, therefore, a requirement arose that for its employees to continue to be eligible for Benevolent Fund benefits, a notification needed to be issued by the Agency adopting the Benevolent Fund & Group Insurance Act, 1969.

The notification was issued in December 2005 while the complainant's husband had died in February 2005. The Agency took the position that as the complainant's husband had died before the issuance of the notification in December 2005, she was not eligible for the Benevolent Fund benefits.

The notification was being seen mechanically by the Agency as prospective in operation without taking into consideration that the person who was being denied the benefits had been contributing to the Benevolent Fund until his death. This was obviously a case where the Agency's action amounted to gross injustice.

It was recommended by the Mohtasib that the Agency should bring a modification in its notification to ensure that such cases are covered and dealt with fairly and with compassion rather than on a mechanical application of a notification.

The Agency has since modified its policy and extended coverage retrospectively in accordance with the Wafaqi Mohtasib's recommendations.

### **Sui Northern Gas Pipelines Limited (SNGPL)**

*Failure to change a defective meter within 60 days (two reading cycles) should invite accountability of the concerned personnel.*

The complainant's commercial gas meter stopped registering the gas consumption but was changed after 6 months.

It was observed that since the Agency could, in certain cases, charge consumers for defective meters on the average of two preceding or succeeding months, delaying the change of a meter could result taking into account the readings that may not be correct in view of the defect in the meter thus resulting in inaccurate billing.

Accordingly, it was recommended that the Agency, in the interest of fairness as well as better governance and accountability, should modify the policy of adjustment billing in case of defective meters, to provide for time limits. A meter should be set right or replaced failing which, as provided for in the policy of the Electricity Distribution Companies, the concerned delinquent employee(s) should bear the burden of adjustment charges beyond such prescribed limits.

It has been confirmed that this policy has been introduced.



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# **Federal Ombudsman of Pakistan**

Annual Report 2013

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## **Part III Cognizance of Serious and Persistent Public Complaints**

- **Chapter 1 Background**
- **Chapter 2 Death of 400 + Children and Report of the Inquiry on Measles Outbreak**
- **Chapter 3 Delay in Issuance of Machine Readable Passports and Report on Maladministration**
- **Chapter 4 Complaints against Civic Agencies and Interim Report on Reforms**

Fostering Good Governance through Proactive  
Response to Serious and Persistent Issues

## Chapter 1

### Background

The Wafaqi Mohtasib, historically, has been attending to individual complaints and providing redress under the Law. While this brought relief to thousands of complainants, the issues of maladministration in various agencies were causing undue hardship to hundreds of thousands of people who suffered at the hands of government institutions through apathy, neglect, and outright injustice.

It became necessary for the Federal Ombudsman to take cognizance of the systemic issues to improve the organizational health on a long term and sustainable basis. It was critical for the root causes to be properly diagnosed through inquiries and research to enable the decision-makers bring about structural and policy changes that would ameliorate the hardships of the people. Therefore, the Federal Ombudsman Law was duly amended and a number of options became available to improve the efficiency of public sector organizations. One was through the appointment of a Grievance Commissioner for a particular Agency; the other was to take *suo moto* notice of a scam or failure of decision-making/policy causing large-scale deaths or hardship.

In this connection, the Wafaqi Mohtasib's studies on the outbreak of measles, and the passport scam are two noteworthy inquiry reports submitted to the government authorities for long-term solutions and for eliminating the recurrence of such tragedies and pattern of maladministration. Also significant is the interim report on reforms in Capital Development Authority (CDA) which came about as a result of in-depth study of systemic weaknesses and maladies afflicting the organizational health and performance of CDA.

## Chapter 2

### Death of 400 + Children and Report of the Inquiry on Measles Outbreak

Pakistan witnessed an unprecedented outbreak of measles during 2012-2013 when suspected measles cases with 463 deaths of children were reported in the media. Wafaqi Mohtasib, took cognizance of the press reports and persistent complaints under Article 9(1) of the Office of Wafaqi Mohtasib (Ombudsman) Order No. 1 of 1983 and constituted a Committee under the chairmanship of Chief Justice (R) Muhammad Raza Khan, to (a) determine the causes of outbreak of measles throughout Pakistan; (b) fix the responsibility of the concerned government departments and their functionaries in this regard; and (c) make appropriate recommendations to avert possibility of such epidemic, in future.

After detailed deliberations with all stakeholders including the Ministry of IPC/Federal EPI, provincial governments of Punjab, Sindh, KPK, Balochistan and AJ & K/their EPI Programme Managers, UNICEF, WHO, USAID, World Bank, NIH and PMRC, the Committee

formulated its “Report on Measles Outbreak in Pakistan” containing detailed findings and recommendations. These are summed-up as under:-

### *Recommendations*

- i. In order to ensure effective coordination and integration of health related functions which were retained at the federal level in four different Ministries/Divisions after devolution, it was imperative that all these functions/services should be merged at the federal level and placed under a separate single Division namely “Public Health Services Division” headed by an independent Federal Secretary, preferably reporting to the Prime Minister. Alternatively, these functions may be placed under a Federal Health Services Commission headed by a full time Chairman with powers of Principal Accounting Officer and reporting to the Prime Minister.
- ii. At the Federal level, there should be an EPI Council headed by the Prime Minister with the Chief Ministers, Health Ministers and Health Secretaries of the respective provinces along with the Federal Minister incharge of Public Health Services Division, its Secretary and the Director General (Public Health) and Secretaries of Finance and Planning and Development as members of the Committee to review progress of the routine EPI, disease surveillance and coverage of the vaccination programme on a quarterly basis.
- iii. There should also be an EPI Cell in the Prime Minister’s Inspection Commission to coordinate vaccination activities at the highest level and interact with international community (WHO, UNICEF and UNFPA etc.) and track of MDGs relating to health.
- iv. At the provincial level, there should be similar set up at the Chief Minister’s level with the Department of Health coordinating with the District offices and the Federal Government.
- v. In order to maintain its integrity, the management, maintenance and repair of cold-chain equipment may be outsourced on competitive basis with detailed TOR for outsourcing including penalty clauses in case the assigned tasks are not met. It is our considered view that cold-chain in the public sector cannot be relied upon for several reasons including funding and management issues.
- vi. Operational Control of EPI Programme at the district level may be placed under the operational control of Deputy Commissioner of the district/DCO for effective and efficient supervision and monitoring.
- vii. Given the present circumstances, the UNICEF mechanism should be considered for adoption of EPI vaccine procurement.
- viii. The recommendation of PPRA Board to grant exemption to the Ministry of IPC for procurement of EPI vaccine under Section 21 of the PPRA Ordinance needs to be carried to its logical conclusion at top speed.
- ix. Appropriate action under the rules may also be initiated against the officers/officials of the Ministry of IPC for not taking PPRA resolution dated 24.01.2012 to its logical end.

- x. Disciplinary action may also be initiated against the relevant functionaries of the Ministry of IPC and AGPR for causing inordinate delay in making payment to the suppliers before the deadline of 31-12-2012 which resulted in expiry of their cost estimates for procurement of measles vaccine.
- xi. Integration of vaccine logistics into LMIS (Logistics Management Information System) should be ensured which is supposed to be operative in 143 districts with USAID assistance.
- xii. A credible health surveillance system based on active surveillance strategy and not on the current passive surveillance strategy should also be established.
- xiii. Urgent legislation for compulsory EPI vaccination ensuring citizens' responsibility for compliance is needed. The legislation should focus on defaulter parent instead of defaulter child. Thus, inter-alia, school enrolment should be linked to prior vaccination evidence.
- xiv. In such vulnerable areas of FATA and some parts of KPK, Balochistan and Karachi where vaccinators have been threatened, government may designate BHUs and other protected public places where the families can bring their children for vaccination. They will need to be provided some incentives which may include provision of free bags of wheat, cooking oil and toys for children. These premises need to be protected by the Rangers, FC or Elite Police Forces. The donor agencies have confirmed that they would be willing to fund the cost of such incentives.

### *Current Implementation Status*

Recommendation calling for merger and placement of all health related functions/services retained at the federal level after the implementation of the 18th constitutional amendment, under a separate single Division headed by a Federal Minister and Secretary **has since been implemented. A new National Health Services, Regulation and Coordination (NHSRC) Division has been created to integrate all such functions.**

An EPI Council headed by the Prime Minister and a Cell to cater to routine EPI, disease surveillance and coverage of the vaccination programme **have been created.**

Recommendation to re-visit MOU agreement signed with the PPIH by the Provincial Departments of Health, to include all routine vaccination services and ensure an enforcement mechanism of these services **has been implemented.**

Establishment of a credible health surveillance system based on active surveillance strategy instead of the current passive surveillance strategy **has been implemented.**

The United Nations' Islamabad office appreciated the report and its recommendations and immediately offered to the government of Pakistan to donate Measles vaccine for children aged between nine months and five years, as well as to reimburse administrative expenses.

## Chapter 3

### Delay in Issuance of Machine Readable Passports and Report on Maladministration

During 2012–13, the general public in Pakistan and expatriate Pakistanis abroad faced great hardship in obtaining passports as there were extraordinary delays.

As the condition worsened over weeks and months, the Hon'ble Wafaqi Mohtasib took cognizance and constituted an Inquiry Committee comprising Mr. Ejaz Ahmad Qureshi, Advisor and Mr. Shah Mahboob Alam, Associate Advisor.

The Terms of Reference (TOR) of the Committee were:

- (i) To inquire into the allegations about the mismanagement, corruption, and lack of managerial control in the MRP system.
- (ii) To probe into the causes of alleged delay in awarding contracts for the procurement of passport material.
- (iii) To trace the overall deficiencies in the passport issuance system of the Directorate General of Immigration and Passports.
- (iv) To recommend reforms and a course of action for streamlining the MRP system within the shortest period through the removal of systemic deficiencies, neglect, mismanagement, and corruption in the department.

The Committee's methodology included interviews with key decision-makers in the Ministry of Interior and the Directorate General of Immigration and Passports. Presentations regarding TORs were asked of DG Immigration and Passports and the administrative ministry, Interior Division. Additionally, members of the Committee paid visits to the Regional Offices of Passports in Islamabad, Lahore, and Karachi to study the situation on the ground. Pakistani Embassies abroad were also asked to provide their feedback.

