



***Federal Ombudsman of Pakistan  
Proposal for Free and Speedy  
Resolution of Citizens' Complaints  
Against Mal-Administration of  
Federal, Provincial and Local  
Government Agencies under one Roof  
at Grassroots Level***



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## OVERVIEW

The Office of Federal Ombudsman of Pakistan was created under the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983 (here in after referred to as The Order). The purpose was to diagnose, investigate, redress and rectify any injustice done to a person through mal-administration of a government agency. This institution was first of its kind in Asia and served as a catalyst for the creation of many other such offices in later years, with specialized function at Federal level and at Provincial level including Azad State of Jammu and Kashmir. At the global level, the institution of Ombudsman is considered as an arm of government to improve governance and strengthen democracy.

In 2013 “The Federal Ombudsmen Institutional Reforms Act, 2013” was promulgated which gave enhanced powers to the Ombudsmen and the Investigation Officers. Powers of a Civil Court with respect to grant of temporary injunctions and implementations of the recommendations, orders or decisions, were conferred on the Ombudsman. In this respect, powers to punish for contempt of court under the Contempt of Court Ordinance, 2003, were given. The Ombudsman was also empowered to review his decisions which previously did not exist as any decision by the Federal Ombudsmen could earlier be impugned through a representation with the President of Pakistan.

The Wafaqi Mohtasib (WM) is mandated to redress the grievance of common citizens, arising out of acts of mal-administration, discrimination, inefficiency and delay on the part of Federal Agencies and their functionaries. This institution is considered as a “poor man’s court” as it dispenses free of cost and speedy justice. Findings by the Wafaqi Mohtasib are issued within 60 days and a review petition is decided within 45 days. Representations against these, filed with the Honourable President of Pakistan are to be decided within 90 days.

Litigation in Pakistan is both expensive and cumbersome, involving long delays. On 31<sup>st</sup> December 2013, a total of 1,703,345 cases were pending in the courts of Pakistan. The Wafaqi Mohtasib, over past 30 years has been averaging a disposal of 16,583 cases per year. However this received an impetus with the appointment of Mr. M. Salman Faruqi, Nishan-e-Imtiaz, as Wafaqi Mohtasib when 74,775 cases were disposed of in 2013 and 77,311 cases were disposed of in 2014. This resulted in the complete elimination of any backlog. This being a quasi-judicial process, the procedures are comparatively simple as compared to the highly structured system of judiciary, which in itself entails and results in delays. Thus the Wafaqi Mohtasib can be seen as supplementing the judicial system by both reducing the burden on the judiciary as well as solving the problem of the

common man relating to the government. In the findings issued by the Wafaqi Mohtasib, more than 99% of the complainants and agencies accepted the findings and only in less than 1% cases, complainants or agencies filed review petition or representation with the President of Pakistan.

In a nationwide third party independent survey conducted in September 2015 under the World Bank, relating to citizen's feedback on the Wafaqi Mohtasib, the report (*Annex-A*) concluded that “most of the complainants who lodged complaints against a specific agency are significantly satisfied with the working and response of the Wafaqi Mohtasib Secretariat (WMS)”. 88% respondents felt satisfied with WMS performance. 90% of the complaints were decided in favour of the complainants. The WMS office is successfully addressing complainant's grievance and is more effective in solving complaints on timely basis. The survey also revealed that WMS finalized 100% of its findings in less than 60 days. Analysis also showed that 100% of the complaints/matters were decided. Overall, the study indicated that WMS is doing a commendable jobs and “has become one of the most efficient and responsive institutions in the country”.

The outreach of the Wafaqi Mohtasib is through its field offices in Peshawar, D.I. Khan, Multan, Faisalabad, Hyderabad, Sukkur, Quetta, Lahore, Karachi and Swat, in addition to the head office in Islamabad. However, there is a need to reach out to the citizen at all divisional and district levels for two reasons. Firstly, most of the complainants belong to the poor and downtrodden class of the society and they cannot afford to come even to the regional offices. Secondly, most of the problems emanate at the district level and below, where the government agencies both Federal and Provincial, come in direct contact with the public. So a common platform for redressal of grievances needs to be provided to the public at the grass roots level.

The model of Federal Ombudsman was initially replicated by the establishment of the Office of the Ombudsman for Azad Jammu and Kashmir followed by the Provincial Ombudsman of Government of Sindh. Subsequently, after 30 years of its coming into being, the offices of provincial Ombudsmen were established in Punjab, Balochistan and Khyber Pakhtunkhwa on the pattern of Federal Ombudsman with the same mandate. Since then there has been constant demand for its extension to the areas which were not henceforth considered to be subject to accountability. Responding to the overwhelming demand, the Federal Government had appointed the Federal Tax Ombudsman, the Federal Insurance Ombudsman, the Banking Ombudsman and the Ombudsman for Protection of Women against Harassment at Workplace. The Government of Sindh and Punjab have also established the offices of Provincial Ombudsman for Protection of Women against Harassment at Workplace. Despite a difference in detail and the sector, the common objective of all of these Ombudsman's offices is to provide administrative justice against the mal-practice of the government agencies, in their respective spheres.

## CONCEPTUAL FRAMEWORK

Section 33 of The Order, reproduced below, provides for dispute resolution through a special process.

**“Informal resolution of disputes-** (1) Notwithstanding anything contained in this Order, the Mohtasib and a member of the Staff shall have the authority to informally conciliate, resolve, stipulate, settle or ameliorate any grievance without written memorandum and without the necessity of docketing any complaint or issuing any official notice.

The Mohtasib may appoint for purposes of liaison, counsellors, whether honorary or otherwise, at local levels on such terms and conditions as the Mohtasib may deem proper.”

With this in view and the vision of the government, the Wafaqi Mohtasib, notified **“The Federal Advisory Committee on Reforms and Speedy Complaints Resolution”** (*Annex-B*); in exercise of the powers vested in him under section 18 of The Order. The committee comprise illustrious individuals in different spheres of public life, including civil society, the legal community, public representatives, officials and media. This was done with a view to evolving a mechanism which reaches out to the common man, reduce the workload on the existing judicial system and to speed up and extend the delivery of justice to the grassroots level, in cooperation with other Federal and Provincial Ombudsmen. **Speedy Complaint Resolution (SCR)** is prevalent in many countries and has been adopted to avoid complainants’ costs and time involved in formal justice system. Almost 80% of the cases lodged in British and Australian Courts are now being settled through SCR. Prolonged experience of Wafaqi Mohtasib’s offices shows that more than 50% of litigation emanates from mal-administration at Local, Provincial and Federal levels of government. If this is checked at the level of Ombudsman Offices, there can be an appreciable reduction in long and cumbersome litigation.

Noting the government’s commitment to the “National Agenda for Real Change” for provision of speedy and inexpensive justice, Mr. M. Salman Faruqui, N.I., Federal Ombudsman of Pakistan addressed a letter to the Honourable President of Pakistan informing him of the Constitution of a Federal Committee to propose reforms and formulate proposals for extending the outreach of the Mohtasib system to the grass roots level. He requested the President of Pakistan to consider the concept in a high level meeting to be attended by the Provincial Chief Ministers as well as the Federal/Provincial Ombudsmen under his chairmanship (*Annex-C*). In

response to this the President's Secretariat addressed a letter to the Ministry of Law, Justice and Human Rights and the Ministry of Inter-Provincial Coordination, in which they solicited the views/comments of these Ministries; which later on supported the proposal to discuss this matter in the Inter-Provincial Coordination, Committee (IPCC) (*Annex-D*).

In its meeting held on 5<sup>th</sup> December 2014, The Federal Advisory Committee overwhelmingly endorsed the proposed outreach SCR programme. It endorsed in principle the proposal for Mohtasibs' at the Federal and Provincial levels to jointly extend these services to grass root level, initially at District level.

This vision is also in conformity with the incumbent Government's "**National Agenda for Real Change**" (Relevant portion is reproduced at (*Annex-E*) which, amongst others, envisages to:-

- (a) "Provide justice at the proverbial door steps"
- (b) "Strengthen the role of the Ombudsman to provide speedy relief in respect of public complainants regarding mal-administration"
- (c) "Establish offices of Ombudsman at district level to provide relief at district level"

## **Objectives of the Instant Proposal**

The prime objectives are as follows:

- i) To extend the outreach of current system of administrative justice by initially reaching at the district and sub district level. Subsequently to be extended to Union Council level.
- ii) Provision of speedy justice to people. All the cases are required to be disposed of within the statutory period of 60 days. Consequent upon the extension of the outreach to the district and sub district level, it should be possible to decide complainants within 15 days.
- iii) Provision of free of cost redress of the grievance to the citizens.
- iv) Provision of the above service almost at the door steps of the citizens.
- v) To provide one-window service to the citizen/consumer across the governmental and jurisdictional divide.
- vi) To promote harmony and functional integration in the operations of various tiers of Ombudsman's offices by adopting uniform procedure for the disposal of the

cases relating to the Federal, Provincial and Local Administration with joint efforts of Ombudsmen Offices all over the country.

- vii) Reducing burden on courts, which are under pressure because of high incidents of litigation against government agencies.

## **Proposed Arrangement**

Panels of advisors from the Office of Federal Ombudsman, Provincial Ombudsmen and other Ombudsmen Offices (depending on the nature of complaints) could go out to district headquarters and some sub district to hear public complaints in district offices of Ombudsmen where available or an office building of the Deputy Commissioner/Assistant Commissioner and through mediation resolve citizen Vs. Govt. dispute/grievances. The proposal can be summarized as under:

- i) ***Composing Joint Teams:*** One member from each or concerned Ombudsman's office would be deputed to be a part of a joint team meant for one particular district/sub district.
- ii) ***Joint Hearing:*** These teams will plan to conduct hearings under one roof at the assigned District or sub District headquarters separately and under their respective laws.
- iii) ***Prior Information and Publicity:*** The program of the teams will be planned and advertised in advance in the press and the Web Sites of the Ombudsmen Offices and through notices posted at district/sub district offices.
- iv) ***Venue:*** These joint hearings will be held at the District Headquarters or in the Office of the respective DCO or Assistant Commissioner if District Mohtasib Offices are not available.
- v) ***Method:*** Each member of the team will adopt the procedure provided in law/regulations of his respective organization. In general, mediation/ SCR will be encouraged.

## IMPLEMENTATION MECHANISM

In September 2015 an independent research study was commissioned under financial arrangement of the World Bank titled **“Extending Outreach of Alternate Dispute Resolution (ADR) Mechanism for Ombudsmen, especially Wafaqi Mohtasib”**. The study (*Annex-F*) aimed at “Implementing the Agenda for real Change, 2013” for speedy and inexpensive justice to the people at their door step and to their satisfaction. The specific objective of the study was to determine the viability of extending the outreach of Ombudsman’s Offices, especially Wafaqi Mohtasib, down to grass roots level and to develop a robust mechanism for Speedy Resolution of Complaints (SCR) of citizens at their door step.

After detailed consultation with the Stake holders and experts which included all the Chief Secretaries of the four provinces of Pakistan, Provincial Ombudsmen, Advisors and officers of Wafaqi Mohtasib Secretariat, studying various literature in this respect including the models prevalent at the international level, a report was prepared which endorsed the viability of the speedy complaints mechanism. The study proposed the following framework for implementing the speedy complaints resolution mechanism:-

### **Establishment of Complaint Receiving Desks (CRDs)**

To establish 120 CRDs (Punjab: 32; Sindh: 32; KP: 25; and Balochistan: 31), one at each DC office in the provinces of Sindh and KP as well as in the regional offices of Provincial Ombudsman of Punjab and Balochistan.

### **Appointment of Liaison Counsellors**

To appoint Liaison Counsellors (LC), one for each CRD. There are following options in this regard:

#### ***Option 1: Designation of Staff as ‘Liaison Counsellor’***

One of the staff of the facility in use (either Provincial Ombudsman’s regional office or DC office), may be designated as the LC; or

#### ***Option 2: Appointment of Young Professional as ‘Liaison Counsellor’***

The young professional with Masters Degree and at least six months work experience may be appointed as LC, either exclusively by the WM or jointly by the WM and Provincial Ombudsman.

### ***Option 3: Honorary Appointments***

The persons of integrity with background and experience related to judiciary, Bar, teaching, or civil service may be appointed, as experienced in Punjab.

The appointment of the staff jointly by WM and Provincial Ombudsman or designation of the staff of DC office as Focal Person will have an effect of expense sharing.

### **Terms of Reference**

The key terms of reference (TOR) of the LC, as the case may be are proposed to include:

- Guide the complainant for filing complaint.
- Receive the complaint and ensure all formalities are complete.
- Examination of documents.
- Forwarding the complaints to the appropriate offices of Federal Ombudsmen.
- Coordination with the WM Secretariat and the relevant functionaries.
- Arrange hearing at the facility.
- Perform such other functions, as may be required by the WM Secretariat and / or regional office of the WM.

### **Standard Operating Procedure**

Standard Operating Procedure (SOP) need to be developed to ensure smooth running of this extensive set-up and collaboration with the partnering organizations and stakeholders.

### **Complaint Filing System**

- The LC of the CRD upon receiving the complaint, check the contents and documents attached to it and guide the complainant in case the complaint is not in compliance with the requirements.
- The complaint received at CRD must immediately be scanned and forwarded to the concerned Federal Ombudsman regional office or Head Office, as the case may be. The hardcopies of complaint shall be forwarded to the concerned Federal Ombudsman via courier.

## **Frequency of Hearing**

Depending on the number of complaints received, hearings will be conducted thrice in a month. The hearings are proposed to be pre-planned, the date and venue of which may be advertised in advance in the press and the websites of the Federal and Provincial Ombudsmen in Urdu, English and in local languages.

## **Awareness Raising**

A campaign for awareness raising across the country must be launched at all levels in collaboration with the government organizations such as National Database and Registration Authority (NADRA), Bar Council and Bar Associations and NGOs like Pakistan Agha Khan Rural Support Programme (AKRSP) can be engaged for awareness raising of the institution of Ombudsmen, complaint redress system and procedure. The tools for awareness raising include SMS, public service message in local languages on radio and television and print media. Flyers book marks and brochures reflecting the address, contact numbers and procedure for making application to the Ombudsman that can be distributed in the educational institutions, shops etc. While and posters with similar information can be pasted in the public places including bus stops, railway stations, police stations, post office, etc.

## **Main Heads of Expenditure**

These include inter alia: (1) Remuneration for the LCs; (2) furniture and necessary room appliances (such as heater, fan, etc); (3) equipments (laptop, scanner, printer, telephone, fax, LCD for Skype/video conference, cables, etc); (4) vehicle or at least fuel for the regional officers of FOP; Courier; (5) Utility bills; (6) Awareness campaign; (7) Public advertisement / notice for communicating joint meeting dates during the month.

## **Funding**

There are two possible avenues to bear the cost of this programme vis-à-vis., request to the Federal Government of Pakistan and Provinces for annual budget allocation in this regard; and sharing of proposal with the international development partners like World Bank, Asian Development Bank, UNDP, etc.

## **Sustainability**

The proposed mechanism for extending the outreach of Federal Ombudsmen is sustainable because it is based on utilizing and strengthening the existing system across the

country and wherever required cost-sharing between the Federal and Provincial Ombudsmen offices.

## **Logistics**

In order to implement the whole framework, the following logistic arrangements are proposed:-

- i) Coordination will be the responsibility of the Office of the Wafaqi Mohtasib.
- ii) Provision of the venue for joint hearings will be the responsibility of the Provincial Mohtasib through their regional offices.
- iii) Every member of the joint team will use his own staff to facilitate the hearings.
- iv) Transport will be arranged on vehicle/cost sharing basis.