On the basis of investigation and subsequent findings, the Inquiry Committee made the following recommendations:

- (i) There was clear evidence of corrupt practices involving various elements at all levels. It required thorough probe by NAB to establish criminality and prosecute the real culprits.
- (ii) The establishment of an autonomous Passport and Immigration Authority on the pattern of NADRA, would be a durable and feasible solution. The level of revenues generated would make it self-sustaining.
- (iii) Those applicants who had paid urgent fee but were not provided passports within the prescribed period be refunded the differential amount between the urgent and regular fees. The MRP Office be established in every foreign country where more than 10,000 overseas Pakistanis reside, to facilitate them.
- (iv) The MRP Offices be established in every district headquarter in Pakistan, to be extended to Tehsil headquarters, where necessary.

- (v) The success of the proposed measures would be contingent on merit-based selection of professionals at all levels. Therefore, selection of professionals in Grade-17 and above be made through Federal Public Service Commission.

**It is significant that as a result of cognizance taken by the Wafaqi Mohtasib, the backlog of 800,000 passports was cleared within months. It was satisfying that since July 2013, there was a marked decline in the number of public complaints against Directorate General of Immigration and Passport. Only 54 complaints were registered at Wafaqi Mohtasib Secretariat and timely relief was provided to them.**

## Chapter 4

### Complaints against Civic Agencies and Interim Report on Reforms

There have been a large number of complaints against Capital Development Authority, which is premier civic and development body of our national capital. Over the years, malfunctioning, corruption, and inefficiencies had increased. The Honourable Wafaqi Mohtasib therefore, decided to appoint Mr. Ejaz Ahmad Qureshi, Advisor in the Wafaqi Mohtasib Secretariat, who had served as Chief Secretary in two provinces and as Federal Secretary of two ministries, as Grievance Commissioner for CDA. While the Federal Ombudsman continued to deal with individual complaints and provide relief where due, Mr. Qureshi carried out a thorough study of the CDA, the analysis of the complaints against it over the past few years, and its structural weaknesses so that a reform agenda could be developed. A Citizens' Forum was organized, participated by all sections of civil society including former Chairmen and members of the CDA, retired civil servants, and representatives from the private sector, business community, media, and a group of actual complainants. This was a very useful exercise where participants felt recognized in this important endeavour.

In this study, key officers, both former and present, were interviewed and after a number of meetings and briefings, a reform agenda has been developed for CDA. Due care has been taken to touch upon all important aspects of the working of CDA which impact all people as well as to study the institutional and structural issues with inter-linkage to the overall performance of the organization.

The interim report is to be redefined and improved in the light of the feedback and input of important decision-making hierarchies.

In this exercise, the Grievance Commissioner has planned two initiatives:

- i) A roundtable of Public Health experts and affected citizens for drafting a strategy and a roadmap for dealing with pollen allergy in Islamabad.
- ii) Constituting advisory bodies for major parks in Islamabad. Neglect and poor maintenance of these parks has been highlighted over and over again. Advisory Committees comprising of concerned citizens would help CDA Directorate on Parks to improve maintenance.

The approach of the Grievance Commissioner has been to work with the management of the CDA to deal with and propose solutions to systemic failures leading to hundreds of complaints. He can intermediate between the citizens and the organization in view of his vast experience in

public service and in the process, develop feasible proposals. This can be ongoing activity helping the CDA to come up to the expectations of the people of Islamabad.

The recommendations are quite wide-ranging and address both the root causes of the malady and the symptoms affecting people. It is hoped that this report would be reviewed, in the spirit in which it was drafted, to improve the organizational health of CDA. Therefore, Wafaqi Mohtasib Secretariat looks forward to valuable input from ministries/decision makers.

### ***Nature of CDA Complaints***

Capital Development Authority is responsible for providing efficient civic amenities to the residents of Islamabad. However, with growing needs of urbanization and challenges due to increase in population, the Authority had invoked all its efforts to meet the requirements of the city but a lot is still needed, to make Islamabad a model city. In the complaints received in this Secretariat against CDA, complainants had shown concern in the following areas:

#### ***Non-Provision of Proper Facilities of Infrastructure in G-13 and Other Sectors of Islamabad***

There are a number of sectors including G-13, G-14, D-12, E-12, I-10 where despite the fact that the allottees have paid development charges long ago, CDA has failed to develop infrastructure like electricity, gas, proper road network, streetlights, footpaths, sewerage system and drinking water facilities resulting in large number of complaints to the Wafaqi Mohtasib on the subject.

#### ***Non-Development of Flats Scheme in Sector I-15 and Non-Refund of Money Deposited by the Allottees of these Flats***

A scheme of more than 5,000 flats was announced by CDA in I-15 Sector in 2005. Large number of citizens including civil servants of the federal and provincial governments applied for allotment of flats in this scheme, which as per advertisement given by CDA in the media was to be completed in three years time i.e. upto the year 2008. Despite lapse of almost 8 years, the scheme could not be matured. On receipt of the complaints from the allottees/affectees, the money deposited by them was refunded to them but with great difficulty with the intervention of Wafaqi Mohtasib. The affectees are also claiming interest on the money deposited by them but CDA has not considered any such proposal. There are large number of allottees who are still waiting for the final fate of this scheme.

#### ***Improper Supply of Water***

Islamabad is facing acute shortage of water. No system or concept of water conservation has been adopted by CDA or the citizens of Islamabad. It has been observed that where the supply of water is adequate, people waste water on gardening, floor cleaning, car washing and pay a uniform charge/bill which seems improper on their part.

There is a general complaint of overflow of water from overhead tanks in government owned residential accommodation. It is primarily because of non-functioning of water ball levers of overhead tanks. CDA often fails to replace the same despite repeated complaints of the allottees of these houses. It thus not only results in water wastage but also damages the structure of the buildings.

For the purposes of meeting water shortage, there should be a strict water conservation policy whereby every household should have a water-meter for which he/she should pay according to water consumption on the analogy of electricity and gas consumption. It would, on one hand conserve water, and on the other hand increase CDA revenues.

### *Ensuring Availability of Clean Drinking Water*

Availability of clean drinking water for the mass population of Islamabad is yet another issue. The prime problem is that the existing water and sewerage network in Islamabad was laid almost 55 years ago. While this network has become obsolete and at many places, drinking water gets mixed with sewerage water and thus becomes un-drinkable. There is, therefore, an urgent need on the part of CDA to replace the existing water pipes at some distance from sewerage network. It is generally believed that the water being consumed by mass population is a source of many water-borne diseases particularly hepatitis, T.B., kidney and gastro-intestinal diseases.

### *Non-Conforming Use of Residential as well as Commercial Premises in Islamabad*

There are large number of houses in Islamabad which are being used for commercial purposes, creating a lot of difficulty for the residents as all sorts of commercial activities go on in such premises. These commercial activities include private guest houses, real estate offices, private schools, clinics and other business offices against which Wafaqi Mohtasib receives complaints from residents of the areas. CDA should devise a clear policy in this regard and impose fine on these houses so that this tendency could be discouraged in future.

### *Sanitation and Waste Management Problems*

Although CDA has huge Sanitation Directorate to look after sanitation and cleanliness of Islamabad, however, heaps of garbage keeps on lying in various areas of Islamabad. Finally this garbage/waste is disposed of by dumping in nearby nullahs/streams or by burning it. Yet another related problem has emerged from Islamabad being a very green city with a lot of grass, weeds and fallen tree leaves on the streets. The cleaners, as and when they clean streets, put this grass on the corners of the parks and green areas. This waste keeps lying at road side for weeks and is finally got burnt by CDA staff thus causing pollution, allergy and health hazards for residents of the area.

### *Obsolete Sewerage System*

The present sewerage system of Islamabad is almost 55 years old. Now it is quite insufficient to cope with existing sewerage load. This load has been multiplied with the passage of time due to various factors such as demographic changes and enlargement, often causing choking and breakage of the system. Due to the overload, this sewerage system of Islamabad often gets choked or breaks at many places creating a serious health hazard. Owing to non-observance of SOPs for building control and town planning, some residents of Islamabad have connected their sewerage with drain lines, nullahs and streams, thus creating environmental pollution as well as causing the Sewerage Treatment Plant (STP) of Islamabad to run under its capacity. The sewerage system of Islamabad, therefore, needs up-gradation.

### *Repair and Maintenance of Government Accommodation*

In Islamabad, there are almost 15,000 to 20,000 government owned houses of all categories which are allotted to the government personnel. Most of these houses are almost 4-5 decades old and require frequent repair and maintenance which is the responsibility of CDA or PPWD. It has been observed that most of these houses are in pathetic living condition and there is no firm policy of CDA regarding periodical maintenance of these houses where as 5% of the salary is deducted at source. There is a general complaint that major portion of the funds received from the government in this regard are spent on the sector where high ranking civil servants reside thus neglecting the houses of the lower strata of civil servants.

Therefore, CDA should move a strong case for the Ministry of Finance for securing adequate funds for the purpose of maintenance of government accommodation.

### *Acquisition of Land and Payment of Compensation*

The land of Islamabad was acquired under the CDA Ordinance of 1960 which is full of flaws. For acquisition of land, first of all, the award of land is announced and then after some years, the award of Built up Property (BUP) is separately announced. This results into many complications. The prime complication is that the affectees of the area maintain occupation of the lands for quite long time and in the meantime, their 2nd or 3rd generation grow up for which they construct additional residential accommodation and then claim charges for BUP. This has resulted in lot of inconclusive litigation. CDA has failed to take possession of these lands from even second or third generation of so-called affectees of these lands. The classic example is the Said Pur Village, Mulpur, Mera Jafar, Dhoke Hasoo etc.

It is proposed that there should be only one combined award of land and BUP whereupon the entire land should be occupied by the CDA after payment of compensation. This also require changes in its relevant laws/policy.

CDA has been acquiring land for further sectors in Islamabad without paying compensation. There is a common complaint that compensation of land is not paid to the owners for years. Consequently the market value of the land also changes which results into litigation. There is no hard and fast policy developed by the Authority in this regard.

### *Poor State of Street Lights*

In the developed sectors of Islamabad, there are frequent complaints of failure of street lights which are either non-functional or require minor repair. There is a requirement that the street lights of these sectors of Islamabad should be upgraded to avoid incidence of thefts and other street crimes. A more serious and related problem is that the underground line wire links connecting with these street lights are mostly open and without boxes which is a potential safety hazard particularly for the children in the streets.

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# **Federal Ombudsman Pakistan**

Annual Report 2013

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## **Part IV    Defining Policy, Setting                   Precedents**

- **Chapter 1    Major Decisions**
- **Chapter 2    Addressing Policy and Process**

Defining Policy and Setting Precedents  
through Our Recommendations

## Chapter 1

### Major Decisions

The institution of Ombudsman is designed to act as public advocate and provide protection for the individual where there is a substantial imbalance of power between the citizens and the State. During the year under review the Office of Wafaqi Mohtasib vigorously pursued its mission of providing redressal of public grievances against mal-administration, apathy and indifference of the government agencies. The Office also continued to adhere to its vision of promoting good governance and transparency in decision making process and conduct of business by the government offices and public sector institutions. The following decisions, not only addressed issues related to policy but also set precedents for the future.

#### *Institution and Disposal of Cases under the Freedom of Information Ordinance, 2002*

The Government of Pakistan promulgated an Ordinance titled “The Freedom of Information Ordinance” which extends to the whole of Pakistan. The purpose of the enactment is that the citizens of the country should have access to public record so as to make the Federal Government more accountable and ensure transparency in transactions.

The Ordinance provides that the public record accessible to citizens includes every information other than the indicated exemptions and that no requester is to be denied access to any such material.

#### *Procedure for Processing of Complaints filed in the Ombudsman Secretariat under Section 19(1) of the Ordinance 2002*

In terms of Section 19(1) of the Freedom of Information Ordinance, if an applicant is not provided the information sought, within the prescribed period, he can file a complaint with the Ombudsman (Mohtasib) who may, after hearing him and the representative of the Agency concerned, direct that the information in question be provided or he may reject the complaint. The procedure for handling complaints in terms of this Section in the Mohtasib’s Office was prescribed through a Circular issued by the Office under which different steps from the registration of the complaint to its actual disposal were required to be completed within a period of 21 days. This procedure has worked extremely well and all cases registered during the course of the years were disposed of within the prescribed period.

Complaints which are deemed by the Ombudsman to be frivolous, vexatious or malicious, cannot only be dismissed but the complainant in such cases may also be subjected to fine upto Rs.10,000.

Majority of the complaints have been disposed of in favour of the complainants thus pointing to either an absence of effective grievance redressal mechanisms within the public bodies themselves or of continuation of bureaucratic tendencies to withhold information and records. The absence of details about the complaints handling mechanisms within public bodies and the reasons for rejection of complaints by the head of public bodies, makes it difficult to identify specific and common issues.

## ***Cases Relating to Freedom of Information Ordinance, 2002***

### **National Assembly Secretariat**

#### ***(Record of Attendance of Legislators was clearly in Public Domain and is therefore accessible)***

The complainant sought record of attendance of the Members of the National Assembly under the Freedom of Information Ordinance, 2002.

The Agency reported that the required information did not constitute a public record under section 7 and 8 of the Freedom of Information Ordinance, 2002 and the request was not maintainable. The Agency's report was forwarded to the complainant for rejoinder. The complainant replied that relevant sections were silent about the subject matter. He also cited the example of India where attendance of the Members of the Parliament was available on the Parliament's website and updated regularly.

It was held by the Wafaqi Mohtasib that denial of the requested information i.e. the record of attendance of the Honourable Members of the Parliament who were elected representatives of the people, was not in sync with democratic spirit which must prevail in a democratic dispensation. In fact, the record of attendance of the Honourable Members enabled those who had elected them to evaluate their performance. Clearly, it was the right of the people in a democratic setup to know if their representatives were present in the Parliament to represent their cause. This information was not private or personal in nature and was clearly in public domain. It was, therefore, not democratic to deny this information to the people.

The National Assembly Secretariat was advised to:

- (i) Provide the complainant with the record of attendance as requested;
- (ii) Report compliance within 15 days of the receipt of a copy of the findings or reasons for not doing so intimated in terms of Article 11(2) of P.O. No. I of 1983.

### ***National Highway Authority***

#### ***Information relating to the plan of an expressway is not exempted under the Freedom of Information Ordinance, 2002.***

Since National Highway Authority failed to provide the following information regarding the Rawalpindi-Murree Expressway and the Mussiari Interchange to the complainant, he filed a complaint under section 19 of the Freedom of Information Ordinance, 2002:

- (i) Original plan of the expressway
- (ii) Revised plan of the expressway
- (iii) Original and Revised plan of Mussiari Interchange, connecting the Expressway and Jicagali.
- (iv) Rationale/reasons for the changes made in the original plan

The Agency reported that in accordance with the provisions of Article 4(2) of the Constitution, NHA could not be compelled to provide information to any person merely because it falls under the definition of 'public body' given in the Ordinance. The information required by the complainant did not relate to any policy and guidelines or contract and agreement and hence was not a public record under section 7 of the Freedom of Information Ordinance. In addition, the expressway and interchange under reference were frequently used by VVIPs and the above mentioned information could jeopardize and undermine security measures.

The Wafaqi Mohtasib held that the information sought by the complainant was a public record under clauses (b), (c) and (d) of section 7 of the Freedom of Information Ordinance, 2002. Hence, the argument that the Agency could not be compelled to provide the information as there was no provision in the law, was not valid. The Agency failed to elaborate as to how the provision of the requested information would be detrimental to the security and was thus exempted from disclosure under section 14 of the Ordinance. The required information was not declared as classified under clause (f) of section 8 of the Ordinance.

It was recommended that the requested information be provided to the complainant.

### ***Central Directorate of National Savings***

*Information regarding policies, rules, orders, decisions is not generally exempted in the Freedom of Information Ordinance, 2002.*

The complainant applied to CDNS for allowing him the copies of public record consisting of policies, rules, orders, decisions, opinions and recommendations of that Directorate. His request was turned down by the Agency.

The Agency reported that the complainant was the son of a lady who was an account holder of an investment scheme and she did not apply for release of policies, rules etc.

The Agency relied upon certain provisions of the Freedom of Information Ordinance, 2002 according to which copies of documents with regard to privacy and personal information of an investor could not be provided.

After investigation, it was found that as per contents of the complaint, the complainant had not asked for copies of the account documents of his mother. He had asked for copies of the public record envisioned in section 7 of the Ordinance. The Wafaqi Mohtasib, therefore, held that the documents requested by the complainant did not fall in the ambit of exemption as enunciated in sections 3 and 14 of the Ordinance. Hence, the Agency was asked to release copies of the documents requested by the complainant other than the account papers of his mother.

### ***Ministry of Interior***

*The Ministries should be more forthcoming in providing information under the Freedom of Information Ordinance, 2002.*

The complainant stated that he had requested the Ministry of Interior for providing the following information but he received no response:

- (i) Annual budget of each branch of Islamabad Police for 2007-08 and 2008-09;
- (ii) Total expenditure of each branch for 2007-2008;
- (iii) Detail of funds under various heads that had lapsed during 2007-2008;
- (iv) Report, if any, on the financial needs of various branches;
- (v) Report, if any, on whether the allocated funds really reach in a timely manner to police stations. If not, what are the reasons and how the same are being addressed by the Ministry;
- (vi) Any other report/document in respect of the police budget and expenditure, which could explain problems of allocation, release of funds, their utilization and accounting.

The Agency reported that separate budget for each branch of police was not allocated so its bifurcation for each police station was not made. The following information was annexed with the report:

- (i) Head-wise budget allocation for 2007-08 and 2008-09
- (ii) Reconciled expenditure (head-wise) for 2007-08
- (iii) Head-wise detail of funds lapsed during 2007-08

A copy of the Agency's report with annexures, was sent to the complainant.

It was observed by the Wafaqi Mohtasib that the Agency did not bother to supply the available information to the complainant in response to his request but provided it only after he filed a complaint with this Office. The Ministry, being a public body, should have realized its obligations under the provisions of Freedom of Information Ordinance, 2002.

## Chapter 2

### Addressing Policy and Process

#### *Exploring Basic Causes*

It is an established fact that problems are the result of misuse of administrative discretion and lack of sufficient accountability mechanisms in major public sector agencies. Although efforts have been made by the Wafaqi Mohtasib Secretariat to address these problems through cohesive findings in the complaints lodged in this Secretariat, however, the problems still persist. The findings of this Secretariat have always emphasized the value of checks and balance, openness, transparency and accountability in decision making as these are vital for improvement of administrative efficiency in public sector agencies.

Basic causes of complaints which came to notice against Public Agencies, are:-

- (i) Delay, poor quality of work and non-accountability in performance of some every day functions.
- (ii) Failure to review redundant rules, policies and procedures and to initiate simple and workable systemic changes.
- (iii) Non-resolution of complaints in normal course at specified administrative level.
- (iv) Organizations, which work with policies and procedures neither identify deficiencies nor remove them through capacity building of their functionaries.

While investigating complaints, such underlying issues are identified and the Agency is advised through a recommendation to adopt an approach that would mitigate repetitive complaints on an identical matter. In certain cases, recommendations are also made to Agencies for determining the direction of systemic modification and change for a just governance process and to address root causes of such complaints.

Few complaints decided by the Wafaqi Mohtasib and the President that take into account such underlying issues are presented in summarized form in this chapter.

### ***Oil and Gas Development Company Limited***

Complainant stated that her late husband was employed as a Boiler Assistant (Pay Scale-15) with OGDCL. He died on 8.07.2005. Feeling aggrieved on non-payment of monthly Benevolent Fund grant, she approached Wafaqi Mohtasib for intervention and possible relief.

Agency reported that "Benevolent Fund Scheme" had been discontinued in the Agency w.e.f. 01.07.2005 by the Board of Directors vide Notification No. CE-220/2005 dated 21.07.2005. The husband of the complainant expired on 08.05.2007 i.e. after abolition of scheme. Hence, the complainant is not entitled to Benevolent Fund grant as claimed".

Wafaqi Mohtasib conducted hearing and the case was rejected with the following findings:

"Benevolent fund scheme was introduced by the Agency in 1983 with the approval of their Board of Directors. The scheme was abolished w.e.f. 01.07.2005 with the approval of the Board. The complainant's husband died on 08-05-2007, i.e., about two years after abolition of the Scheme. The complainant is entitled to refund of excess contributions which will be done by the Agency to their 11135 such employees on completion of discussions with CBA. There is no mal-administration on the part of Agency in refusing the claim."

Complainant filed representation to the President of Pakistan, relying upon the Articles and Memorandum of Association of OGDCL. In his rejoinder the complainant referred to judgment dated 17.11.2009 of Supreme Court of Pakistan in C.Ps No. 1359 to 1361 of 2009 whereby it has been held that the Rules applicable to the employees whose services stood transferred to the Corporation under the OGDCL (Re-organization) Ordinance, 2001 would be those framed in the year 1994 in terms of Section 5 of said Ordinance 2001. Benefit of Benevolent Fund was available to families of regular employees under Rule 23 of the said Rules. Apex Court has further found that the said Rules are statutory in nature having been incorporated into law through reference under the said Section 5.