# **ANNEX - A**

## **CITIZEN REPORT CARD**

**An Independent Study Conducted  
by  
The World Bank**



# ACRONYMS

| <b><u>Abbreviation</u></b> | <b><u>Description</u></b>                    |
|----------------------------|--|
| AIOU                       | Allama Iqbal Open University                 |
| ATI                        | Accountability, Transparency and Integrity   |
| BISP                       | Benazir Income Support Program               |
| CDA                        | Capital Development Authority                |
| CRC                        | Citizen Report Card                          |
| EOBI                       | Employee Old Age Benefit                     |
| FATA                       | Federally Administrated Tribal Areas         |
| FTO                        | Federal Tax Ombudsman                        |
| IESCO                      | Islamabad Electric Supply Company Limited    |
| K-Electric                 | K - Electric Company Limited, Karachi        |
| KPK                        | Khyber Pakhtunkhwa                           |
| LESCO                      | Lahore Electric Supply Company               |
| NADRA                      | National Database and Registration Authority |
| NCBMS                      | NCBMS Consulting (Private) Limited           |
| PESCO                      | Peshawar Electric Supply Company             |
| SNGPL                      | Sui Northern Gas Pipelines Limited           |
| SSGCL                      | Sui Southern Gas Company Limited             |
| WAPDA                      | Water and Power Development Authority        |
| WMS                        | Wafaqi Mohtasib (Ombudsman)'s Secretariat    |

## **EXECUTIVE SUMMARY**

### **Background and Scope of Services**

The Federal Ombudsman (Wafaqi Mohtasib) was the first Ombudsman Office established by Government of Pakistan in 1983 in accordance with the requirements of the constitution of the country, through the Presidential Order “Establishment of the office of Wafaqi Mohtasib (Ombudsman) Order, 1983. Globally, the Ombudsmen offices are expected to play a more effective role in assisting governments to improve the governance level of public services to accentuate the democratic principles and responsiveness of the government.

Federal Tax Ombudsman (FTO) Secretariat has received a grant from the World Bank for implementing a project namely “Ombudsman IDF: Institutional Capacity Building”. The project is designed to improve service delivery of all the Ombudsmen Offices by strengthening their responsiveness and accountability.

WMS has accordingly engaged NCBMS Consulting (Private) Limited (“NCBMS”) to carry out the analytical exercise through Citizens Report Card (“CRC”) to evaluate the performance of WMS in the light of opinion of the complainants who lodged complaints with WMS in last three (3) years.

Terms of reference and scope of services relative to this assignment are:-

- The collection of Citizen Feedback on the adequacy and effectiveness of services provided by WMS office through CRC;
- Analysis of efficiency/process of providing services, in accordance with the timeframe specified in respective laws / Acts; and
- Recommendations for improvement in the office of WMS.

The CRC Survey focuses on the complaints lodged for the past three years as per the data provided by the WMS. The proposed sample size was 3,000 complainants out of a population of 6,000 with the proposed distribution of sample size among all provinces namely: Punjab 50%, Sindh 25%, KPK 20%, and Balochistan 5%.

### **Methodology**

A preliminary study of approximately 1% of the total sample size of 3,000 respondents was conducted to finalize the survey instrument. Based on the results and the feedback received

from complainants, questions of the survey were modified and the final questionnaire was agreed upon with the management of WMS.

The sample size agreed upon was 3,000 complainants. Judgmental sampling for users was completed by using information provided by WMS database of a population of 6,000 complaints from past three years. The sampling strategy for the CRC used was stratification with the sample size of 3,000 registered complaints. Strata were the provinces. 95% of the samples were achieved through telephonic survey and 5% through face to face or physical visit to the complainants with the proposed distribution of sample size among provinces.

With the target to achieve our proposed sample, we approached the total population of 6,000 in order to get their responses. The project investigators made concentrated efforts by calling / visiting them several times. However, we achieved our target sample size with slight variation between the proposed distributed percentages among provinces.

We gathered the information for the achievement of objectives of this survey. The data received/gathered through our survey was then input in an Excel based system to draw out the conclusions regarding each of the question. We analyzed all the information gathered statistically either in isolation or in comparison/relation with other information.

## **Survey Results / Key Findings**

The findings / results of the survey on the following areas are discussed in details in section of this report:-

- Source of awareness about the services provided by the WMS office.
- Nature of complaints with respect to the Government agencies that fall under the jurisdiction of WMS.
- Final outcome of the complaint i.e. either matter decided or still pending.
- Rating of complainant's experience of getting their complaint redressed by the WMS Office.
- Factors which made positive impression on complainants of WMS.
- Factors which made negative impression on complainant of WMS.

- Inquiry about undue favor asked by any person.
- Time taken by WMS office to finalize findings.
- Inquiry about complainant's Satisfaction of time taken for disposal of complaint.
- Decision of the complaints either in favor of complainant or department.
- Implementations status of WMS's findings.
- Recommendation of office of WMS to third parties by complainant.
- Areas of the WMS office that need improvement in the complainant's opinion.

Result of this study based on the above mentioned areas provides headway towards the responses from complainants. The survey's results / key findings are briefly described as under:-

- Analysis related to the WMS operations shows that most complainants who lodge complaints against a specific Government agency are significantly satisfied with the working and response of the WMS. In summary, 89% of respondents felt satisfied with WMS performance. The WMS decided 90% of the complaints in favour of the complainants. The WMS Office is successfully addressing complainants' grievances and is more effective in solving complaints on a timely basis.
- The CRC survey reveals that The Wafaqi Mohtasib (Federal Ombudsman) offices finalized 100% of its findings in less than 60 days and 86% of the complainants were satisfied about the time taken by the WMS office in order to finalize the findings.
- Analysis shows that 100% of the complaints/matters were decided.
- Analytically, data facilitates various dimensions highlighting different aspects of problems. More precisely that out of 11% of the respondents who were dissatisfied / neutral and having negative experience about the overall performance of the WMS's office; 61% are related to inefficiency and 39% to arbitrariness.

Overall, the study indicates WMS is doing a commendable job in fulfilling its duty to the public by providing speedy redress to citizens against all forms of maladministration. It must be noted that WMS has become one of the most efficient and responsive institutions in the country. It's a big achievement for a public sector body to have such a positive feedback from its stakeholders.

## **Contents of Report**

Contents of this Report are divided into 10 Sections, Section 6 describes the objectives and scope of the organization and assignment, Section 7 contains the purpose and contents of the Citizen Report Card, Section 8 discusses Survey Methodology and Implementation, Section 9 discusses Citizen Report Card Analysis, that gives full detailed key findings, analysis presented in tables and charts and Section 10 contains the recommendations for WMS.

## **INTRODUCTION**

The Federal Ombudsman (Wafaqi Mohtasib) was the first Ombudsman Office established by Government of Pakistan in 1983 in accordance with the requirements of the constitution of the country, through the Presidential Order “Establishment of the office of Wafaqi Mohtasib(Ombudsman) Order, 1983. Globally, the Ombudsmen offices are expected to play a more effective role in assisting governments to improve the governance level of public services to accentuate the democratic principles and responsiveness of the government.

The Wafaqi Mohtasib Secretariat (“WMS”) headquarters at Islamabad is linked with its nine regional offices at Karachi, Hyderabad, Dera Ismail Khan, Lahore, Quetta, Peshawar, Faisalabad, Sukkur and Multan where complaints could be lodged by the citizens.

The WMS office serves as a speedy and informal forum to serve those who have suffered through maladministration and seek justice. WMS serves the purpose of a key oversight mechanism mandated to fill gaps in the system for protection of individual citizens from injustice emanating from governmental maladministration. Grievance Commissioners are also appointed to specially address complaints pertaining to Pensioners, Children, Overseas Pakistanis and Civic Agencies like CDA. The WMS also take cognizance of the general complaints that come to their notice either directly or through the media.

The WMS can also entertain the complaints of Federally Administrated Tribal Areas (FATA). Now K-Electric Limited is also under the jurisdiction of Wafaqi Mohtasib. Citizens can also approach WMS by filing their complaints at no cost to them.

In order to ensure expeditious disposal of complaints of the citizens/organizations, streamlining the procedures for filing review petitions against the findings of an Ombudsman and further to make representation against the findings of the ombudsman, and implementation of the orders, the Federal Ombudsmen Institutional Reforms Act, 2013 was approved by the President of Pakistan on March 14, 2013. In terms of Federal Ombudsman Institutional Reforms

Act, 2013, the Federal Ombudsman offices are required to resolve complaints within a period of 60 days from registration to final decision.

In efforts to improve outreach of services to beneficiaries and as part of a process to reposition itself as a more client centered institution, the WMS Secretariat requested the implementation of The Citizen Report Card program, as one such initiative. WMS Secretariat has engaged services of NCBMS Consulting (Private) Limited (“NCBMS”) to carry out the analytical exercise to evaluate the performance of WMS in the light of opinion of the complainants logged with WMS in last three (3) years.

## **WMS VS. JUDICIAL SYSTEM OF PAKISTAN**

WMS is successfully fulfilling its mandate by providing speedy and inexpensive justice to the common man. All complaints are being resolved without any cost to the complainant within 60 days or less. In comparison, the judicial system has failed to provide speedy and affordable justice to the common man in Pakistan. It takes a criminal case years, while a civil case can take decades to finalize. To assess the time frame taken by WMS, we compared its performance with the Federal Tax Ombudsman Secretariat and the judicial system of Pakistan.

### **Pendency in Supreme Court of Pakistan**

According to the 2015 annual report published by the Supreme Court of Pakistan, number of pending cases has increased from 20,149 to 23,834 over the last year. Based on the current rate of disposals of 15,635 per annum, it will take the Supreme Court of Pakistan approximately 19 months to eliminate the balance of pending cases if no fresh cases are filed. Given this backlog of cases, new cases filed with the Supreme Court will take at least 2-3 years to finalize.

Furthermore, it was noted ratio of petitions/appeals filed with the Supreme Court against decisions of the high court was approximately 8% in 2013 compared to 1% reviews filed against WMS decisions. It is a big achievement for WMS that such a small proportion of its decisions are being challenged through the review process.

### **Pendency in High Courts of Pakistan**

According to the most recent judicial statistics published by Law and Justice Commission of Pakistan, the number of pending cases at the High Courts are increasing year-over-year.

Based on the current disposal rate, it is expected that it will take approximately 18 months for Lahore High Court, 44 months for Sindh High Court, 16 months for Peshawar High court, 15 months for Balochistan High court and 32 Months for Islamabad High court to eliminate the balance of pending cases if no fresh cases are filed during the year. Due to the backlog of cases, it is expected that the new cases filed with the respective high courts can take years to finalize. Refer to table below for number of pending cases by High Court.

### **Pendency in High Courts**

| <b>Name of Court</b>      | <b>Pendency on 1.1.2013</b> | <b>Disposals during 2013</b> | <b>Pendency on 12.31.2013</b> | <b>Time for Disposal of Pending Cases*</b> |
|---------------------------|-----------------------------|------------------------------|-------------------------------|--|
| Lahore High Court         | 155,827                     | 116,338                      | 173,037                       | 18 Months                                  |
| High Court of Sindh       | 54,290                      | 18,145                       | 66,475                        | 44 Months                                  |
| Peshawar High Court       | 27,295                      | 20,457                       | 26,716                        | 16 Months                                  |
| High Court of Balochistan | 4,878                       | 3,896                        | 4,923                         | 15 Months                                  |
| Islamabad High Court      | 9,166                       | 5,063                        | 13,387                        | 32 Months                                  |

\*Assuming no new cases are filed

### **Pendency in District Courts of Pakistan**

According to the most recent judicial statistics published by Law and Justice Commission of Pakistan, there are approximately 1.4 million pending cases in the district courts and the number is increasing every year. Based on the current rate of disposals of 2.3 million cases per annum, it will take the District courts approximately 7 months to eliminate the balance of pending cases if no fresh cases are filed. Keeping in view the current rate of disposals, it will take more than a year to finalize any new cases that are filed. Refer to table below for number of pending cases in the District Courts.

### Pendency in District Courts

| Name of Court   | Pendency on 1.1.2013 | Disposals during 2013 | Pendency on 12.31.2013 | Time for Disposal of Pending Cases* |
|-----------------|----------------------|-----------------------|------------------------|-------------------------------------|
| District Courts | 1,286,713            | 2,337,138             | 1,403,330              | 7 Months                            |

\*Assuming no new cases are filed

### Time Taken by FTO

FTO is required to dispose complaints within 60 days of filing and is among the few institutions of the country that provides speedy justice to the citizens of Pakistan. However, FTO lags behind the disposal rate of WMS as well. For the year 2014, FTO disposed 58% of its complaints within 60 days, while 26% were disposed within 90 days and 16% were disposed in more than 90 days. Whereas, it is heartening to know that WMS was able to dispose 100% of its complaints within 60 days.

We also compared the ratio of review/appeals against FTO and WMS decisions. We noted 15% of FTO's decisions were challenged during 2014, while less than 1% of the decisions of WMS were challenged. The low review ratio reflects the acceptability and credibility of WMS. Additionally, we noted more than 95% of representation made against WMS decisions were upheld by the president, while only 60% representation made against FTO were upheld. High ratio of decisions being upheld by the president reflects that all complaints are thoroughly investigated in a fair and transparent manner by the advisors of WMS.

Based on our findings, WMS is the leader in providing speedy and inexpensive justice when compared to the judicial system or even other leading Ombudsman offices such as the FTO. Due to the efficiency of WMS in dispute resolution, the scope of activities of WMS can easily be broadened to reduce the case load of our judicial system. In addition, WMS is encouraged to work with other Ombudsman offices to help them streamline their investigation process.

## **OBJECTIVES AND SCOPE OF THE ASSIGNMENT**

### **Objectives of the Assignment**

The Federal Tax Ombudsman Secretariat has received a grant from the World Bank for implementing a project namely 'Ombudsman IDF: Institutional Capacity Building'. The objectives of this project are to strengthen the ombudsman institutions by improving their skill in handling the public complaints, increasing the number of citizens benefiting from their services, and fasten processing of complaints leading to greater citizen satisfaction. Amongst other project objectives, an important goal of the project is to collect systematic feedback from the actual users of the ombudsman services.

In order to achieve the desired objectives, the project management desires to conduct “Citizen Report Card” Study / survey for collecting citizen feedback on the adequacy and effectiveness of the services provided by WMS.

This study therefore seeks to collect, review and, where possible, analyze existing data relevant to the complaints across the country in order to assess WMS's values and what are implications of this research for management.

The basic objective was to develop baseline results for the improvement of the grievance redress mechanisms of WMS. A number of findings were deduced for the following key objectives of CRC survey:-

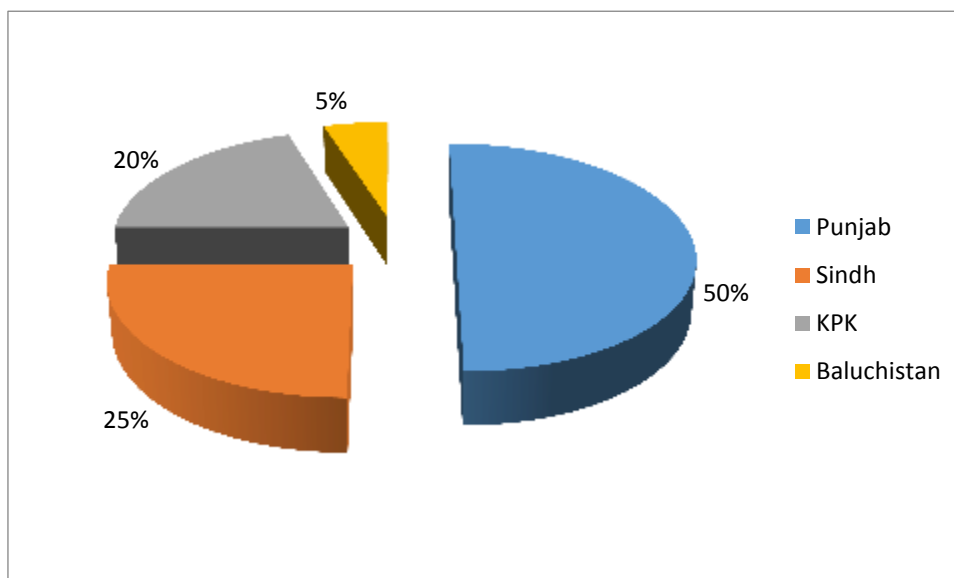
1. To strengthen the WMS for better handling of complaints, increasing the number of citizens benefiting, faster processing, and greater citizen satisfaction.
2. The collection of Citizen Feedback on the adequacy and effectiveness of services provided by WMS office through CRC.
3. Analysis of efficiency/process of providing services, in accordance with the timeframe specified in respective laws / Acts.
4. Recommendations for improvement in office of WMS.

## Scope of Assignment

The survey is limited to the actual users of services of the WMS to determine the level of inputs required for improving the services. The sample size and proportionate break – up is as under:

|   |  |
|---|--|
| Survey Size                                   | 3,000 Complainants   |
| Survey Period                                 | Actual complainants during the last three years. (based on data provided by the WMS) |
| <b>Area Wise Distribution of Sample Size:</b> |  |
| Punjab  | 50%  |
| Sindh   | 25%  |
| KPK   | 20%  |
| Baluchistan                                   | 5%   |

**Percentage of sample distributed among provinces.**



## **CITIZEN REPORT CARD**

### **Purpose**

A Citizens Report Card (CRC) is designed to address critical factors specifically in the area of public services, including access to service, quality and reliability, problems encountered by citizens when using the service and responsiveness of public service agency employees in addressing these problems. CRC encourages transparency in service and attempts to increase efficiency while reducing costs for the agencies involved.

CRC is a tool to:

- Collect feedback on public services from actual users of a service (and not opinions from the general public);
- Assess the performance of individual service providers and/or compare performance across service providers and;
- Generate a database of feedback on services that are placed in the public domain;
- Empowering complainants to play a role to improve the grievance redress mechanisms of the WMS;
- Enable the public service offices to plan, streamline, and prioritize change management initiatives; and
- Starting point for reflection & corrective action.

In Reality, “Citizen Report Card (CRC) Study” when done through an independent medium plays the role of a bridge between the service provider and the stakeholders.

### **Content of CRC**

The contents of CRC are designed keeping in mind following attributes of performance:

- Availability of service
- Access to the service
- Reliability of the service
- Quality of the service
- Satisfaction with service
- Responsiveness of service provider
- Hidden costs - corruption & support systems

- Citizen satisfaction with quality of each service
- Comparison of service providers on reliability and user satisfaction
- Responsiveness and quality of problem solving by agencies

## **SURVEY METHODOLOGY AND IMPLEMENTATION**

### **Pilot Testing**

The pilot survey is conducted for the:

- validation of questionnaires
- determination of applicable statistical techniques
- pre-determined accuracy of the estimation of complainants characteristics

A preliminary study was conducted to finalize the survey instrument. The survey tool used was a questionnaire in Urdu and English.

### ***Preliminary Study***

The breakup for the preliminary study was approximately 1% of the total sample size of 3000 respondents. A direct ratio between the number of respondents for the preliminary and final survey was maintained. The exact numbers of complaints surveyed for the preliminary study were:

**Distribution of Sample Size for Preliminary Study**

| <b>Province</b> | <b>Percentage of total sample</b> | <b>Percentage for preliminary study</b> | <b>No. of Respondents</b> |
|-----------------|-----------------------------------|---|---------------------------|
| Punjab          | 50%                               | 1%                                      | 15                        |
| Sindh           | 25%                               | 1%                                      | 8                         |
| KPK             | 20%                               | 1%                                      | 6                         |
| Baluchistan     | 5%                                | 1%                                      | 2                         |
| <b>Total</b>    |                                   |   | <b>31</b>                 |

Based on the results and the feedback received from citizens, questions of the survey were modified to clarify their meanings and achieve the planned objectives of the CRC survey. The modifications included rewording, merging, and removing questions. A few questions were

merged or removed while a few questions were also added and the final questionnaire was agreed upon with the management of WMS.

## Survey Methodology

NCBMS focuses in finding and evaluating best practices being adopted to serve the purpose. We adopted renowned six step methodology to conduct market research to collect, analyze and disseminate quantitative and qualitative data. Each of these steps has been developed to guarantee that the entire process from planning the survey to disseminating the findings has been completed as thoroughly as possible. This rigorous methodology was customized for the Citizens Report Card, details of which are below. Each of these steps were individually modified and executed to extract information from the Citizens to provide WMS the most comprehensive results as possible.

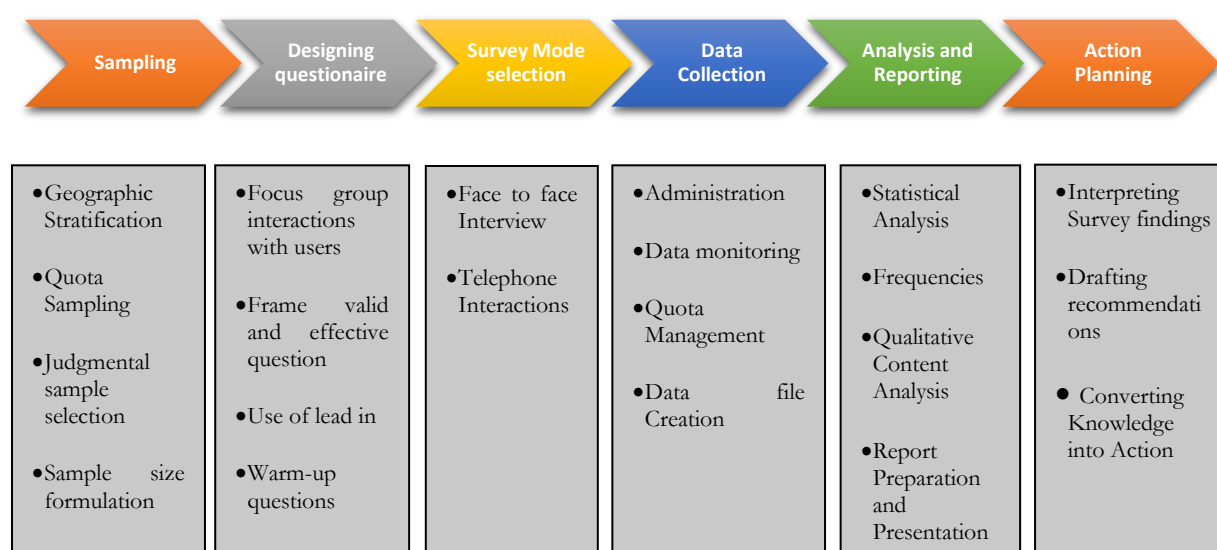


Figure: Our Survey Methodology

## Survey Implementation

### *Step 1: Sampling*

The sample size agreed upon is 3,000 complainants. The random / judgmental selection was done for complainants who lodge complaints with WMS against any Federal Government agency (like: WAPDA / Electricity providers companies, SSGCL / SNGPL, NADRA/ Passport office, CDA, AIOU, Railways, State Life Insurance, Pakistan Post, BISP, EOBI and National Bank of Pakistan etc.).

The sampling strategy used for the CRC was stratification with the sample size of 3,000 registered complaints. Strata were the provinces. Judgmental sampling for users was completed by using information provided by WMS database of their existing complaints register. The sample was from a population of 6,000 complaints from past three years.

### ***Population Breakup –Telephone Interaction***

A population breakup based on a quota of regions as planned and achieved is shown in the table given below:

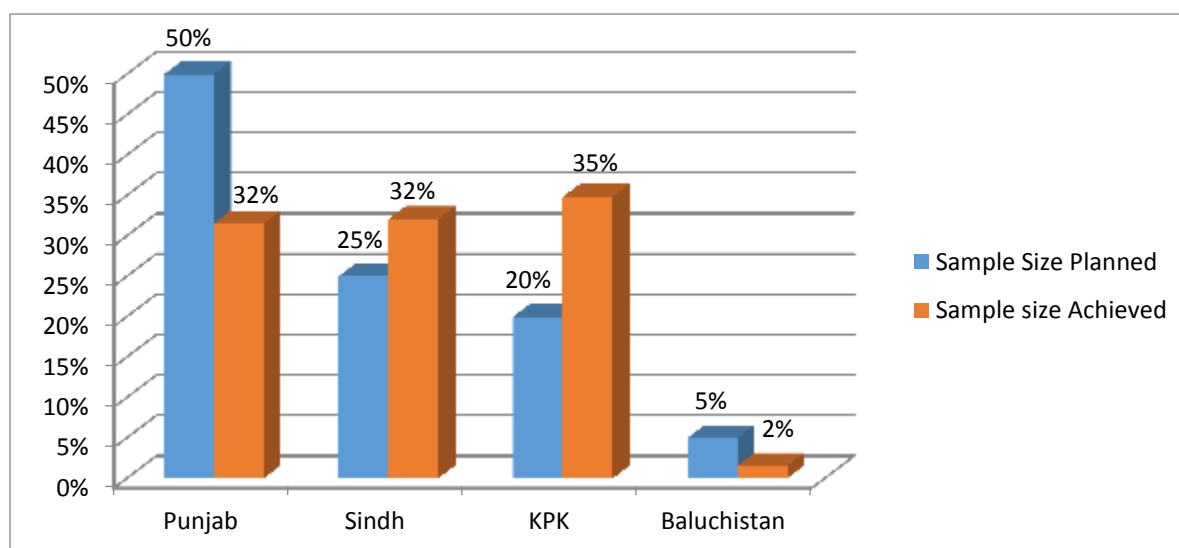
**Ratio of Planned number of samples VS Achieved number of samples**

| Province           | No. of Samples planned |                    | No. of Samples achieved |                    | Variance      |                    |
|--------------------|------------------------|--------------------|-------------------------|--------------------|---------------|--------------------|
|                    | Frequen<br>cy          | Percenta<br>ge (%) | Frequen<br>cy           | Percenta<br>ge (%) | Frequen<br>cy | Percenta<br>ge (%) |
| <b>Punjab</b>      | 1425                   | 50%                | 899                     | 32%                | -526          | -18%               |
| <b>Sindh</b>       | 713                    | 25%                | 914                     | 31%                | 201           | 6%                 |
| <b>KPK</b>         | 570                    | 20%                | 993                     | 35%                | 423           | 15%                |
| <b>Baluchistan</b> | 142                    | 5%                 | 44                      | 2%                 | -98           | -3%                |
| <b>Total</b>       | <b>2850</b>            | <b>100%</b>        | <b>2850</b>             | <b>100%</b>        | <b>-</b>      | <b>0%</b>          |

It is to be notified here that with a total given population of 6,000 complainants, the agreed percentage in terms of stratification of total sample size in to provinces was not achievable through such population because of insufficient complainant's data from that respective province. In order to achieve our total target of 2850 telephone responses, we completed the target samples from other provinces.

The graphic comparison of samples planned and achieved in percentages is presented below:-

### Percentage of Planned number of samples VS Achieved number of samples



### Population Breakup – Personal Visit

A population breakup (5% of the total planned sample size i.e. 3000 complainants) based on a quota of regions as planned and achieved is shown in the table given below:

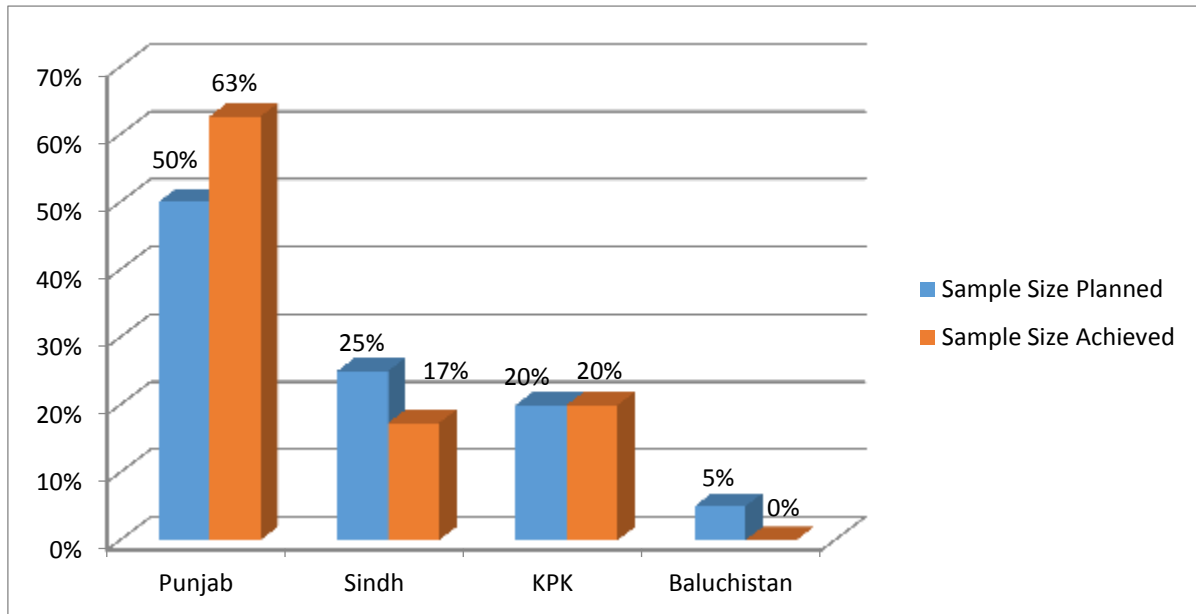
### Ratio of Planned Number of Samples VS Achieved Number of Samples

| Province           | No. of Samples planned |                    | No. of Samples achieved |                    | Variance      |                    |
|--------------------|------------------------|--------------------|-------------------------|--------------------|---------------|--------------------|
|                    | Frequen<br>cy          | Percenta<br>ge (%) | Frequen<br>cy           | Percenta<br>ge (%) | Frequenc<br>y | Percentag<br>e (%) |
| <b>Punjab</b>      | 75                     | 50%                | 94                      | 63%                | 19            | 13%                |
| <b>Sindh</b>       | 38                     | 25%                | 26                      | 17%                | -12           | -8%                |
| <b>KPK</b>         | 30                     | 20%                | 30                      | 20%                | -             | 0%                 |
| <b>Baluchistan</b> | 7                      | 5%                 | -                       | 0%                 | -7            | -5%                |
| <b>Total</b>       | <b>150</b>             | <b>100%</b>        | <b>150</b>              | <b>100%</b>        | <b>-</b>      | <b>0%</b>          |

With the prevailing security issues in Balochistan, it was not advisable for our field teams to interview physically over there; further the population was not enough to achieve desired targets. In order to compensate for such limitation, we focused to complete our target from other provinces.

The graphic comparison of samples planned and achieved, through face to face interview, in percentages is presented below:-

**Percentage of Planned Number of Samples VS Achieved Number of Samples**



Unsystematic and inadequate sampling procedures could have resulted in low response rates and over representation / under representation of respondent segments leading to biased survey results. Keeping this in mind, the quotas of the provinces was agreed upon on the overall population of the provinces and maintaining relative ratios to an extent as possible.

### ***Step 2: Designing Questionnaire***

The questionnaire employed for Citizens Report Card was an English based survey. The instrument was translated into Urdu language to facilitate the complainants.

The instrument contained 13 user friendly questions gathering useful information in order to assess performance of WMS. The questionnaire was analyzed to skip patterns, interpretation of questions, redundancies, and adequacy of response options. The questions were pilot tested, shared, refined and agreed upon with the management to cater maximum information.

### ***Step 3: Survey Mode Selection***

The survey was conducted by implementing a mixed mode communications strategy to maximize the response rate. The questionnaire is completed by using face to face interview technique from the complainants at their respective locations.

If respondents were not willing to provide information on spot, contact information was obtained and survey staff conducted the interview at the respondent's convenient time and location.

While contacting on telephone, special consideration was given in terms of suitability of time, duration of interview, convenience of interviewee and entertainment of cross questions.

#### ***Step 4: Data Collection***

The data collection step included: conducting a pre-test to ensure the data questionnaire was an effective measurement tool for WMS stakeholders. For statistical accuracy and implementation efficiency, NCBMS incorporates modern technological support in data analysis; the collected data is analyzed and after data refinement, basic statistical techniques were employed including cross Tabulation, Graphs, and Reliability of Data.