The President accepting the representation of complainant directed Agency to release Benevolent Fund payments and to keep on paying the same in accordance with the Regulations which stand protected by the said Ordinance 2001 as held by Supreme Court of Pakistan. Compliance be reported to Wafaqi Mohtasib's Secretariat within 30 days of the receipt of copy of this Order.

HQR/1842/2008

### ***Sui Northern Gas Pipelines Limited***

The complainant, being aggrieved by a bill amounting to Rs.160,128/- issued by SNGPL, on charge of tampering with the gas meter, replaced on 28.06.2009, approached Wafaqi Mohtasib.

The Agency reported that Meter No. 2449111 of the consumer was replaced on 28.06.2009 and sent to Central Metering Workshop on 04.07.2009 for its flow proving result and reported tampered. Hence violation charges of Rs.38,725/- for the period 07/2008 to 06/2009 were charged strictly as per policy covered under clause 25 of Gas Sales Contract.

Wafaqi Mohtasib conducted hearing and after examination rejected the case with the following findings:-

"Keeping in view the complainant's actual consumption which was reflected during the months 07/2009 to 09/2009 it is clear that the complainant's consumption during the impugned period i.e. July 2008 to June 2009 was reduced significantly due to tampering with the meter, hence charging him the pilferage charges is justified. Further the connection being new, in the absence of previous consumption the Agency has worked out the pilferage charges based on complainant's connected load which also appears to be justified when compared with his consumption after replacement during 07/2009 to

09/2009 and also his consumption after replacement of the meter on 31.03.2010 as per meter reading noted by the complainant himself.”

The complainant filed a representation to the President of Pakistan relying upon the billing history, and insisted that the pilferage charges have been wrongly imposed.

The President, accepting the representation of complainant, directed the Agency to withdraw pilferage charges and to make adjustment in the billing/payment account of consumer accordingly. Compliance be reported to Wafaqi Mohtasib’s Secretariat within 30 days of the receipt of copy of this Order.

L/3191/2010

### ***State Life Insurance Corporation***

The complainant’s late husband was an employee of TMA Sargodha. He died on 13.12.2003. She approached Wafaqi Mohtasib with the grievance that insurance dues were to be paid on new rates whereas SLIC paid only Rs.50,000/- calculated on old rates.

The Agency reported “that the TMAs in Punjab are working under Secretary, LG & RD Department. The renewal date of these TMAs starts from 1st August and ends on 31st July of each year. The employee died on 13.12.2003. As the claim pertains to the period from 01.08.2003 to 31.07.2004, therefore enhancement of sum assured and after retirement five years coverage was not applicable to the employees of local bodies of Punjab up to 31.7.2007. Since the enhancement of sum assured and after retirement five years coverage contract became applicable from 1st August 2007, as such above claim does not qualify.” It was, however, admitted in a later report that the Agency had received amount of premium from TMA Sargodha for the period 2003–2004.

Wafaqi Mohtasib conducted hearing and recorded the following findings:-

“Unfortunately, the contract between the Punjab Government and SLIC was never signed before 12.03.2008. Based on the terms and conditions of this contract, the assured persons retiring on or after 01.08.2007 and future retirees shall remain covered at the time of retirement. But the assured persons who retired on or before 31st July 2007, that is, before signing the contract on 01.08.2007 shall not be covered under this post-retirement scheme. That’s why the State Life NEVER paid any claim as per enhancement sum assured to erstwhile Local Council employees before 31.07.2007.”

However, Agency agreed to refund any amount deposited by TMA on behalf of deceased till his death on 13.12.2003. On this aspect, Mohtasib recommended that as agreed, the Agency should refund the said amount to widow of the employee.

Being aggrieved by Wafaqi Mohtasib’s findings the complainant filed a representation to the President of Pakistan asserting that since benefit of new rates was available with effect from 01.07.2002, death claim for her husband should have been paid at new rates. The Agency in its comments reiterated the stance taken before Mohtasib.

Accepting the representation of the complainant, the President held that:-

- (i) Matter governed under Section 5(1) of Punjab Government Employees Welfare Fund Ordinance 1969. There was no dispute that the Schedule was amended/substituted vide Ordinance LIV of 2002 with effect from 1.7.2002. It is the mandate of said law that arrangement with Agency shall provide for payment as per schedule and as such volition of parties does not come in. Agreement being relied upon by SLIC in as much as it deprives the complainant of a right conferred by law is not to be enforced. Refusal of Agency to pay to the complainant, the

amount of insurance in accordance with law does constitute maladministration. Findings of Mohtasib are not sustainable.

- (ii) Agency should pay sum of Rs.240,000/- (after deducting such amount as has been duly paid) to complainant within 30 days of receipt of copy of this Order.
- (iii) Compliance be reported to Wafaqi Mohtasib Secretariat within 30 days of receipt of this Order.

F/102/2009

### ***Earthquake Reconstruction and Rehabilitation Authority***

Being aggrieved by non-payment of balance tranches of subsidy grant for his house damaged due to earthquake and surveyed vide MOU No. 264344 by ERRRA, the complainant approached Wafaqi Mohtasib.

The Agency reported that ERRRA/NADRA data base showed that the 2nd tranche was paid to the complainant after which the payment was suspended due to reason that the MOU form did not exist in the list provided by military. So the complainant was not entitled for the payment of further grant

Wafaqi Mohtasib conducted the hearing and the complaint was rejected with the following findings:-

“The complainant failed to provide any proof of existence of his house claimed to be damaged during the earthquake of 08 October 2005. He failed to provide the copy of land record indicating the entry of a house in his name before earthquake or any other evidence to prove his contention. He could not provide a damage certificate indicating the damage of his house in completely damaged category due to earthquake. It is difficult to establish the existence and damage of the house after the expiry of more than 04 years when the incident of earthquake happened. There is no maladministration on the part of the Agency”.

Being aggrieved of Wafaqi Mohtasib’s findings the complainant filed a representation to the President of Pakistan.

The President rejecting the representation of complainant held that there was no evidence on record that complainant ever owned a house in the area in question.

HQR/2855/2010

### ***Peshawar Electric Supply Company***

The complainant being aggrieved by imposition of fine of Rs.16,303/- by Agency in bill for May, 2010, approached Wafaqi Mohtasib for redressal of his grievance.

The Agency reported that the complainant was charged on 3 KW 20% load factor for 1314 units for a period of 3 months from 07/09 to 09/09 on account of the fact that the complainant had been using unrecorded energy through unbalancing his meter as reported by Meter Reader on 16.09.2009. The Wafaqi Mohtasib conducted hearing during the course whereof representative of the Agency admitted that consumer had been unjustly blamed and charged. On the basis of said admission complaint was allowed and following recommendations were made by Mohtasib;

- i. The detection bill against the complainant should be withdrawn and cancelled.
- ii. Any excess payment made by the complainant in this regard should be credited to his account and adjusted against his future bills or refunded on demand.”

Being dissatisfied with the Wafaqi Mohtasib's findings the Agency filed a representation to the President of Pakistan.

The President rejecting the representation of the Agency directed that –

- (i) Copy of this Order be remitted to Wafaqi Mohtasib to direct Chief Executive PESCO to initiate disciplinary proceedings against Assistant Manager Operation PESCO, Lala Sub Division, Peshawar and Line Superintendent, Incharge Wafaqi Mohtasib Cases, PESCO, Lala Sub Division, Peshawar for filing a patently frivolous and false representation.
- (ii) Compliance be reported to Wafaqi Mohtasib's Secretariat within 30 days of the receipt of directions to be issued by Mohtasib.

P/1837/2010

### ***Benazir Income Support Programme***

Complainant stated that she applied to BISP for financial assistance in October 2008. However, she was extended financial help since April 2009. She requested the Agency for grant of arrears of financial assistance w.e.f. October 2008 but to no avail. She approached Wafaqi Mohtasib for redressal of her grievance.

Agency reported that complainant was given financial aid of Rs.15,000/- in 5 instalments of Rs.3,000/- each but then the payments were discontinued as she did not fulfil the conditions of approved criteria.

The Wafaqi Mohtasib conducted hearing and rejected the complaint with the following findings;

“The lady was found entitled to the Assistance, therefore, she was given financial aid under the BISP to the tune of Rs.15,000/-. However, she was found ineligible for financial assistance during the poverty survey in accordance with new criteria determined by the Government.”

Feeling dissatisfied with the findings of Wafaqi Mohtasib, the complainant filed a representation to the President of Pakistan.

The President accepting the representation of the complainant directed the Agency to release payments, in accordance with law and rules of financial assistance to the complainant lady. A report be submitted to Mohtasib's Secretariat within 30 days of the receipt of copy of his Order.

M/658/2010

### ***Sui Northern Gas Pipelines Limited***

The complainant being aggrieved by non-provision of gas connection at Faryad & Shoaib streets of Latif Park, Shahdara Town, Lahore by SNGPL, approached Wafaqi Mohtasib.

The Agency reported that distribution network did not exist in front of complainant's premises. However, the complainant's request shall be considered along with other requests of locality, subject to availability of funds.

Wafaqi Mohtasib conducted hearing and rejected the complaint with the following findings;

“In view of Agency's report, it has become abundantly clear that, due to non-availability of gas network in the locality sui gas facility cannot be provided to the residents of Faryad street and Shoaib street. If the complainant wants gas connection, he will have to either

get this facility by depositing 100% cost of the materials himself or arrange fund through concerned MNA or MPA with whom government has placed fund for this purpose.”

Being dissatisfied with the Wafaqi Mohtasib’s findings, the complainant filed a representation to the President of Pakistan reiterating contents of complaint. Agency had expressed its inability to do the needful because of lack of funds but had promised to provide relief upon availability thereof.

The President while rejecting the representation of the complainant held that a copy of this Order be sent to Agency to ensure that the matter is taken up upon availability of funds.

L/0999/2009

### ***House Building Finance Corporation***

The complainant stated in her complaint that HBFC sanctioned a loan of Rs.40,000/- in favour of her late husband who paid the principal amount in his life time before he died in 2005 whereas, she has paid an additional amount of Rs.61,000/- as interest. Being aggrieved by the demand of Rs.39,000/- from her, she approached Wafaqi Mohtasib for redressal of her grievance.

The Agency reported that after adjusting payment of Rs.99,500/- a sum of Rs.42,595/- was outstanding against the borrower. Reference was made to an incentive package wherein amount was reduced to Rs.20,734/- with the condition that complainant should deposit 25% as down payment.