Following measures were taken to assure consistency, reliability, and validity of data collected through the whole process:

#### ***Training of Interviewers***

All the resources possess previous experience of surveys. However, extensive training for filling the questionnaires was imparted to the interviewers. The training of interviewers was conducted in the following manner:

- Broadly define the survey process and the role of the interviewers;
- Familiarize interviewers with the survey design and content;
- Review each question in the survey;
- Discuss what information is being elicited by each question, when to probe for answers and when not to probe;
- Discuss how to approach persons in the household and gain their confidence and consent to participate in the survey and what to do in case of refusal to participate; and
- Discuss good interviewing skills.

#### ***Quality Management***

NCBMS Team leads were made responsible for quality assurance and provision of completely filled questionnaires in order to gather maximum information from the whole

exercise. Enumerators were assigned a team leader whose responsibility was to keep track on daily basis of their progress regarding the number of surveys conducted and verified. Contingency plans were implemented as and when necessary to meet the targets before the allocated time for each province was completed, thus constantly improving the process for the Citizens Report Card survey.

These contingency plans consisted of adjusting the number of surveys conducted on a daily basis by increasing the planned number of surveys for the upcoming days or to train additional interviewers where required.

### ***Step 5: Analysis and Reporting***

Data entry, analysis, and reporting were perhaps the most important step because the usefulness of the data collection efforts was totally dependent on the quality of data and analysis. Data was interpreted in the context of WMS survey objectives and defined the level of detail and statistical sophistication/precision of the analytic tools based on the WMS needs. This report is designed to convey key patterns and messages to the WMS decision-makers. A Secondary Database was modelled exactly after the Primary Database. All data from the questionnaires was re-entered at this stage for the purposes of assessing the integrity of the information in the Primary Database.

The Primary and Secondary Database were compared through the use of spreadsheets. In the event that a contradiction occurred for any one response the hardcopy of the survey was referred and updated accordingly. To further gauge the integrity of data, averages and total number of responses were calculated for each question and used to ascertain if there was an error in data entry. If these figures appeared incorrect, then all the data for that specific question was revisited.

The validated primary database was used for analyzing the data collected from the Citizens Report Card surveys to generate the results presented in this report. Once all data had been entered, checked, and rechecked; frequencies, means, mode, and cross tabulation methods were used. Using statistical analysis of all the data, the information has been presented graphically. Based on the type of data being presented, both pie charts and bar charts (regular, stacked) have been used.

## ***Step 6: Strategy and Action Planning***

The last section of this report presents finding of all bifurcated items into specific recommendations. All findings have been directly tied in with the questions from the Citizens Report Card. The results have been presented in the findings.

Technical knowledge, sophisticated technology (including cutting-edge survey design and analysis software) and disciplined research methodologies were combined to produce accurate, actionable results. Fact-driven recommendations have been formulated that will simplify action planning and solution implementation for WMS.

## **CITIZEN REPORT CARD ANALYSIS**

There are thirteen (13) sub-sections in this chapter that provide the analysis for all the items asked from the complainants/respondents as per the designed and duly approved questionnaire. This chapter mainly aims to provide management and users of this report with the overall understanding of different aspects and trends being presented in isolation and in comparison as-well.

### **Awareness About WMS**

In order to gain maximum benefit from an institution, it's necessary that general public is aware of existence and functions of such institution. To increase awareness, WMS uses different mediums of communication/advertisement.

#### ***Key Findings***

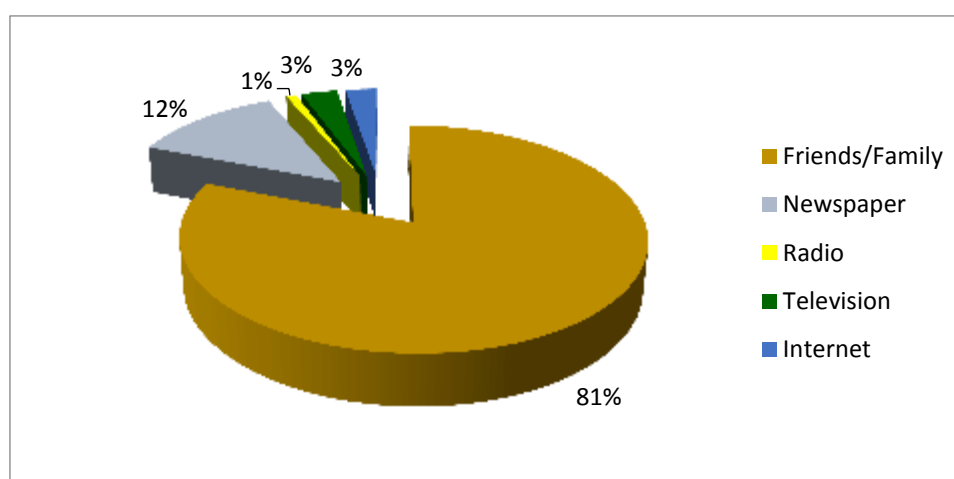
Awareness of the citizens was assessed in respect to various mediums of communication. The majority of the respondents i.e. 81% respondents came to know about the existence and operations of WMS from friends and family, 12 % through Newspapers, and other mediums (i.e. television, internet and radio) contributed about 7%.

The percentages and frequency function for the source of awareness about WMS are given in table below:

### Source of awareness about WMS

| Source of awareness | Frequency | Percentage (%) |
|---------------------|-----------|----------------|
| Friends/Family      | 2416      | 81%            |
| Newspapers          | 374       | 12%            |
| Television          | 107       | 3%             |
| Website/Internet    | 78        | 3%             |
| Radio               | 25        | 1%             |
| Total               | 3000      | 100%           |

### Percentage of source of awareness about WMS



## Frequency of Complaints Against Federal Agency

With a few exceptions, all government agencies fall under the umbrella of WMS. We gathered information from respondents that against which government agency(s) most complaints were lodged.

### *Key Findings*

We assessed against which government agency most complaints were lodged in order to assess comparative performances. The below table depicts that 52% of complaints were lodged against WAPDA/Electricity providers, 18% were against NADRA/Passport Offices, 4% each against SSGC/SNGPL and AIOU. With major numbers of complaints being pointed separately, a minor number of complaints were registered relating to various agencies like Benevolent Fund

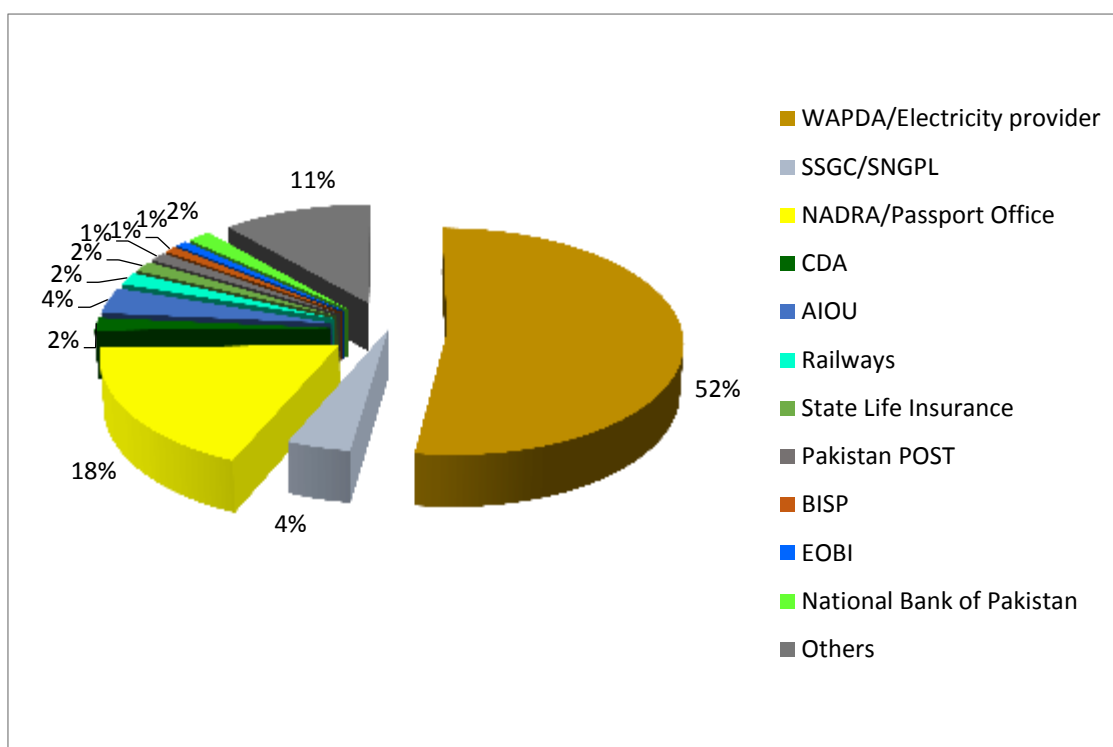
and Group Insurance, Estate Office Management, Federal Directorate of Education – Islamabad etc. being combined under ‘Others’ collectively making 11% of total complaints .

The percentages and frequency function for the name of agency (s) against which complaints were lodged is given in table below:

#### **Complaints Against Federal Agency**

| <b>Federal Agencies</b>    | <b>Frequency</b> | <b>Percentage (%)</b> |
|----------------------------|------------------|-----------------------|
| WAPDA/Electricity provider | 1552             | 52%                   |
| NADRA/Passport Office      | 577              | 18%                   |
| Others                     | 338              | 11%                   |
| SSGC/SNGPL                 | 120              | 4%                    |
| AIOU                       | 111              | 4%                    |
| CDA                        | 54               | 2%                    |
| Railways                   | 53               | 2%                    |
| State Life Insurance       | 46               | 2%                    |
| National Bank of Pakistan  | 54               | 2%                    |
| Pakistan POST              | 39               | 1%                    |
| BISP                       | 29               | 1%                    |
| EOBI                       | 27               | 1%                    |
| <b>Total</b>               | <b>3000</b>      | <b>100%</b>           |

### Percentage of complaints against Federal Agency



### Complaint Status

All respondents were asked about the final outcome of their respective complaints that the matters are decided/resolved, still pending or any other comments thereon by the respondents.

### Key Findings

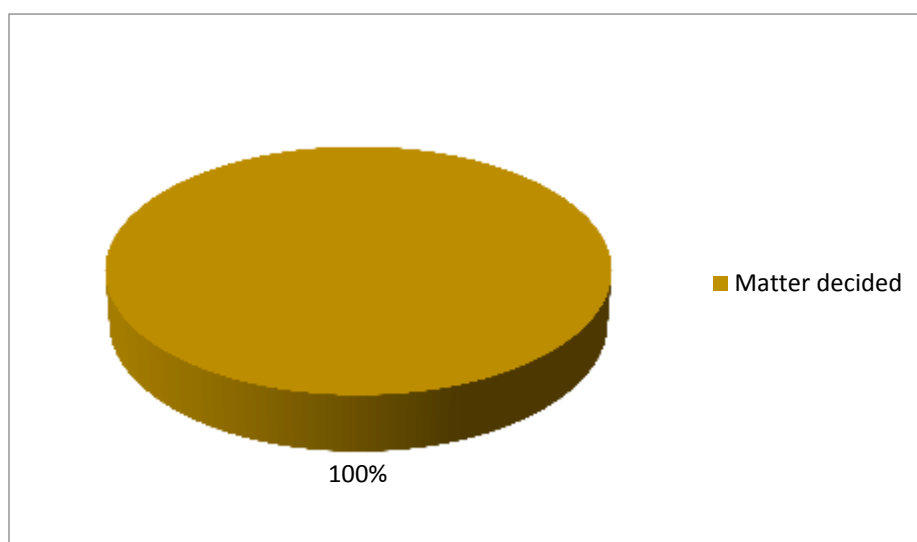
We found that 100% of complaints were decided and judgments were pronounced. It's a big accomplishment that currently there are no backlog of complaints.

The percentages and frequency function for the final outcome (i.e. matter resolved or still pending) of complaints is given in table below:-

#### Outcome of Complaints

| Complaint Status | Frequency | Percentage (%) |
|------------------|-----------|----------------|
| Matter Decided   | 3000      | 100%           |
| Total            | 3000      | 100%           |

### Percentage of Final Outcome of Complaints



### Rating of Complainant's Experience About WM'S Office

All respondents were asked to rate their satisfaction with the behaviour of the staff of WM'S office. The behaviour of staff included, but not limited to attitude, promptness in responding, helpfulness, and / or general satisfaction with staff manners.

#### *Key Findings*

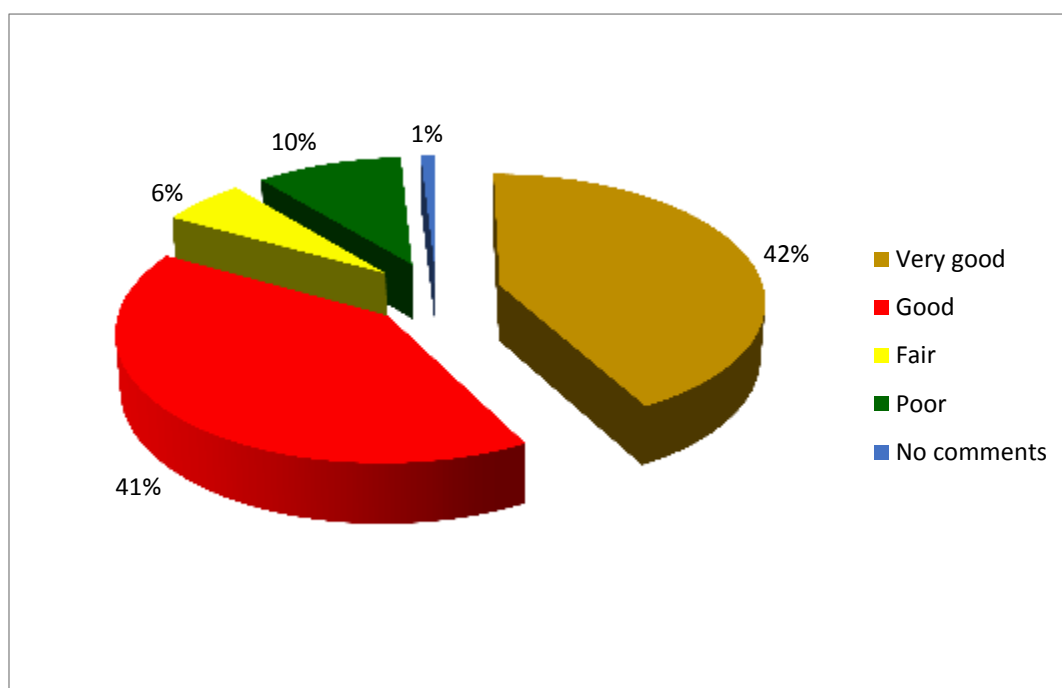
In our survey, it is gathered that 42% of users rated WMS office services as very good, 41% rate as 'good', 6% rated as fair, and about 11% rated negatively.

The percentages and frequency function about the complaint's experience of getting their complaints redressed by the WM's office is given in table below:

**Rating of Complainant's Experience About WM's Office**

| Complainant's Rating | Frequency   | Percentage (%) |
|----------------------|-------------|----------------|
| Very Good            | 1263        | 42%            |
| Good                 | 1229        | 41%            |
| Fair                 | 176         | 6%             |
| Poor                 | 304         | 10%            |
| No Comments          | 28          | 1%             |
| <b>Total</b>         | <b>3000</b> | <b>100%</b>    |

**Percentage of Rating of WM's Office**



### **Reason Behind Positive Experience**

All respondents were asked to rate their experience with the disposal of their complaints, staff attitude like; availability of the staff of WM's office, helpfulness of the staff reach to senior staff; simplicity of procedure being followed and any other comments.

### ***Key Findings***

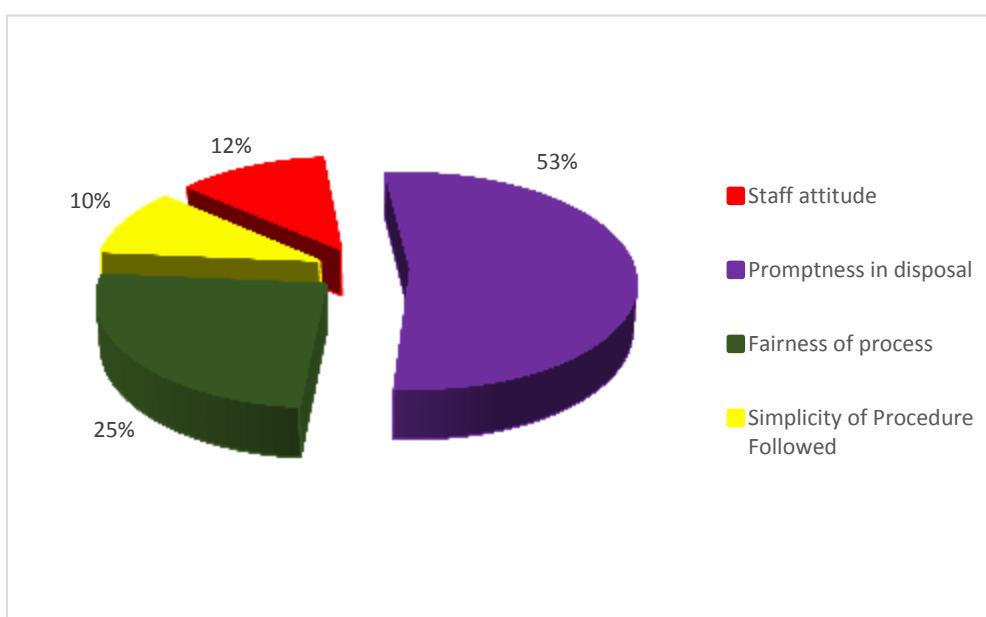
As depicted in the table, about 89% of the respondents were satisfied about the overall performance (as very good, good and fair) of the WM's office. As mentioned in the below table, 12% of the complainants were impressed about the staff attitude, 53% were satisfied on prompt disposals of their complaints, 25% were pleased with the fairness of the process and 10% were happy about the convenience and simplicity of the procedures being followed.

The percentages and frequency function about the reason of complainants positive experience with WM's office is given in table below:-

### Reason Having Positive Impression of WM's Office

| Factors of positive experience   | Frequency | Percentage (%) |
|----------------------------------|-----------|----------------|
| Staff attitude                   | 316       | 12%            |
| Promptness in disposal           | 1412      | 53%            |
| Fairness of process              | 659       | 25%            |
| Simplicity of Procedure Followed | 281       | 10%            |
| Total                            | 2668      | 100%           |

### Percentage of Reason Having Positive Experience of WM's Office



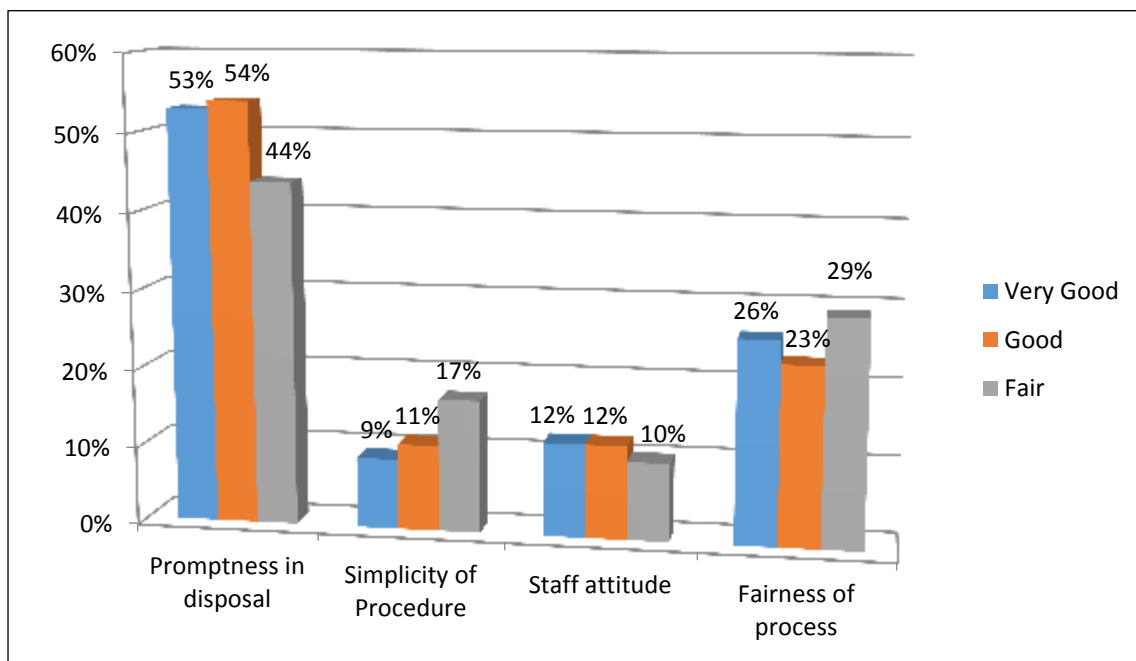
### *Complainant Rating and Reason Behind Positive Experience*

As mentioned above in sub-section, 89 % of the complainants were satisfied about the overall performance of WM's office. The factors which contributed in developing such satisfaction as mentioned above in sub-section are further disaggregated into complainant's rating to WM's office as satisfied is given in table below:

### Factors of Positive Experience Against Complainant's Positive Rating

| Complainant's<br>Positive<br>Rating | Factors of positive experience |  |                   |                        | Total |
|-------------------------------------|--------------------------------|--|-------------------|------------------------|-------|
|                                     | Promptness<br>in disposal      | Simplicity of<br>Procedure<br>Followed | Staff<br>attitude | Fairness of<br>process |       |
| Very Good (1263)                    |                                |  |                   |                        |       |
| Frequency                           | 673                            | 110                                    | 155               | 325                    | 1263  |
| Percentage                          | 53%                            | 9%                                     | 12%               | 26%                    | 100%  |
| Good (1229)                         |                                |  |                   |                        |       |
| Frequency                           | 661                            | 141                                    | 143               | 284                    | 1229  |
| Percentage                          | 54%                            | 11%                                    | 12%               | 23%                    | 100%  |
| Fair (176)                          |                                |  |                   |                        |       |
| Frequency                           | 78                             | 30                                     | 18                | 50                     | 176   |
| Percentage                          | 44%                            | 17%                                    | 10%               | 29%                    | 100%  |

### Percentage of Factors of Positive Experience Against Positive Rating of WMS Office



## Reason Behind Negative Experience

In order to gain valuable information, the respondents were asked to point out their nature of grievances and dissatisfactions about WM's office with respect to the inefficiencies, arbitrariness, harassment for corruption motives, etc.

### *Key Findings*

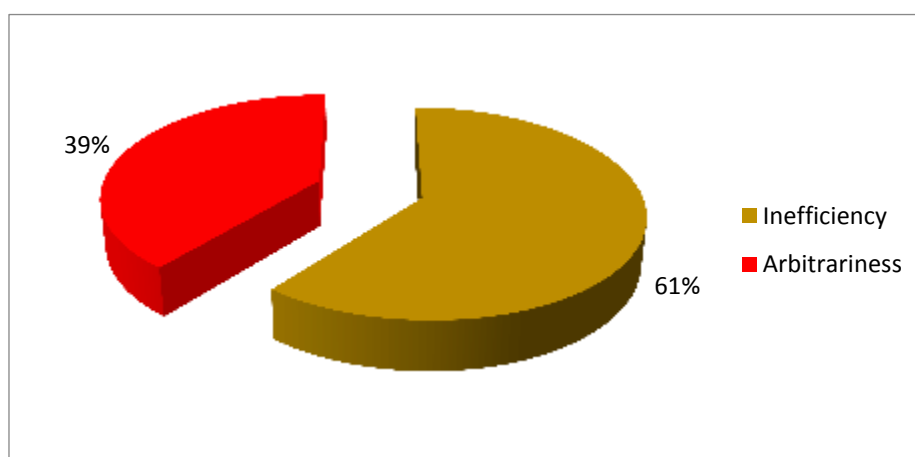
As depicted in the table above, 11% of the respondents were dissatisfied about the overall performance of the WM's office (as poor and no comments). On inquiry about their opinion / recommendations, we found that out of the whole 11% of complainants, 61% pointed inefficiencies and 39% of complainants were concerned about arbitrariness.

The percentages and frequency function about the reason of complainants negative experience with WM's office is given in table below:

**Reason Having Negative Impression of WM's Office**

| Factors of Negative Experience | Frequency | Percentage (%) |
|--------------------------------|-----------|----------------|
| Inefficiency                   | 202       | 61%            |
| Arbitrariness                  | 130       | 39%            |
| Total                          | 332       | 100%           |

**Percentage of reason having negative experience of WM's office**



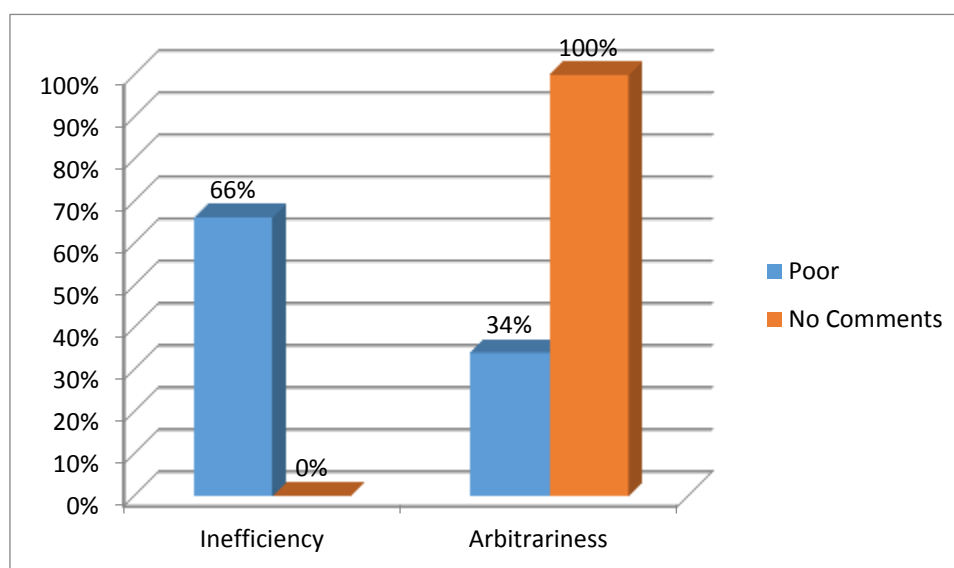
### *Complaint Rating and Reason Behind Negative Experience*

The complainant's rating (including 'poor' and 'no comments') about WM's office as mentioned in sub-section above, is further segregated into factors of negative experience as given in table below:-

**Complainant's Rating VS Factors of Negative Experience**

| Complainant's Rating | Factors of Negative Experience |              |               | Total |
|----------------------|--------------------------------|--------------|---------------|-------|
|                      | Overall no comments            | Inefficiency | Arbitrariness |       |
| Poor (334)           |                                |              |               |       |
| Frequency            | -                              | 202          | 102           | 304   |
| Percentage           | -                              | 66%          | 34%           | 100%  |
| No Comments (28)     |                                |              |               |       |
| Frequency            | -                              | -            | 28            | 28    |
| Percentage           | -                              | -            | 100%          | 100%  |

**Percentage of Complainant's Rating VS Factors of Negative Experience About WM's Office**



## **Inquiry of Undue Favour**

In light of current prevailing opinions about our government system and poor performance factors of our institutions, we inquired from complainants whether they were forced / motivated towards bribery, corruption or undue influence.

### ***Key Findings***

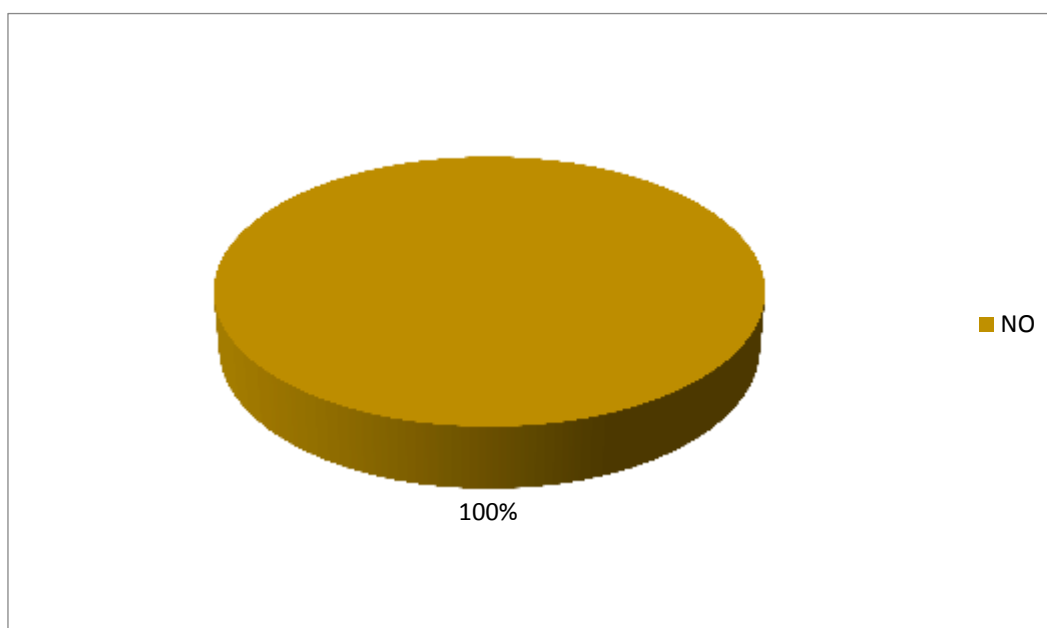
The complainants consider WMS officials have high integrity by not asking for any favour from them. We found that none of the complainants countered any such incident.

The percentages and frequency function of asking any undue favor is given in table below:-

**Whether Asked for any Undue Favour**

| <b>Inquiry of Undue Favor</b> | <b>Frequency</b> | <b>Percentage (%)</b> |
|-------------------------------|------------------|-----------------------|
| No                            | 3000             | 100%                  |
| Yes                           | -                | -                     |
| <b>Total</b>                  | <b>3000</b>      | <b>100%</b>           |

**Percentage of Whether Asking any Undue Favour**



## Time Taken by WMS Office to Finalize Findings

WMS policy states that decisions will be reached in 3 to 6 months. Citizens were asked about the length of time the WMS took to reach their decisions.

### *Key Findings*

As mentioned in sub-section above, 100 % of complaints were decided/disposed-off. On query about time taken for disposal of complaints, we found that 100% of complaints/issues were finalized in less than 60 days. However, 13% or 395 of the complainants did not remember the time taken for disposal of their complaints. For these complainants, we inspected the records of WMS and noted the complaint was disposed-off in less than 60 days.

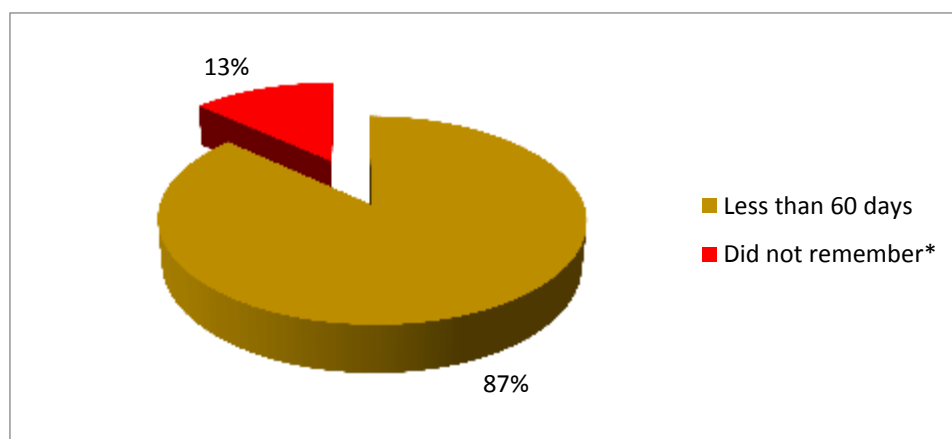
The percentages and frequency function of time taken by the WM's office in finalizing the findings is given in table below:

**Time Taken for Solution**

| Time Slot         | Frequency   | Percentage (%) |
|-------------------|-------------|----------------|
| Less than 60 days | 2605        | 87%            |
| Did not remember* | 395         | 13%            |
| <b>Total</b>      | <b>3000</b> | <b>100%</b>    |

**\*These complaints were disposed in less than 60 days**

**Percentage of Time Taken to Finalize the Issue**



**\*These complaints were disposed in less than 60 days**

## Satisfaction About Timely Disposal of Complaints

Respondents were asked for their satisfaction about timely disposal of complaints.