Wafaqi Mohtasib conducted hearing and rejected complaint with the following findings;

“The complainant failed to avail the offer. She merely stated that since she did not have the capacity to repay, the balance should be written off. The request of the complainant is not based on any rule or law but on humanitarian consideration. There is no provision in the HBFC Act to write off the outstanding amount.”

Being aggrieved by Wafaqi Mohtasib’s findings, the complainant filed a representation to the President of Pakistan reiterating contents of complaint. Agency in its comments repeated the report made before Mohtasib.

The President partly accepted representation of complainant and directed Agency to close the loan account and redeem property after payment of Rs.14,500/- in 10 equal monthly instalments and make a report to Mohtasib’s Secretariat within 30 days of the receipt of copy of his Order.

HQR/5846/2009

### ***Earthquake Reconstruction and Rehabilitation Authority***

The complainant stated that ERRA refused payment of 3<sup>rd</sup> and 4<sup>th</sup> tranches of subsidy grant for reconstruction of his house damaged in earthquake and surveyed vide MOU No. 481083. The complainant approached Wafaqi Mohtasib for intervention and possible relief.

Agency reported “that the complainant’s MOU No. 481083 has been checked from the ERRA/NADRA data base which showed that the instant MOU was declared ‘Bogus’ by A-I team as the holder had no house. As per ERRA policy the complainant was not entitled to receive any grant.”

Wafaqi Mohtasib conducted hearing and rejected complaint with following findings;

“After perusal of case it appeared that the complainant had no house at the time of earthquake because he did not provide any proof of entitlement of a house in his name claimed to be damaged during the earthquake of October 08, 2005. He failed to provide

any damage certificate to prove the damage of house due to earthquake. It is difficult to establish, the existence and damage of the house after 04 years when the incident of earthquake happened. There is no maladministration on the part of Agency.”

Being aggrieved by Wafaqi Mohtasib’s findings, the complainant filed representation to the President of Pakistan. He appended copy of settlement record for the year 1991-92 of Village Gujar Bandi which narrated that he along with his brothers and sisters inherited land owned by his father Kalu.

The President was pleased to accept representation of complainant directing Agency to process the case for release of the remaining tranches of subsidy grant to complainant and to make a report to Mohtasib’s Secretariat within 30 days of the receipt of copy of his Order.

HQR/6362/2009

### ***State Life Insurance Corporation***

The complainant being aggrieved by refusal on the part of SLIC to pay the commission dues on a proposal secured by her in the sum of Rs.5,000,000/-, approached Wafaqi Mohtasib.

Agency reported that the subject case was reviewed and it was found that the complainant could not finalize the initial proposal as she had admitted in her complaint. Afterward she reduced the amount of proposal but could not fulfil the requirements of underwriter within stipulated time. So after passing two months another Sale Manager of SLIC processed the proposal and the then underwriter finalized the case in the light of Corporation underwriting guideline as under:

“In a postponed case, if the requirements are not furnished within two months of the expiry of postponement period, fresh proposal in a different Agency may be entertained”.

Therefore, in the light of above circumstances commission credit to the complainant was refused by the Agency.

Wafaqi Mohtasib conducted hearing and rejected complaint with the following findings:-

“In this case, the Sale Representative of the subsequent proposal finalized the proposal at rupees fifty lacs which is much higher than the sum in the first proposal. The contention of the Agency is thus found to be justified because right to credit of the Sales Representative securing the first proposal prevails if the sum assured and F.Y.P given in the subsequent proposal is equal or less than those given in first proposal. Therefore, the complainant is not entitled to commission in the case. Thus no maladministration is found on the part of the Agency. In this view of the matter, complaint is rejected being without merits.”

Being aggrieved by Wafaqi Mohtasib’s findings, the complainant filed representation to the President of Pakistan. In its comments Agency reiterated the contents of the report filed before Mohtasib.

The President accepting the representation of the complainant set aside the findings of Mohtasib and directed the Agency to give full credit to her on the proposal first secured by complainant; compliance be reported to Mohtasib’s Secretariat within 30 days of the receipt of copy of the Order.

L/2379/2008

***Sui Northern Gas Pipelines Limited***

The complainant being aggrieved by charges of Rs.74,352/- levied by SNGPL on account of meter tampering, approached Wafaqi Mohtasib.

Agency in its report relied on the following observations of Central Meter Shop Lahore where the replaced meter was sent:

“Index bit seal broken lead cup seal loose. Body bit seal ok. Meter checked form inside. Index assembly ok. Measuring plate in let seat tampered by drilling hole. A case of meter tampering and pilferage of gas; 100% cost of meter should be recovered from consumer on account of meter damage.”

It was further stated by Agency that:

“In the light of Meter Inspection Report the complainant was charged on account of pilferage of gas for 45 HM3 amounting to Rs.74,352/- including 100% cost of meter damage, Rs.5,000/-.”

Wafaqi Mohtasib conducted hearing and the case was closed with the following recommendations:

- “i) the detection bill be withdrawn and cancelled;
- ii) any over payment made by the complainant be credited in his future bills or refunded on demand.”

Being aggrieved by Wafaqi Mohtasib’s findings, the Agency filed representation to the President of Pakistan reiterating the contents of the said report.

The President was pleased to reject the representation and held that in the absence of any evidence as to pilferage by complainant and further quantum thereof, no grounds stand made out for interference with findings and recommendations of Mohtasib.

P/2737/2009



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# **Federal Ombudsman of Pakistan**

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## **Part V**    **New Initiatives**

- **Chapter 1**    **Towards Child-Ombuds System**
- **Chapter 2**    **Appointment of Grievance  
Commissioner for Overseas  
Pakistanis**
- **Chapter 3**    **Appointment of Grievance  
Commissioner for Civic  
Agencies**

Exploring new Frontiers, Providing Forums for  
Children to Raise Voice and  
Citizens to Take Ownership for Change

## Chapter 1

### Towards Child-Ombuds System

#### *Performance Review of ONCC*

##### **Rationale and Background**

In Pakistan, for population of more than 180 million, 50% of which are children, there were no public forums to provide an opportunity to the children to raise the voice in matters relating to them. Taking cognizance of the deficiency, Wafaqi Mohtasib Secretariat (WMS) and United Nations Children’s Fund (UNICEF) in April 2009, took major initiative under Responsive, Enabling, and Accountable Systems for Children’s Rights (REACH) project and set up a Children’s Complaint Office (CCO) within the WMS in order to address children’s rights issue and to achieve compliance of the United Nations Convention on the Rights of the Child (UNCRC) in Pakistan.

Having fulfilled its initial objectives and after endorsement of the recommendations of the consultancy report on the “Way Forward of CCOs and a Child Ombuds-System in Pakistan” (conducted by Mr. Hiermann, the former Child Ombudsman of Norway), the CCO was upgraded to the Office of the National Commissioner for Children (ONCC). The Head of Federal CCO, Mr. Ejaz Ahmad Qureshi, former Chief Secretary Sindh and Khyber Pakhtunkhwa, was appointed as the National Commissioner for Children (NCC). The ONCC is first of its kind not only in Pakistan but in South Asia. The ONCC is now functioning with a broadened mandate.

##### **ONCC Mandate**

The upgraded Office was given the mandate to:

- Create a “Public Child Redress Mechanism”.
- Assist Pakistan in implementing the UNCRC.
- Serve as a dedicated mechanism for receiving and resolving complaints from and about children, against maladministration by any federal agency, including taking initiative *onsuo moto* cases.
- Identify and assist in rectifying systemic issues related to child rights.
- Raise the profile of child rights among all stakeholders.
- Raise awareness through communication campaigns, about ONCC and child rights among children, the general public and other stakeholders.
- Expand these activities and mechanisms to provinces and the Regional Offices of WMS.
- Undertake training and capacity building of Provincial Governments, Civil Society Organizations (CSOs) and Media to build team work, synergy as well as elicit suggestions to attain objective of child rights and welfare.

- Coordinate with provinces for joint initiatives and share best practices with stake holders.
- Sensitize Civil Servants about Child Rights.
- Conduct research on the status and way forward of child rights in Pakistan.
- Monitor compliance of Federal Agencies and stakeholders with the National Plan of Action (NPA) for children and UNCRC.
- **Above all, serve as a precursor to a full-fledged Ombudsperson for Children in Pakistan.**

### **Milestones Achieved by ONCC**

- Conducted three very essential and useful research studies and valuable recommendations elicited to help lead into the future on the status and way forward of child rights in Pakistan.
- Since 2009, ONCC has received 620 children complaints against various Federal agencies. Out of the total, 311 complaints falling in federal jurisdiction had been resolved, while the remaining relating to the provincial domain were sent to Provincial Ombudsmen. In 2013, ONCC has received a total of 156 complaints out of which 97 complaints were admissible.
- Post 18th Amendment, ONCC actively contributed towards establishment of the Provincial Ombudsman, Child Protection Commission, Promulgation of Child Protection Law and approval of budget required for these in KPK.
- Played an active role in approval of the Child Protection Policy for FATA.
- Assisted in developing bills for the Child Protection Law and Commission in Balochistan.
- A regular coordination forum has been set up for meeting of Provincial Ombudsman Secretaries and ONCC, for joint effort and to further synergies for Child Welfare.
- Awareness raising and sensitizing drive for government agencies, media, CSOs and the children was launched. Had undertaken such activities as arranging conferences and workshops in major cities, delivering lectures at national training institutes in addition to a communication campaign. Federal schools, particularly in rural areas are visited to raise awareness about ONCC and child rights among children.

### **Research Studies on Child Rights Issues**

To chalk out the future course of action, three useful research studies were carried out by ONCC on “The State of Children in Pakistan (Latest)”, “International Study of Best Practices in Monitoring Children’s Rights” and “The Baseline Study of Compliance of Federal Agencies Responsible for Child Protection with the UNCRC”. These studies brought forth valuable recommendations on the status and way forward of child rights in Pakistan.

### **Appointment of Provincial Commissioners**

The Punjab, Khyber Pakhtunkhwa, Sindh and Baluchistan Provincial Ombudsmen offices have appointed Provincial Commissioners for Children. Mr. Javed N. A. Khan, Mr. Atta-ur-Rehman Lodhi, Malik Asrar Hussain and Syed Munawar Ahmed Shah took charge respectively. The AJ&K Ombudsman Office has followed the similar arrangement.

### **Appointment of Investigating Officers/Advisors**

The eight regional offices in Peshawar, Dera Ismail Khan, Lahore, Faisalabad, Multan, Quetta, Sukkur and Karachi under the WMS have designated Senior Investigating Officers/Advisors for handling complaints pertaining to children.

### **Round Table Meeting in Islamabad**

On 26th of August 2013, a Round Table Meeting was arranged in Islamabad with the CSOs, media and government agencies. The aim of the meeting was to develop a Plan of Action for transition of the Federal CCO to the ONCC and to serve as a useful exercise for the Provincial Ombudsmen offices for feeding into the proposed Plans of Actions of the Provincial Commissioners for Children. The broadened mandate of the ONCC and the priority areas of work it shall focus on, were discussed in the meeting and the suggestions of the participants sought to make ONCC a dynamic and effective institution.

### **National Commissioner for Children**

It was emphasized that the Ombudsmen offices have decades of prestige and recognition and entail a comprehensive law for redressal of public/children that can be used for public interest. The law also empowers the Office to take *suo moto* actions and that these institutions need to be strengthened.

### **Services of a Project Coordinator**

As per recommendations in the consultancy report, the services of a Project Coordinator have been provided by the WMS to the ONCC for pacing up the ongoing activities.

### **Communication Campaign Ahead in 2014**

The Communication Campaign has been prepared with a special focus on children residing in Islamabad Capital Territory (I.C.T) which include urban and rural population. The ONCC places emphasis on raising awareness among poor sections of Islamabad. The awareness activities planned for uplifting the child rights are as follows:-

- Air advertisements on radio and tickers on various TV and cable channels by requesting PEMRA for assistance in allocation of suitable time slots on different T.V. channels.
- Publish press articles and advertisements on child rights issues in national and local newspapers.
- Collaborate with CSOs and to develop good understanding with media to sensitize them about child rights through regular meetings/briefings.
- Hold a session of Children Parliament with some key elected members for an open discussion and children will freely interact on child rights issues.
- Invite national figures, sports and showbiz icons and media persons promoting child right related causes for an interactive session with children to raise awareness among them about child rights as well as educate them on how to seek redress.
- Organize an essay competition among the I.C.T schools children on child rights and award prize money to three winners.

## Way Forward

Finally, Pakistan, faced with multifaceted challenges, has lagged behind in the past in pursuing robust policies and initiatives for child protection. In a federal structure as in Pakistan, the implementation gaps are huge. Therefore, ONCC set up at Federal Ombudsman is in the best position to coordinate activities with the provinces through Child Commissioners and to take a lead role for synergy and to establish mechanism of accountability and redress in conjunctions with Provincial Ombudsman so as to pave the way for achieving the ultimate goal of setting up a Child-Ombuds system in Pakistan.

## Chapter 2

### Appointment of Grievance Commissioner for Overseas Pakistanis

Soon after the promulgation of the Federal Ombudsmen Institutional Reforms Act 2013, the Federal Ombudsman Mr. M. Salman Faruqi, appointed Advisor Sher Afgan Khan, a former Federal Secretary and Ambassador and Mr. Aneesuddin Ahmad, a retired Ambassador as Grievance Commissioners for Overseas Pakistanis. This is for the first time that a dedicated Cell has been established in the Wafaqi Mohtasib Secretariat (WMS) to receive and process complaints lodged by overseas Pakistanis against cases of mal-administration in any Government Agency in Pakistan. The rationale behind the establishment of this new Cell clearly being that all members of the Pakistani diaspora should have direct access to the services being provided by the Wafaqi Mohtasib Secretariat in addressing complaints against any Government Agency. The overarching purpose being to provide speedy redressal of grievances of Pakistani citizens and to set high standards of governance and accountability through administrative justice.

Simultaneously with the establishment of the Grievance Commissioner for Overseas Pakistanis, all Pakistani diplomatic Missions abroad were asked to designate an officer, in their respective missions, to act as focal persons to receive and transmit, to the Wafaqi Mohtasib Secretariat, complaints filed by members of the expatriate Pakistani community residing in their jurisdiction.

Through the establishment of the office of the Grievance Commissioner for Overseas Pakistanis, the services being provided by the Wafaqi Mohtasib Secretariat in redressing grievances are now open to over ten million Pakistanis living abroad. Overseas Pakistanis who wish to lodge complaints can transmit their grievances either through resident Pakistani diplomatic missions or send these online to the Wafaqi Mohtasib Secretariat. Information to this effect has been disseminated to overseas Pakistanis through our Embassies as well as on the Federal Ombudsman Secretariat's website.

Grievances when received in the Grievance Commissioner's Office are examined and immediately forwarded to the offices which are responsible to handle a particular complaint whether these be at Headquarters or in any of the regional office. The creation of the office of the Grievance Commissioner in the Wafaqi Mohtasib Secretariat, is for the first time, since its inception in 1983, and has been greatly appreciated by the members of the Pakistani community and grievances are being received and processed as expeditiously as possible.

## Chapter 3

### Appointment of Grievance Commissioner for Civic Agencies

There have been a large number of complaints against Capital Development Authority, which is premier civic and development body of our national capital. Over the years, malfunctioning, corruption, and inefficiencies had increased. H.W.M therefore, decided to appoint Mr. Ejaz Ahmad Qureshi, Advisor in the Wafaqi Mohtasib Secretariat, who had served as Chief Secretary in two provinces and as Federal Secretary of two ministries as Grievance Commissioner for Capital Development Authority. While the Federal Ombudsman continued to deal with individual complaints and provide relief where due, Mr. Qureshi carried out a thorough study of CDA, the analysis of the complaints against it over the past few years, and its structural weaknesses so that a reform agenda could be developed and submitted to the civic agency for its views.

The approach of the Grievance Commissioner has been to work with the management of the CDA to deal with and propose solutions to systemic failures leading to hundreds of complaints. He can intermediate between the citizens and the organization in view of his vast experience in public service and in the process, develop feasible proposals. This can be ongoing activity helping the CDA to come up to the expectations of the people of Islamabad.

(The Plan of Action envisaged by the Grievance Commissioner on CDA has been discussed in detail in Chapter 4 of Part-III).



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## **Part VI Keeping Citizens Informed**

- **Chapter 1 Creating Awareness**
- **Chapter 2 Interface with the Media**
- **Chapter 3 Complaint Management Information System (CMIS)**
- **Chapter 4 Website for Citizens**

Creating Awareness and Empowering People to  
Seek Remedy against Maladministration  
in Government Agencies

## Chapter 1

### Creating Awareness

Awareness indeed is the first step towards empowerment. Informed citizenry is a vital ingredient for the success of any institution or state. Awareness, on the one hand helps promote good governance while on the other it creates better appreciation and understanding of the role and function of an institution and its policies. It is more so in the case of institutions such as the Ombudsman that is mandated to provide redress to the public grievance arising out of maladministration, misuse of authority and infringement of public rights by the state apparatus. An informed society has the knowledge and the courage to safeguard its rights against high handedness of state organs.

The main aim of creating awareness is to make citizens more informed, alert, self-reliant and capable of understanding their rights and obligations. There will be more effective participation if the citizens are aware of their vulnerability against misuse of authority by government agencies and also know various options available to protect themselves. Therefore, public awareness can be part of an overall approach to preventing maladministration and ensuring transparency, consequently improved governance. Greater awareness empowers the public and enables informed response on issues affecting society besides making possible pursuit of remedy for such afflictions.

Thus it is paramount to raise awareness of the general public and other stakeholders about the functions of the Ombudsman and to increase the understanding of its important role as a quasi-judicial institution that can provide speedy, quality and free of cost relief against maladministration of government agencies. Above all, the public complaints also help the institutions by drawing attention to the problem areas, they could rectify as a result.

The institution of Ombudsman has two immediate challenges in terms of raising awareness. Firstly, many people do not know what an Ombudsman is, and secondly what does he do and what kind of service does he provide to aggrieved citizens suffering from maladministration in government agencies. To address these two issues, the Ombudsman has to reach out to the people at the district and tehsil levels. It is intended to do so through brochures, workshops, seminars and open kucharies in order to:

- Explain in simple terms what he can do
- Describe how a complaint can be made
- Provide examples of kinds of grievance or issues he can deal with
- Make sure he is clearly visible to the public in smaller towns and remote areas

It is also proposed to launch a concerted campaign through the electronic and print media to sensitise public of the functions and utility of the Institution of the Federal Ombudsman.

The Office of the Ombudsman could also raise its public profile by taking initiatives that go beyond responding to complaints as such initiatives capture the public imagination and are meaningful to citizens in addition to identifying systemic weaknesses and remedy for their removal.

During the year 2013, the Federal Ombudsman took some of the similar initiatives in the form of Inquiry into Measles Outbreak in the country that caused more than 400 deaths among children; Inquiry into Causes of delay in the Issuance of Machine Readable Passports; Appointment of Grievance Commissioner for CDA to identify systemic weaknesses and suggest rectification. These initiatives, while helped in mitigating the hardship of the people also raised public trust and confidence in the institution of the Federal Ombudsman. In addition, these initiatives proved their utility in improving governance as they aided the organizations remove roadblocks in the system hampering their performance.

## Chapter 2

### Interface with the Media

During the period under review, the Wafaqi Mohtasib Secretariat engaged in a variety of media related activities, in order to raise public awareness about the usefulness of the institution as well as its credibility as friend of the citizens that protects people against mal-administration, apathy, neglect and indifference of the government agencies.

The traditional approach of issuing press releases was complemented with proactive tactics such as on-the-spot coverage, in-depth interviews and press conferences to strengthen cooperative relations with the media. Consequently the quantum of positive coverage improved.

Advertisements were placed and public notices issued prior to the announcement of major initiatives in the form of certain appointments such as Grievances Commissioner, or by way of *suo moto* action or cognizance of serious and persistent public complaints such as Measles Outbreak and passport imbroglio.

Leading national dailies were encouraged to carry feature articles for which background material was disseminated. Major decisions which defined policies or set precedents were also issued to the press for the purpose of news coverage and analysis.

Under the Wafaqi Mohtasib's onsite outreach programme, the media was taken on board and its views solicited before devising strategy for tackling child rights issues or finalizing recommendations for reforms in civic agencies like Capital Development Authority or educational institution like Allama Iqbal Open University. Members of the media were invited to participate in almost all workshops and seminars held in various cities under the auspices of the Office of the National Commissioner for Children (ONCC).

A quarterly newsletter is also being published and distributed by ONCC to share its activities and news updates with all the stakeholders.