### *Key Findings*

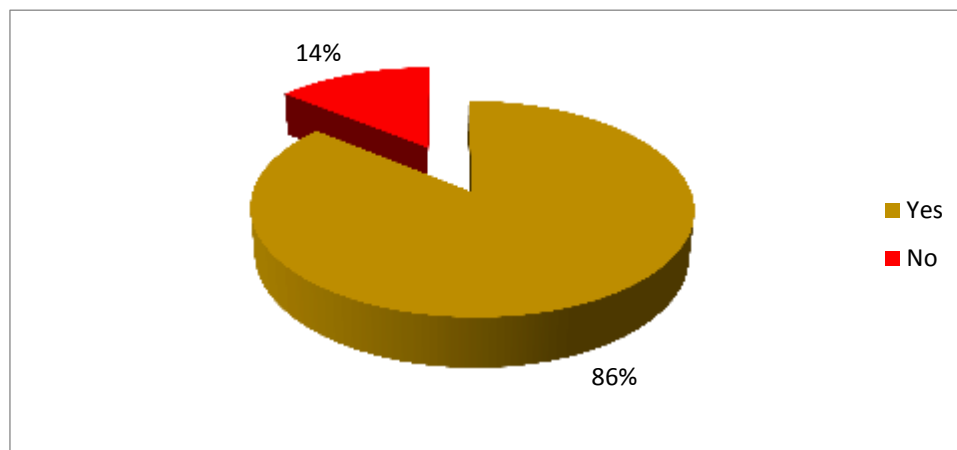
In assessment of complainant's satisfaction in terms of time taken in disposal of complaints, 86% of complainants were satisfied with the process which required WMS to collect all findings, hearing all parties, and decide judicially. Whereas 14% of complainants were of the opinion that complaints should be resolved more quickly.

The percentages and frequency function of complainant's satisfaction about timely disposal of complaints is given in table below:

**Satisfaction About Timely Disposal of Complaints**

| <b>Complainant's Satisfaction of Time taken</b> | <b>Frequency</b> | <b>Percentage (%)</b> |
|---|------------------|-----------------------|
| Yes   | 2582             | 86%                   |
| No  | 418              | 14%                   |
| <b>Total</b>                                    | <b>3000</b>      | <b>100%</b>           |

**Percentage of Complainant's Satisfaction About Time Taken for Disposal of Issue**



## Findings Against Complaints

The findings of the complaints are of two types, the findings are in favour of the complainants or in favour of the department.

### *Key Findings*

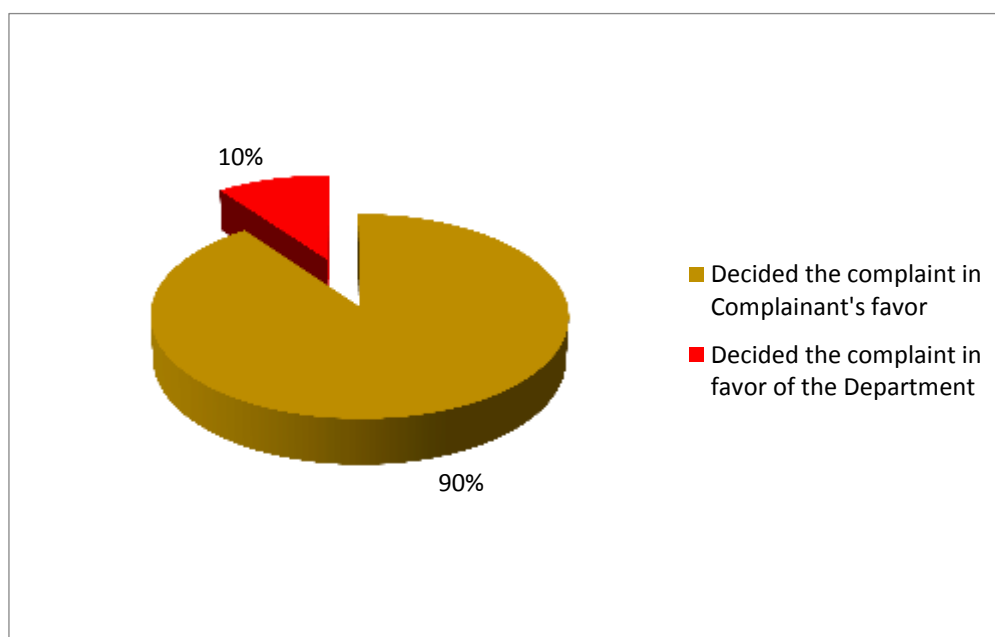
In our survey, we found that 90% of the complaints were decided in complainant's favour and only 10% were decided against the complainant.

The percentages and frequency function of WM's office findings against complaints are given in table below:

**Final Findings to the Complaints**

| <b>Findings Against Complaints</b>               | <b>Frequency</b> | <b>Percentage (%)</b> |
|--|------------------|-----------------------|
| Decided the complaint in Complainant's favor     | 2699             | 90%                   |
| Decided the complaint in favor of the Department | 301              | 10%                   |
| Total  | 3000             | 100%                  |

**Percentage of Final Findings by WM's Office to the Respondent Complaints**



## Implementations of WMS's Findings

In order to assess the complainant's satisfaction with the findings and to further streamline the process, we assessed complainants and the respective agency's actions after findings.

### *Key Findings*

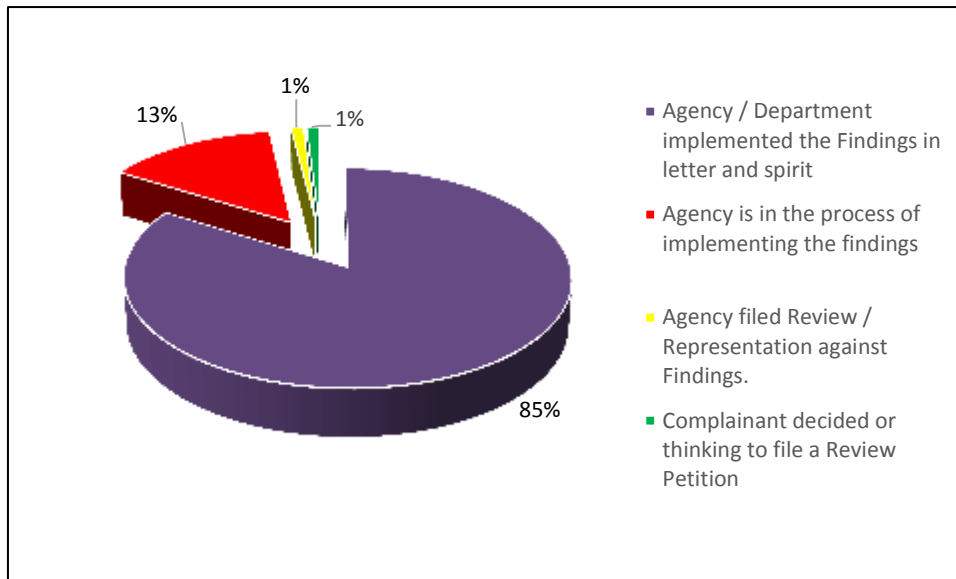
In our survey, we found that 85% decisions were implemented by the department/agency in letter and spirit, in 13% of decisions, agencies are in the process of implementing the findings, in 1% of decisions, the respective agencies filed representations against the findings and in about 1 % of decisions, the complainant decided to file a review petition,

The percentages and frequency function of post finding scenario are given in table below:-

**What happened after receipt of WMS FINDINGS?**

| <b>Implementation of Findings</b>                                 | <b>Frequency</b> | <b>Percentage (%)</b> |
|---|------------------|-----------------------|
| Agency / Department implemented the Findings in letter and spirit | 2539             | 85%                   |
| Agency is in the process of implementing the findings             | 399              | 13%                   |
| Agency filed Review / Representation against Findings.            | 37               | 1%                    |
| Complainant decided or thinking to file a Review Petition         | 25               | 1%                    |
| Total   | 3000             | 100%                  |

### Percentage of Post Decision Scenario



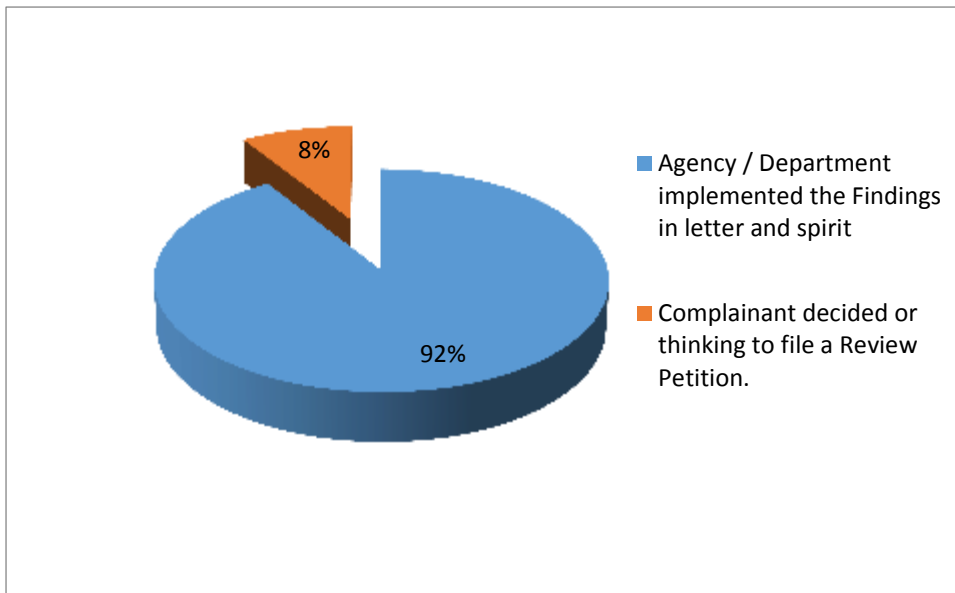
### Finding Against Complaint and Implementation

The findings against complaints as mentioned in sub-section 9.10 above are further statistically disaggregated into the respective post finding scenario as given in Table below:

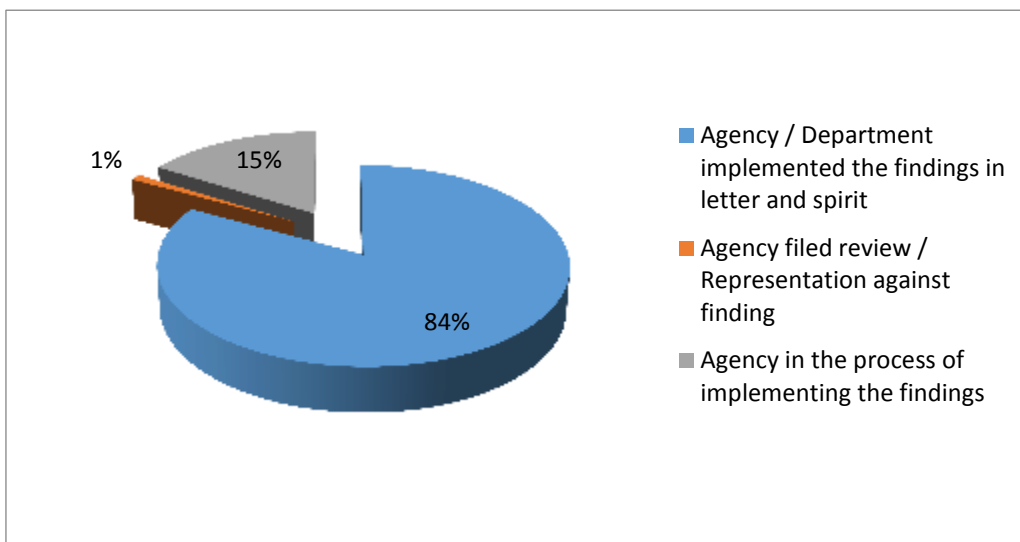
#### Finding Against Complaint VS Post Decision Scenario

| Findings Against Complaints                            | Implementation of Findings  | Frequency | Percentage |
|--|---|-----------|------------|
| Decided the complaint in favor of the Department (301) | Agency / Department implemented the Findings in letter and spirit | 276       | 92%        |
|  | Complainant decided or thinking to file a Review Petition.        | 25        | 8%         |
| Decided the complaint in Complainant's favour (2699)   | Agency / Department implemented the Findings in letter and spirit | 2263      | 84%        |
|  | Agency filed Review / Representation against Findings             | 37        | 1%         |
|  | Agency is in the process of implementing the findings             | 399       | 15%        |

### Findings in Favour of Department VS Post Finding Scenarios



### Findings in Favour of Complainant VS Post Finding Scenario



### Complainant's Recommendation of WMS to Third Parties

One of the foremost indicators of satisfaction when using any public service is the recommendation of service to family, friends, and acquaintances. If a user of a service is dissatisfied with the service there is very little, if any chance that they would recommend the service to anyone. Similarly, any satisfaction with the public service provided would cause people to recommend that service.

## Key Findings

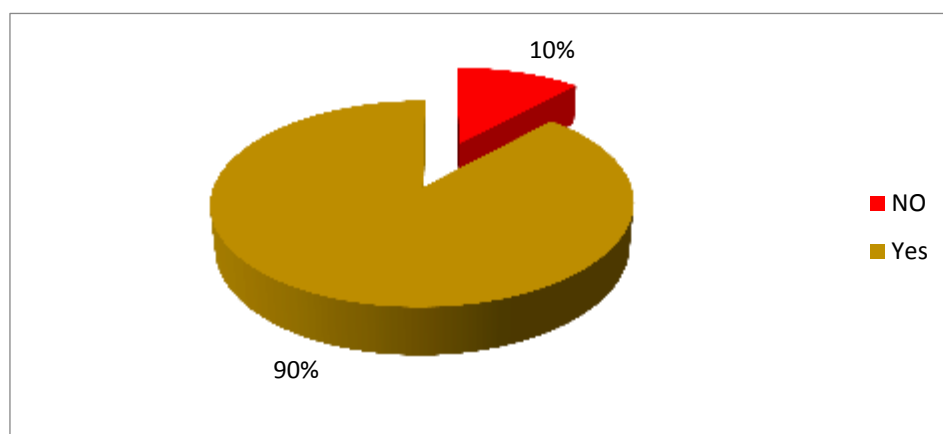
Most of the respondents (90%) were satisfied and felt that they would be willing to recommend using the office of WMS for filing and redress of their complaints. Only 10% had negative views.

The percentages and frequency function of complainant's recommendation to others are given in table below:

**Recommendation of WMS Office to Someone Else**

| Complainant's Recommendation | Frequency   | Percentage (%) |
|------------------------------|-------------|----------------|
| Yes                          | 2685        | 90%            |
| No                           | 315         | 10%            |
| <b>Total</b>                 | <b>3000</b> | <b>100%</b>    |

**Figure 9.12: Percentage of WMS Office Recommendation to Others**



## Area of Improvement

Since the general purpose of the whole survey was to point out how to improve performance of WMS, we requested all of the respondents to guide us towards areas where improvement can be made.