To reinforce the public awareness campaign, the Secretariat plans to utilize in future the outreach and span of FM Radio and cable channels as they have a bigger ripple effect.

As a result of these efforts, the awareness about functions of the Federal Ombudsman and its utility for the redress of public grievance has been on the rise. While there is reason enough to be somewhat satisfied, it is no occasion to be complacent as there is always room for improvement.

## Chapter 3

### Complaint Management Information System

Online Complaint Management Information System (CMIS) is the centre piece of IT enabled operations in the Wafaqi Mohtasib Secretariat. This serves as the hub for streamlined and integrated complaint management process. A complainant can lodge a complaint and know the latest status through CMIS from all over the world using a home PC. Very soon, the complainant will also be able to receive findings of the case on his PC. The use of CMIS helps in monitoring progress of the cases as well as in reducing communication time between the Head Office and the Regional Offices. The implementation module of CMIS has been an effective tool to monitor the implementation of the findings of the Wafaqi Mohtasib in addition to identifying the late response from the federal agencies.

The other modules of the Management Information System (MIS) include Human Resource, Accounts, Inventory Control, and Library. Of which, module on Human Resource is under development. The improvement in IT support has, thus, resulted in increased efficiency and improved performance of the Office of Wafaqi Mohtasib.

A value addition was made in the Investigation Module by way of introducing 'Online Activity Monitoring Module'. This module helped in eliminating the delay in the investigation process and in updating the latest status of a complaint. Implementation Module was also improved for online Implementation Monitoring Report.

A Data Centre was established at the Headquarters. The other services include SMS for complaint tracking while an online complaint status finder is available on the website of the Wafaqi Mohtasib Secretariat.

Number of complaints registered through online system remained low as compared to those registered through post or in person. The number of online complaints is, however, beginning to pick up with the rise in awareness and the use of IT technology as it goes up in the country.

CMIS was the first step toward the paperless environment, the cycle of receiving, finalizing and issuing Findings has been reduced from a few weeks to 24 hours or less in most cases as well as reducing the cost per complaint. Since the soft launch of Implementation module of CMIS the cost on implementable complaint has reduced from average of Rs.15 to Rs.5. The hearing list (of complaints) is now available to the public on the enhanced website.

The complaint handling record from 1998 onwards and final Findings from July 2007 to-date are now available online database, with plans afoot to bring on database the entire records and Findings since the establishment of this institution.

Additionally, a training programme for officers and staff has been initiated that is geared towards enhancing their proficiency in the use of CMIS to improve overall efficiency, reliability and timeliness of this Office.

The CMIS of this Office has been recognized as state of the art system by the other Ombudsman institutions. This secretariat is providing assistance, technical support and training to the other Ombudsman Institutions in the country to enable them adopt the system in their respective offices by the end of 2014.

The following figure explains complaint handling system using CMIS.

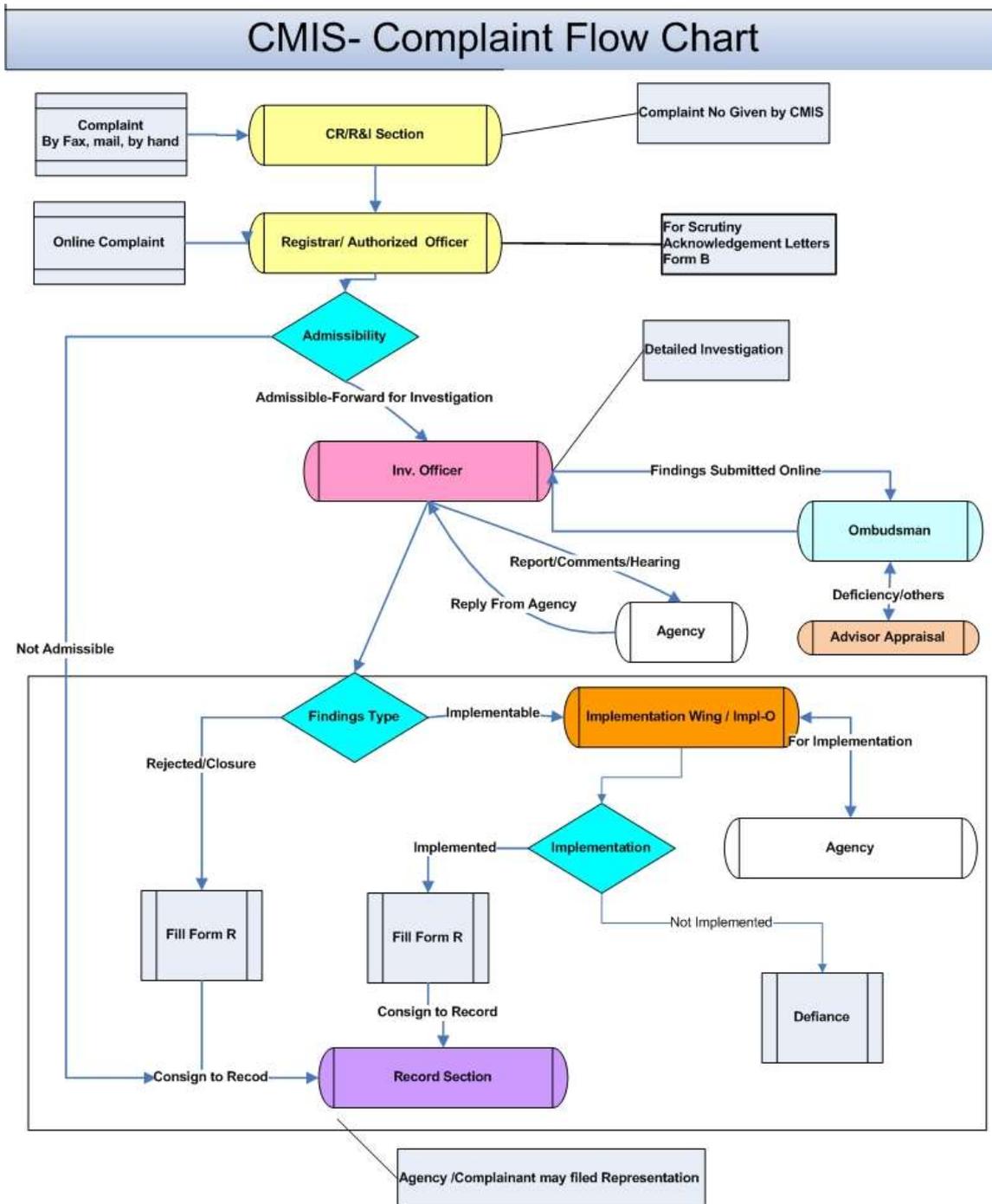


Figure VIII: CMIS – Complaint Flow Chart

## Chapter 4

### Website for Citizens

The website of the Wafaqi Mohtasib Secretariat is operational since 2000 and is the online interface to the public. The Secretariat is using this instrument for information dissemination to the general public or anyone needing information regarding this office and its working. The main design was updated twice in 2008 and 2013. The website is connected to the dynamic online Complaint Management Information System (CMIS). Links have been provided for online complaint registration, to know updated status and the hearings fixed for next 15 days, under the following alpha iconic headings:

‘Make a Complaint’,

‘Check Complaint Status’

‘Hearing in next fifteen days’

This up-to-date information is provided from the CMIS which is used for internal complaint handling. Other information such as legal framework, Acts, forms and members of team etc. is also available on the website.

A complaint can now be directly registered on-line through website without having to visit this office as well as the status of the complaint could be checked from the website that is linked with CMIS.



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## **Part VII Ombudsmanship at the Domestic and International Levels**

- **Chapter 1 Election of the Federal Ombudsman of Pakistan to IOI Bodies**
- **Chapter 2 International Linkages**
- **Chapter 3 International Ombudsman Institute (IOI)**
- **Chapter 4 Asian Ombudsmen Association**
- **Chapter 5 Forum of Pakistan Ombudsmen (FPO)**

As Member of International Community,  
Promoting Public Service Culture of Commitment  
and Fairness in Service Delivery

## Chapter 1

### Election of the Federal Ombudsman of Pakistan as Regional President of Asian Ombudsmen

#### *Regional President of IOI*

The Federal Ombudsman of Pakistan, Mr. M. Salman Faruqi was unanimously elected as the Regional President of International Ombudsman Institute (IOI) for Asia in the first quarter of 2013.

The voting was conducted through secret ballot held by the IOI General Secretariat where the Ombudsman of Pakistan secured each and every vote cast and counted in the IOI Headquarters in Vienna which was a testament to the recognition of International Ombudsman community's trust in Mr. Faruqi to further the aims and objectives of IOI.

#### *Director to the IOI Board of Directors*

Another crowning achievement for Pakistan during the period under review was the election of Mr. M. Salman Faruqi, Wafaqi Mohtasib of Pakistan as Asian Director to the IOI Board of Directors.

## Chapter 2

### International Linkages

The year 2013 was an eventful year for the promotion of Ombudsmanship at the International level and the Institute of the Federal Ombudsman of Pakistan, as full member of the International Ombudsman Institute (IOI), was actively represented at all the related forums.

#### *The Federal Ombudsmen Institutional Reforms Act 2013*

The Federal Ombudsmen Institutional Reforms Act 2013, another remarkable milestone in the Ombudsman system in Pakistan, was introduced on 20.3.2013 and became a part of the IOI Asian Regional Annual Report 2013. (This Act is discussed in detail elsewhere in the Annual Report).

#### *International Meetings of the Ombudsmen*

A number of meetings of Ombudsmen were held at the international level to reinforce and promote the 'philosophy' of Ombudsmanship. The more important of the decisions (arrived at in these meetings) are as follows:

**(a) Board of Directors meetings of IOI**

*Vienna, Austria (15-16 April 2013)*

- The Board of Directors accepted English as the working language of the Institute.
- A total sum of EUR 45,000.00 was made available to fund projects in the membership year 2012-13, enabling each region to benefit from subsidies of up to EUR 7,500.00.
- The Ombudsman of Thailand was declared the host of the 11<sup>th</sup> IOI World Conference, which will take place in Bangkok, from 13 to 19 November, 2016.
- The Board acknowledged a report from the European Region on its plan to establish a reflection group including experts from the field of ombudsmanship, namely former Ombudsmen, who will make their work experience and expertise available to other ombudsman institutions.
- The Board agreed that the Regional Presidents should identify people from their regions, who are able and willing to contribute in this way from time to time; after communicating the names of these experts to the IOI Secretariat, a register of such a pool of advisors can be created and made available to member institutions if need be.
- The Board noted the greetings sent from newly elected Asian Regional President Mr. M. Salman Faruqui via his Federal Secretary Mr. Imtiaz Kazi.
- The Board acknowledged the offer of the Office of the Federal Ombudsman of Pakistan to host one of the next meetings of the IOI Board of Directors.