## ***Key Findings***

We assessed in our survey that 2 % suggested improvements in registration of complaints, only 2% suggested improvements in hearing before advisors, 7 % think that WMS needs more promptness in disposing complaints, 18% pointed deficiencies in implementation process, only 5% suggested that staff behaviour and overall performance should be improved further while surprisingly 66% of respondents were fully satisfied with the WMS present policies and procedures.

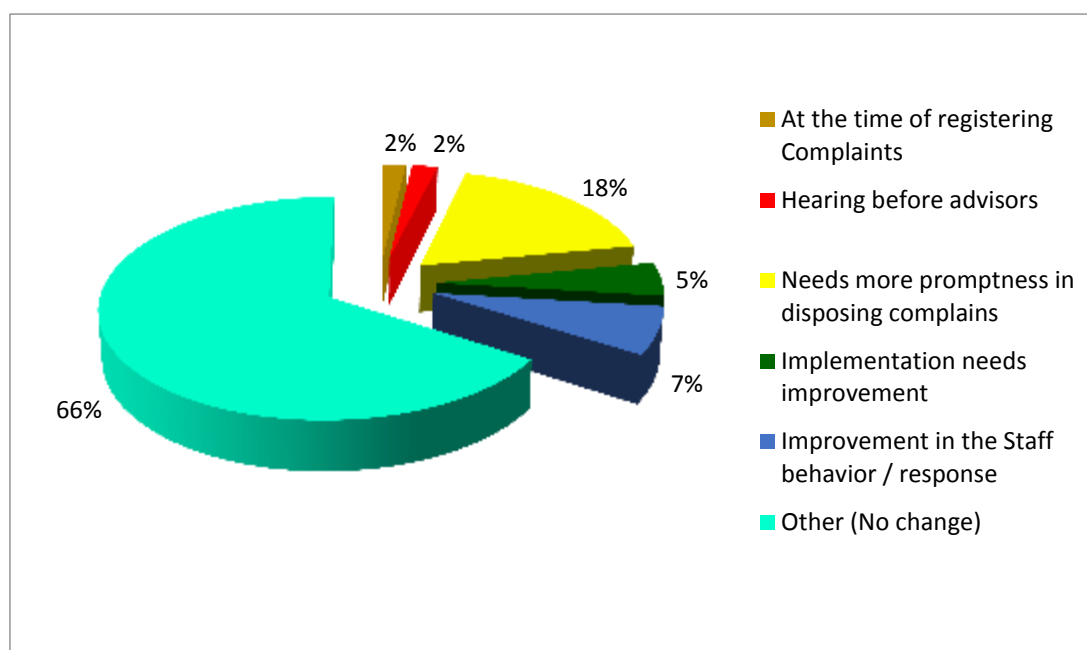
The percentages and frequency function of areas of WM's office need improvements are given in table below:

**Area of Improvements of WM's Office**

| <b>Source of awareness</b>                    | <b>Frequency</b> | <b>Percentage (%)</b> |
|---|------------------|-----------------------|
| At the time of registering Complaints         | 56               | 2%                    |
| Hearing before advisors*                      | 61               | 2%                    |
| Needs more promptness in disposing complaints | 212              | 7%                    |
| Implementation needs improvement              | 541              | 18%                   |
| Improvement in the Staff behavior / response  | 149              | 5%                    |
| Other ( No change)                            | 1981             | 66%                   |
| Total   | 3000             | 100%                  |

\*Complainants were of the view more locations should be added for hearing

### Percentage of Areas of WM's Office Need Improvements



## RECOMMENDATIONS

1. In order to increase awareness about existence of WMS and its complaint handling process, it is suggested that the increased use of print and electronic media be made. For example, commercials can be run on television to increase awareness of WMS and its process. Additionally, information regarding WMS can be included on bills from utility companies.
2. Increase number of branches of WMS offices, especially for hearing.
3. WMS official handling the complaint redress process can be provided further training on customer service through tailor made courses within the organization and/or renowned institutions like LUMS, IBA etc.
4. Online survey form should be formulated and integrated with the current complaint management information system. Once a complaint is closed, link to the survey should be sent to the complainants to obtain real time feedback on the performance of the WMS office. This will provide more accurate and timely feedback to the WMS office.
5. In light of the Supreme Court's order to adopt Urdu language as the official language of Pakistan, it is recommended WMS office issue its decision in both Urdu and English.

6. While the mandate of each of the Ombudsman office varies according to the department or agency they oversee, there are sufficient commonalities to warrant regular exchange of information among Ombudsman offices. Due to the efficiency of WMS in dispute resolution, the WMS office is encouraged to carry out workshops with other Ombudsman offices to improve and streamline their processes.



## **ANNEX - B**

### **COMPOSITION OF THE FEDERAL ADVISORY COMMITTEE ON REFORMS AND ALTERNATE DISPUTE RESOLUTION**



## COMPOSITION OF THE COMMITTEE

- Dr. Ms. Asma Jahangir, S.I. Advocate Supreme Court of Pakistan Former President Supreme Court Bar Association and Chairperson Human Rights Commission of Pakistan.
- Barrister Mr. Waseem Sajjad, N.I. Advocate, Supreme Court of Pakistan Former Chancellor, National University of Computer and Engineering Sciences and former Acting President of Pakistan, Chairman Senate of Pakistan and Minister for Law, Justice and Human Rights.
- Senator Farooq H. Naik N.I. Advocate, Supreme Court of Pakistan. Former Chairman Senate of Pakistan and Minister for Law Justice and Human Rights.
- Mr. Hameed Haroon, H.I. Chief Executive Officer, Pakistan Herald Publications (Pvt.) Limited (Publisher of the Dawn Herald and Spider), President of All Pakistan Newspapers Society and serves on the Executive Committees of the Mohatta Palace Gallery, Pakistan and Preservation of Cultural Heritage Monuments.
- Prof. Dr. Ijaz Nabi, Pakistan Consortium of a Country Director International Growth Centre London School of Economics and Oxford University and Advisor Economic Affairs Chief Minister of Punjab and former Manager Economic Policy for South Asia at The World Bank.
- Dr. U.A.G. Isani, President, Iqra University, Former Chairman University Grants Commission and Secretary General, Government of Pakistan.
- Dr. Ishrat Husain, Dean, Institute of Business Administration Former Governor State Bank of Pakistan, Chairman National Commission for Government Reforms and Senior Executive World Bank.
- Malik Asif Hayat, H.I. Former Chairman Federal Public Service Commission, Secretary to the President and Former Chairman Pakistan Railways, Inspector General of Police Province of Punjab and Azad Jamu Kashmir and D.G.FIA.
- Prof. Dr. Masoom Yasinzai, Rector, International Islamic University, and Former Vice Chancellor Quaid-e-Azam University and the University of Balochistan.

- Justice(R) Muhammad Raza Khan, Secretary, Ministry of Law, Justice and Human Rights, and former Chief Justice Peshawar High Court and Member Federal Service Tribunal.
- Mr. S. M. Muneer S.I. CEO Trade Development Authority of Pakistan and Former President of Federation of Pakistan Chambers of Commerce and Industry President India-Pakistan Chamber of Commerce and Industry.
- Mr. Muhammad Saeed Mehdi, Chairman, Sui Northern Gas Pipe Line Limited, President Admore Gas Ltd. and former Principal Secretary to the Prime Minister of Pakistan and Advisor to Chief Minister Punjab.
- Mr. Shakil Durrani, Former Chairman Water and Power Development Authority, Chairman Pakistan Railways, Former Chief Secretary Provinces of Sindh, NWFP and Azad Jammu and Kashmir.
- Senator (R) Mrs. Shama Perveen Magsi, former Minister for Social Welfare, Woman Development, Special Education, Information Technology, Law and Parliamentary Affairs, Government of Balochistan and Honorary Counsel of Republic of Korea at Quetta.
- Mr. Shoaib Sultan Khan, H.I. Chairman, Board of Directors, of Rural Support Programme and AKRSP and former Senior Advisor UNDP South Asia Poverty Alleviation Programme, Network.

## **ANNEX - C**

**Letter of the Federal Ombudsman of Pakistan  
Addressed to the Honourable President of Pakistan**





**M. SALMAN FARUQUI,**  
N.I.  
**Federal Ombudsman of Pakistan**

Dy No. 652/HWM/2015  
Dated: 10<sup>th</sup> February, 2015

Dear Mr. President,

The Government is committed to the “National Agenda for Real Change” for provision of speedy and inexpensive justice. The salient features of the Agenda are to:-

- i. Reduce the huge backlog of court cases.
- ii. Promote Alternate Dispute Resolution (ADR) through mediation.
- iii. Dramatically shorten time spent in litigation.
- iv. Provide justice at the proverbial doorstep.
- v. Establish ADR centers and panels.
- vi. Strengthen the role of the Ombudsman to provide speedy relief in respect of public complaints regarding maladministration.
- vii. Establish offices of Ombudsman at district level to provide relief at district level.

2. I am pleased to report that a number of steps have been or being taken by the office of the Federal Ombudsman of Pakistan to provide **speedy and free justice** to common citizens as follows:-

- a. A Federal Committee of eminent legal experts, public administrators, scholars and members of civil society has been constituted to propose reforms and formulate proposals for extending the outreach of Mohtasib system to grassroots level. List of Committee members is enclosed.
- b. During the last two years we have **completely eliminated the backlog** of several years.
- c. We have resolved complaints of about **150,000 citizens** during the last two years.
- d. The period for resolution of complaints has been dramatically **reduced to 60 days or less**.

- e. Our Regional Offices already exist in Islamabad, Lahore, Karachi, Peshawar, Quetta, Hyderabad, Sukkur, Multan, Faisalabad and Dera Ismail Khan. We propose to establish Regional Office each at Abbottabad, Gwadar and Hub.
- f. To extend outreach, video link is proposed to be initially made available at divisional level closer to the doorsteps of complainants.
- g. **The role of Federal Ombudsman** has been considerably **strengthened** through Federal Ombudsmen Institutional Reforms Act promulgated in 2013, which has, inter-alia, given Mohtasib the powers of a Civil Court and the Mohtasib or/and his liaison counselors at local levels are empowered to informally conciliate, amicably resolve, stipulate, settle or ameliorate any grievance.

3. I have the honour to inform that we have conducted research on the concept of ADR. A booklet containing the research papers prepared by the Advisors of this Secretariat and some additional learned papers about ADR in Indonesia and India are enclosed for your kind perusal.

4. In order to create political ownership of this extremely useful initiative which is completely in line with your “National Agenda for Real Change”, I propose that the concept may kindly be broached in a high level meeting to be attended by the Provincial Chief Ministers as well as the Federal/Provincial Ombudsmen under your chairmanship. Once the proposal is approved, the Federal Advisory Committee on Reforms and ADR will be tasked to work out details, regularly monitor the process and advise on measures needed from time to time to ensure smooth functioning thereof.

Yours sincerely,



Honourable Mr. Mamnoon Hussain,  
President of the Islamic Republic of Pakistan,  
Islamabad

## **ANNEX - D**

### **Response of the President Secretariat**



No. 2(6)/Dir(C-V)/2015  
PRESIDENT'S SECRETARIAT (PUBLIC)  
AIWAN-E-SADR

\*\*\*\*

Islamabad, 10<sup>th</sup> March, 2015

**Subject: ALTERNATE DISPUTE RESOLUTION (ADR) BY JOINT TEAMS OF  
FEDERAL AND PROVINCIAL OMBUDSMEN (MOHTASIBS)-  
PROPOSAL FOR SPEEDY AND FREE JUSTICE AT GRASSROOTS  
LEVEL**

Kindly refer to the Wafaqi Mohtasib (Federal Ombudsman)'s letter No. 652/HWM/2015 dated 10<sup>th</sup> February, 2015 addressed to the President of Pakistan on the subject cited above (copy enclosed).

2. The Wafaqi Mohtasib in line with the Government's commitment to the "National Agenda for Real Change" for provision of speedy and inexpensive justice, has mentioned a number of steps being taken by that Secretariat. These interalia, include constitution of the Federal Advisory Committee on Reforms and Alternate Dispute Resolution (ADR) (Annex-I).
3. The committee consists of eminent legal experts, public administrators, scholars and members of civil society to propose reforms and formulate proposals for extending the outreach of Mohtasib System to grassroots level.
4. The Wafaqi Mohtasib's Secretariat has also conducted research on the concept of ADR (booklet containing the research papers about Alternate Dispute Resolution (ADR) is enclosed (Annex-II)). The Wafaqi Mohtasib's office is of the view that to create ownership of this initiative the concept may be broached in a high level meeting to be attended by the Provincial Chief Ministers as well as the Federal/Provincial Ombudsmen under the chairmanship of the President. If found viable, the Federal Advisory Committee on Reforms will be tasked to work out detail of ADR, regularly monitor the process and advise on measures needed to ensure its smooth functioning.
5. The views/comments on the subject proposal received from the office of the Wafaqi Mohtasib are solicited keeping in view the mandate of Federal Government after 18<sup>th</sup> Amendment to the Constitution.



(Shaukat Sohail)  
Additional Secretary  
Tel: 051-9010135

1. Secretary, Ministry of Law, Justice and Human Rights, Islamabad.
2. Secretary, Inter Provincial Coordination Division, Islamabad.

Copy for information to:-

✓ Secretary, Wafaqi Mohtasib (Ombudsman)'s Secretariat, Islamabad.



## **ANNEX - E**

**Extracts from “National Agenda for Real Change”**

**Speedy and Inexpensive Justice**



## **EXTRACTS FROM “NATIONAL AGENDA FOR REAL CHANGE” SPEEDY AND INEXPENSIVE JUSTICE**

To reduce the volume of litigation, a major campaign to promote Alternate Dispute Resolution (ADR) will be launched. This will include development of a culture of dispute settlement through negotiation, mediation, conciliation, arbitration or other ADR mode; creation of public awareness as to the laws and procedures relating to ADR; training and capacity-building of judicial officers and staff, and lawyers; introduction of the subject of ADR in law colleges; and establishment of ADR centres and panels to facilitate its adoption. The role of the Ombudsman will be strengthened and enhanced, to provide speedy relief in respect of public complaints regarding maladministration. Office of District Ombudsman will be established to provide relief at district level. In order to bring justice to the doorstep, village panchayats / jirgas (with clearly defined powers and jurisdiction, and qualifications for membership) will be revived for deciding cases relating to minor offences and civil cases involving minor disputes. Necessary arrangements will be made, in consultation with the Judiciary, to set up courts at the municipal / union council level. Feasibility of establishment of High Court benches at divisional level will be discussed with the Bench and Bar.



## **ANNEX - F**

### **SPEEDY COMPLAINT RESOLUTION**

#### **EXTENDING OUTREACH OF ALTERNATE DISPUTE RESOLUTION (ADR) MECHANISM FOR FEDERAL AND PROVINCIAL OMBUDSMEN TO THE GRASS ROOTS LEVEL**

**An Independent Study Conducted**

**by**

**The World Bank**

## EXECUTIVE SUMMARY

The institution of Mohtasib (Ombudsman) is instrumental in institutionalizing a system for enforcing and fortifying bureaucratic accountability.

The office of Mohtasib is in vogue in Pakistan for more than three decade and conforms to the classical model including the inspiration provided by Islam, which lays utmost stress on accountability. It has emerged as a vibrant institution providing relief to common people of Pakistan. The mechanism seeks to diagnose, investigate, rectify and redress injustice done to a person through maladministration.

Conceptually, the scope of the institution is extended to specialized sectors like tax and insurance and even protection against harassment of women at work place. Presently, there are twelve Ombudsmen in Pakistan – five at federal level and seven at regional level.

Realizing the importance and need of this institution in providing speedy and inexpensive justice to people at their doorstep, to strengthen and enhance the role of Ombudsmen in Pakistan has been included in the National Agenda for Real Change 2013. In order to support implementation of this agenda, the Federal Tax Ombudsman (FTO) in collaboration with World Bank has taken this initiative to assess the feasibility for extending the outreach of Ombudsman offices, especially Wafaqi Mohtasib (WM) down to grass roots level. It would lead to developing a robust mechanism for speedy resolution of complaints (SCR) of citizens at their doorstep.