*New York, USA (23 and 24 September 2013)*

- The Board approved full voting membership for the Ombudsman of the Ministry of the Interior of Bahrain (Asian Region) as recommended by Mr. Faruqui as Regional President.
- The Board agreed to grant the Institution of the Banking Ombudsman of Pakistan (Asian Region) voting membership, as recommended by Mr. Faruqui as Regional President.
- Given the high interest for training with an anti-corruption focus such as the one recently held in Vienna in September 2013, the Board asked the Secretariat to contact the International Anti-Corruption Agency (IACA) in Austria to see if it would be interested and willing to bring this programme to the IOI Regions, i.e. adapt and present their anti-corruption training outside of Vienna, Austria.
- The Secretary General presented the Cisco video conference system to facilitate communication between members of the Board and reported on a first successful test-run with IOI President Wakem and IOI Treasurer Alan Lai in July 2013. The Board authorized the Secretary General to implement the first phase of the project i.e. arrange 4 calls between Executive Committee (ExCom) members within a period of 6 months starting on January 2014.
- The Board agreed that the IOI's key priorities should be (1) widening membership, (2) training, (3) financial good health and (4) a revised communication & publication policy.

- President Wakem reminded the Regional Presidents of the need to amend their regional By-laws in conformity with the new IOI By-laws and to provide the General Secretariat with a copy of these amended regional By-laws.
- The Board agreed to hold the next regular annual meeting in Rosario, Argentina from 27 to 30 October 2014.

## **(b) Asian Ombudsman Association (AOA)**

### *15<sup>th</sup> Annual meeting of the Board of Directors and 13<sup>th</sup> General Assembly meeting Tehran, Iran, (October 7–9, 2013)*

- The Board agreed to recommend to the General Assembly the appointment of Mrs. Panit Nitithanprapas, Chief Ombudsman of Thailand as the President of AOA, whose term will last until the General Assembly meeting in 2015.
- The Board agreed that the consultation process should continue and the Secretariat should seek the views of other AOA members on the issue of attracting more members via adding more agencies and the issue of proper amendment in the By-Laws and Code of Conduct.
- The Board agreed that the efforts would be continued by Mrs. Panit Nitithanprapas to liaise with ADB to seek their support in launching another RETA Project and that the issue be further reviewed in the next Board meeting.
- The offer of the Anti-Corruption and Civil Rights Commission, Republic of Korea to host the annual meeting of the BOD in 2014 in Seoul, Korea was accepted.
- The General Assembly unanimously ratified the Board's recommendations for awarding full membership to the Office of the Federal Ombudsman for Protection against Harassment of Women at Workplace, Pakistan and Office of the Ombudsman for Protection Against Harassment of Women at Workplace, Sindh Pakistan.
- The General Assembly unanimously approved asking the Public Defender (Ombudsman) of Georgia to submit a formal proposal to the AOA Secretariat for hosting the 14th AOA Conference in 2015. The BOD in its next meeting will decide about the host of the conference in 2015.

## Chapter 3

### International Ombudsman Institute (IOI)

In the first quarter of the 21<sup>st</sup> Century, the Ombudsman institutions exist in 144 countries out of the 196 placed on map of the world. The majority of the countries have, as in Pakistan, multiple ombudsmen offices. In a number of such institutions, the jurisdictions have migrated from public sector to the private sector as well. While the traditional National Ombudsman may still be a dominant office, there are also other offices catering to the specific segments of public and private sectors each with their own special sphere of activity.

Therefore, in order to coordinate among multiple Ombudsman Institutions and to promote development of the concept of Ombudsman throughout the world, the International Ombudsman Institute (IOI), was established in 1978 as an independent global organization to help more than 150 independent public sector, local, regional and national Ombudsman institutions to cooperate.

The International Ombudsman Institute (IOI) has six regional groups/chapters having members from more than 90 countries. Its General Secretariat is located in Vienna, Austria.

The Federal Ombudsman of Pakistan is a full member of the International Ombudsman Institute (IOI) since its establishment in 1983.

## Chapter 4

### Forum of Asian Ombudsmen Association (AOA)

In the wake of global recognition of the concept of the Ombudsman-system and its usefulness for speedy and inexpensive resolution of public complaints, there had also been a commendable exercise at the International Ombudsmen Institute (IOI) of providing a common platform on the regional basis to share experiences and chart roadmap for the future. Pakistan, supported by China took initiative to establish the AOA.

As a result of these efforts, the forum of Asian Ombudsmen Association (AOA) came about in April 16, 1996 as a non-governmental, non-political and professional forum for Ombudsmen in Asia.

The then Wafaqi Mohtasib of Pakistan was elected as the first Chairman of the Board. Pakistan being its pioneer member continues to play a lead role ever since. The AOA currently has 27 members from 17 countries and is governed by a nine-member Board of Directors. Among others, the main functions are to promote concept of Ombudsmanship in Asia, develop professionalism in discharge of functions, support research regarding the institution of Ombudsman, capacity building and training of personnel for delivery of quality services and above all share experiences for the benefits of Ombudsmanship to reach to the aggrieved citizens.

## Chapter 5

### Forum of Pakistan Ombudsmen (FPO)

During the period of thirty years since 1983 when the institution of the Federal Ombudsman was established, the concept of Ombudsman was not only globally recognized but there was an unprecedented acceptance within the country of the idea. Subsequently, the institution of Wafaqi Mohtasib was replicated into twelve types of Ombudsmen institutions dealing with matters relating to taxation, insurance, banking, women and children as well as matters relating to provincial domain of all the four provinces and Azad Jammu and Kashmir.

In view of the growing number of the ombudsmen institutions, a need was felt to provide a coordination mechanism on the analogy of Asian Ombudsmen Association (AOA). Consequently, on April 16, 2011, the Forum of Pakistan Ombudsmen (FPO) was launched with the objective to improve coordination and for capacity building to ensure delivery of speedy and quality service to the citizens.

With all the federal and provincial Ombudsmen including the Ombudsman for AJK as the members, the Forum resolved to take several initiatives to make the Ombudsmen more transparent and effective.

The meetings of the Forum are held periodically where all the members contemplate on the issues before them and devise policies to ensure speedy resolution of public complaints through capacity building and training with regards to sharpening their skill in dispute resolution besides creating awareness in general public about the utility and usefulness of these institutions in addressing public grievances against maladministration and injustices committed by government officials.

The FPO has also been highlighting the need for the reformation and standardization of the laws and subsequently supported the draft proposals for bringing reforms in the Law in 2013.

## Appendix-I

### Our Team

#### *The Secretariat*

**Mr. Imtiaz Kazi, Secretary, Wafaqi Mohtasib Secretariat**

He served as Federal Secretary in the Ministries of Water & Power and Petroleum & Natural Resources. Now working as Member, Federal Public Service Commission.

**Capt. (R) Agha Nadeem, Member, Wafaqi Mohtasib Secretariat**

His last posting was Federal Secretary, Ministry of Information & Broadcasting.

**Mr. Attaullah Khan Toru, Secretary, Wafaqi Mohtasib Secretariat**

He was Additional Chief Secretary in Government of Khyber Pakhtunkhwa.

**Mr. S. M. Tahir, Special Secretary, Wafaqi Mohtasib Secretariat**

He worked in this Office as well as in Ministry of Culture. Now working as Honorary Advisor, Wafaqi Mohtasib Secretariat, Islamabad.

**Dr. Muhammad Khawar Jameel, Member (Incharge), Karachi**

He served as Federal Secretary in the Ministry of Ports and Shipping.

**Capt. (R) Zahur Ahmed Khan Khalil, Member (Incharge), Peshawar**

He served as Member (Finance) in Pakistan Agriculture Research Council.

**Mr. Muhammad Hafeez, Director General, Wafaqi Mohtasib Secretariat**

He was Joint Secretary in the Ministry of Ports & Shipping.

**Mr. Saqib Aleem, Director General, Wafaqi Mohtasib Secretariat**

He was Joint Secretary in the Ministry of Defence.

**Mr. Amjad Shahid Afridi, Director General, Wafaqi Mohtasib Secretariat**

He was Secretary, Information Technology in Government of Khyber Pakhtunkhwa.

**Mr. Khushdil Khan Malik, Director General, Wafaqi Mohtasib Secretariat**

He served as Director General NACTA in Ministry of Interior.

**Mr. Rizwan Ullah Beg, Director General, Lahore**

He was Member Board of Revenue in Government of the Punjab.

**Mr. Aftab Habib, Director General, Lahore**

He was Member Chief Minister's Inspection Team, Government of the Punjab.

**Mr. Shahid Zia Cheema, Director General, Lahore**

He was Chief, Debt Management in Economic Affairs Division.

**Dr. Kamran Afzal Cheema, Director General, Lahore**

He was Member, Chief Minister's Inspection Team, Government of the Punjab.

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He served as Secretary, Department of Zakat, Usher and Social Welfare, Government of the Punjab.

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He was Secretary Social Welfare Department, Government of Sindh.

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He served as Chief Finance and Accounts Officer in Ministry of Religious Affairs.

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He was Divisional Commissioner in Dera Ismail Khan in Government of Khyber Pakhtunkhwa.

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He served as Federal Secretary in the Ministry of Information & Broadcasting.

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She served as Director General, External Publicity Wing and Additional Secretary, Ministry of Information & Broadcasting.

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He served as Chief Commissioner in Regional Tax Office, Faisalabad.

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He was Ambassador of Pakistan in Vietnam.

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He served as Member, Board of Revenues in Government of Khyber Pakhtunkhwa.

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## ACKNOWLEDGEMENT

This report has been made possible with untiring endeavour and support of the following team:

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The team greatly acknowledges Mr. M. Salman Faruqui, Wafaqi Mohtasib of Pakistan, for his guidance, out of the box thinking, creative ideas and above all for providing much needed impetus for timely completion of the report. The team recognizes the quality assurance provided by Advisors Mr. Anwar Mahmood, Mr. Ejaz Ahmed Qureshi and Mr. S. M. Tahir (former Federal Secretaries) by meticulously reviewing the draft. Appreciation is extended to all those who provided valuable input and material for the report. The team would also like to thank Mr. Shakaib Tahir and Mr. Muhammad Shabbir for their valuable assistance in developing this report.



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