This study involves the literature review and consultation with the Chief Secretaries and Ombudsmen of all provinces of Pakistan.

There are quite a few significant examples of Public Sector Ombudsmen across the globe. The key features of these models include their oversight function; extensive outreach; use of technology; training in handling and follow-up of complaints and raising awareness besides public discussions and dialogues.

In the context of Pakistan, the Mohtasib is empowered to redress the grievance of people against maladministration on the part of government functionaries as well as to address the systematic failures constituting the root causes of “maladministration”.

The Federal Ombudsmen have limited physical outreach. The WM having its Secretariat based in Islamabad have ten regional offices. While the Federal Tax Ombudsman (FTO) and the Banking Mohtasib of Pakistan (BMP), have their Headquarters in Islamabad and Karachi,

respectively and each holds five regional offices. On the other hand, the Federal Insurance Ombudsman (FIO) and Federal Ombudsman (Protection against Harassment of Women at Workplace) do not have regional offices, as yet.

In comparison to the Federal Ombudsmen, the Provincial Ombudsmen have extensive physical outreach. The Provincial Ombudsman Balochistan (POB) and Ombudsman Punjab (OP) have their set-ups in twenty-five districts of Balochistan and all thirty-six districts of Balochistan and Punjab, respectively. So is the case with Provincial Ombudsman Sindh (POS). The Provincial Ombudsman Khyber Pakhtunkhwa (POKP) however, has no regional office at all. Nevertheless, the KP government facilitates POKP's meetings in other districts.

The institution of WM affords sigh of relief to the aggrieved by providing free-of-cost relief in just sixty days, despite its limited outreach without putting them in trouble of engaging any lawyer or employing cumbersome procedure. The filing of complaint through any means including an online complaint system has further eased the procedure. Nevertheless, physical outreach of the Ombudsman can bring more confidence in common people in redress of grievances.

Despite the limited physical outreach of WM, the complaints are received from across the country. The average annual rate for the disposal of complaints by WM increased from 15,478 (1983 to 2012) to 67,043 (2013 to 26<sup>th</sup> October 2015). The credibility of this institution is evident from the fact that in the year 2013 and 2014, only 1.48 and 0.6 percent decisions of WM were challenged by reviews and representations made to the President of Pakistan, respectively. Of representations so far, 0.12 impugned decisions have been upheld, 0.05 percent representations were accepted and 0.04 percent decisions were remanded back to WM. The percentages for the implementation of WM's decisions in 2013 were 98.44 and in 2014, 92.2.

Though the government functionaries have their own administrative systems to resolve the complaints, but lack of hierarchy in complaint handling, multiplicity of forums for filing of complaint, lack of timeframe for redress of grievance, and lack of trust between the duty bearers and the people are the key impediments in access to justice, which press the need for strengthening the office of Ombudsmen.

## **Proposal**

Based on the outcome of the Federal Advisory Committee on Reforms and Alternative Dispute Resolution (ADR) and the finding of this study, it is proposed that a joint team of

Federal Ombudsman and Provincial Ombudsman should move to district headquarters initially, and later to sub-divisional level/tehsil level on pre-planned and pre-advertised dates to conduct hearings and announce on-the-spot decisions, in accordance with their jurisdiction and under their regulatory laws separately but under the same roof.

The proposed extended system of Federal Ombudsmen is based on the utilization and strengthening the existing framework of provincial Ombudsmen and wherever required, the offices of Deputy Commissioners (DCs). The key activities involve inter alia, the establishment Complaint Redress Desks (CRDs); appointment of Liaison Counsellor (LCs); provision of equipments; sharing of utility bills and other overheads with the implementing partners; development of standard operating procedures (SOP). The measures for strengthening the system include awareness raising and capacity building.

**“The role of the Ombudsman will be strengthened and enhanced,  
to provide speedy relief in respect of public complaints regarding  
Maladministration. Office of District Ombudsman will be established  
to provide relief at district level.”**

**The National Agenda for Real Change 2013**

## OVERVIEW OF THE REPORT

### Introduction and Background

The Alternative Dispute Resolution (ADR) involving negotiation, mediation and arbitration, is one of the models of informal Grievance Redress Mechanism (GRM). Like India and Bangladesh, the concept of ADR was introduced in Pakistan by virtue of amendment in the Civil Procedure Code, 1908 (Section 89 read with Order X Rule 1-A), the Small Claims and Minor Offences Courts Ordinance, 2002 and a series of other new legal provisions<sup>1</sup> dealing with ADR.

The Ombudsman is another model of GRM. Neither there is any watertight definition of the term ‘Ombudsman’ nor a one-size-fits-all template for Ombudsman institutions. The literature review reflects diversity of this institution. The Ombudsman is envisaged as impartial, independent ‘referee’, empowered to consider, investigate and resolve complaints of the public. The mode for the resolution of issues is usually the recommendations or mediation. Ombudsman also sometimes identifies organizational roadblocks in public interest.

This institution plays a vital role in influencing best practices in complaint handling and upholding the rule of law by protecting the people from violation of rights, abuse of powers, unfair decisions and maladministration on the part of government functionaries.

Since Ombudsman aims to improve public administration while making the government's actions more open and its administration more accountable to the public, therefore, the use of ADR process in Ombudsman practice raises some concerns because ADR requires confidentiality. If this process is applied to the proceedings of Ombudsman and the settlement is not made public, the wider implications of the finding of maladministration will be lost. Also the purpose of ADR is to achieve consensual agreement, mutually accepted by both parties unlike ‘recommendation’ in the case of Ombudsman.

The concept of Ombudsman emerged in 21st century as a means of building synergies between formal and informal mechanisms of accountability and redress. The Islamic History reveals the origin of Mohtasib in the era of second Caliph Omar (RA) as the Institution of the “Qadi-al-Qadat”, which later on recognized as “Diwan-al-Mazalim” and the Turkish Mohtasib. The Mohtasib in the Islamic Jurisdiction was a public official who conducted accountability of public officials. He enjoyed complete independence and performed his judicial duties within the documented framework. During the Abbasids era, complaint-handling agencies, headed by a senior judge called “Diwan-al-Mazalim”, were established to hear complaints brought by the public against government officials.<sup>2</sup>

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<sup>1</sup> Sections 102–106 of the Local Government Ordinance, 2001; Sections 10 and 12 of the Family Courts Act, 1964; Chapter XXII of the Code of Criminal Procedure, 1898 (summary trial provisions); the Arbitration Act, 1940; Articles 153–154 of the Constitution of Pakistan, 1973 (Council of Common Interest); Article 156 of the Constitution of Pakistan, 1973 (National Economic Council); Article 160 of the Constitution of Pakistan, 1973 (National Finance Commission); Article 184 of the Constitution of Pakistan, 1973 (Original Jurisdiction when federal or provincial governments are at dispute with one another); Arbitration (International Investment Disputes) Act, 2011; and Recognition and Enforcement (Arbitration Agreements and Foreign Arbitral Awards) Act, 2011.

<sup>2</sup> OIC Ombudsmen Association [Online]

Available at: <http://www.oicoa.org/>

Retrieved: 28/08/2015

The UN General Assembly resolutions referring to Ombudsmen group them with mediation and national human rights institutions with similar objectives involving monitoring, advising, and questioning governments and agencies on behalf of citizens; serving as a bridge between citizens and state, helping to build trust and responsiveness; handling complaints and providing redress; and carrying out independent inquiries or investigations, including into human rights abuses, and offering.<sup>3</sup>

Out of 257 countries in the world, 144 countries including 29 OIC member-states have Ombudsman institutions. The reason behind the popularity of the institution of Ombudsman is cost-effective, encumbrance free, simplified and speedy redress of grievance.

The office of Wafaqi Mohtasib (Ombudsman) Pakistan was established by virtue of the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983 (P.O.1 of 1983), included in the Federal Legislative List, Part-I, Serial No.13. The raison d'être for establishing this office is to institutionalize a system for enforcing and fortifying bureaucratic accountability.

It is neither a parallel executive nor has it been assigned functions identical to those of agencies like Anti-corruption Establishment, Federal Investigation Agency, etc. Without displacing or supplanting any of the established institutions this organization is meant to fill up serious gaps in the system for protection of individual citizens from injustice through governmental maladministration.

This institution is providing relief to the masses for the last three decades against the maladministration on the part of the government functionaries, countrywide. Since 2013 Honourable Mr. M. Salman Faruqi is serving as Wafaqi Mohtasib (Federal Ombudsman of Pakistan).

Normatively the institution of Ombudsman in Pakistan is extended to specialized sectors like tax, and insurance and even protection against harassment of women at work place. In order to support these Ombudsmen and their organizations in improving their operations, service delivery and overall effectiveness; promote education and scientific research; and the implementation of training program to enhance capacity of Ombudsman personnel, a forum of Pakistan Ombudsman (FPO) was established on April 16, 2011. It is a non-governmental, apolitical, independent and professional forum for Ombudsmen in Pakistan. Presently, Honourable Mr. Abdur Rauf Chaudhry, Federal Tax Ombudsman is heading this forum as its President.

#### **Members of Forum of Pakistan Ombudsman (FPO)**

Federal Ombudsman of Pakistan  
Federal Tax Ombudsman  
Federal Insurance Ombudsman  
Banking Mohtasib Pakistan  
Federal Ombudsman (Protection of Women against Harassment at Workplace)  
Provincial Ombudsman Punjab  
Provincial Mohtasib (Ombudsman) Sindh  
Provincial Ombudsman Balochistan  
Provincial Ombudsman Khyber Pakhtunkhwa  
Ombudsman of Azad Jammu and Kashmir  
Provincial Ombudsman Punjab (Protection of Women against Harassment at Workplace)  
Provincial Ombudsman Sindh (Protection of Women against Harassment at Workplace)

<sup>3</sup> Rt Hon Helen Clark Address to the 10<sup>th</sup> World Conference of the International Ombudsman Institute “Challenges and Opportunities for Strengthening Integrity of Institutions and the Relationship with the work of the Ombudsmen” [Online]

Available at:

[http://www.theioi.org/downloads/7ov1c/Wellington%20Conference\\_01.%20Plenary%20I\\_Helen%20Clark%20Paper.pdf](http://www.theioi.org/downloads/7ov1c/Wellington%20Conference_01.%20Plenary%20I_Helen%20Clark%20Paper.pdf)

Retrieved: 22/08/2015

This Forum comprises twelve members (five federal Ombudsman and seven regional Ombudsman). It is an active member of the Asian Ombudsman Association (AOA), International Ombudsman Institute (IOI) and OIC Ombudsman Association (OICOA).

## Objectives of the Study

This project aims to implement the National Agenda for real Change 2013 for speedy and inexpensive justice to the people at their door step and to their satisfaction.

The specific objective of this study is to determine the viability of extending the outreach of Ombudsman offices, especially Wafaqi Mohtasib down to grass-root level and to develop a robust mechanism for speedy resolution of complaints (SCR) of citizens at their doorstep.

## Rationale

The institution of Ombudsman in Pakistan has a record of providing free and speedy relief to the masses. Consequently, the strengthening and enhancement of the role of Ombudsman to provide justice to people at the doorstep has been included in the National Agenda for Real Change 2013, under the rubric ‘Speedy and Inexpensive Justice’.<sup>4</sup>

Some of the glaring features of the institution of Wafaqi Mohtasib are as under:

### *Capacity to Resolve Complaints*

To some extent the institution of Ombudsman has wider functional sweep and capacity to redress grievances than Courts. They have the powers to strike down any order of the administration, which is without lawful authority. The Ombudsman, on the other hand, is not merely concerned with acts of commission or omission, which are contrary to law, he can also look into maladministration, characterizing any decision, process, recommendation, act of commission or omission which is alleged to be arbitrary, unreasonable, unjust, bias or discriminatory. Mohtasib is also empowered to look into cases of neglect, inattention, delay, incompetence, inefficiency and ineptitude.<sup>5</sup>

The average annual rate of complaints received by WM has been tremendously increased from **15,478** (1983 to 2012) to **67,043** (26<sup>th</sup> October 2015). The WM disposed of a total of **201,130** complaints during the period from 2013 to 26<sup>th</sup> October 2015.

While, the FTO disposed of **1,548** out of **1,624**<sup>6</sup> complaints and the BMP resolved **1,687** complaints out of **4,506**<sup>7</sup> during the year 2014.

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<sup>4</sup> Pakistan Muslim League (N). Agenda for Real Change Manifesto 2013, page 74 [Online]  
Available at: <http://www.pmo.gov.pk/documents/manifesto.pdf>  
Retrieved: 25/10/2015

<sup>5</sup> Wafaqi Mohtasib (Ombudsman)’s Annual Report for 1983

<sup>6</sup> Federal Tax Ombudsman. Annual Report 2014, pages 11 & 14 [Online]  
Available at: [http://www.fto.gov.pk/files\\_upload/annualreports/Annual\\_Report\\_2014.pdf](http://www.fto.gov.pk/files_upload/annualreports/Annual_Report_2014.pdf)  
Retrieved: 25/10/2015

<sup>7</sup> Banking Mohtasib Pakistan. Annual Report 2014, pages 8 & 12 [Online]  
Available at: [http://www.bankingmohtasib.gov.pk/download/are\\_2014\\_100.pdf](http://www.bankingmohtasib.gov.pk/download/are_2014_100.pdf)  
Retrieved: 03/11/2015

### *Speedy Resolution of Complaints*

By virtue of the Federal Ombudsmen Institutional Reforms Act, 2013, the Mohtasib has to dispose of complaint within **60 days**.

During the current year (January – September 2015), the WM received **34,792** complaints (**28,216** complaints from **34** Districts each with over **250** complaints and **6,576** complaints from various Districts with less than **250** complaints per District).<sup>8</sup>(See Annex ‘A’)

There is not even single complaint pending beyond the statutory period for disposal of complaint.

### *Credibility*

The implementation rate of the decision in cases disposed of by WM in the year 2013 and 2014, was **98.44** and **92.2** percent, respectively.<sup>9</sup>See Table I.

| <b>Table: I</b> | <b>Implementation of the decisions of Honourable Wafaqi Mohtasib (year 2013 and 2014)</b> |  |
|-----------------|---|--|
| <b>Year</b>     | <b>Percentage</b>   |  |
| 2013            | 98.44   |  |
| 2014            | 92.20   |  |
| <b>Average</b>  | <b>95.32</b>  |  |

Of the cases disposed of by WM, reviews and representation to the President of Pakistan were filed in 1.48 and 0.60 percent cases, respectively. The President upheld 0.12 percent of the decisions of WM and accepted representations in only 0.05 percent cases, of which 0.04 percent cases were remanded back to the WM. See Table No. II.

cases were remanded back to the W.M. See Table NO. II.

| Table: II  | Reviews and Representations against the Decisions of Honourable Wafaqi Mohtasib |       |            |
|--|---|-------|------------|
| Reviews  |   | Cases | Percentage |
| Reviews filed  |   | 2,785 | 1.48       |
| Representations  |   |       |            |
| Representations made to the President of Pakistan against decisions in 187,169 cases |   | 1,135 | 0.60       |
| No. of decisions of HWM upheld by the President of Pakistan                          |   | 242   | 0.12       |
| No. of representations accepted by the President of Pakistan                         |   | 104   | 0.05       |
| No. of representations remanded back to HWM by the President of Pakistan             |   | 75    | 0.04       |

<sup>8</sup> Source: Wafaqi Mohtasib (Ombudsman)’s Secretariat.

<sup>9</sup> *Ibid.*

The report indicates a total of 239 decisions out of 1,548 cases disposed of by FTO were challenged through 167 representations to the President of Pakistan and 72-review filing.<sup>10</sup> While a total of 52 decisions out of 1,687 cases decided by BMP were challenged in terms of 41 representations made to the President of Pakistan and 11 reviews.<sup>11</sup>

### ***Free Relief***

The complainant is not requisite to pay any fee for lodging complaint. The cost for processing the complaints borne by the government and not by the complainant at all.

### ***Informal Resolution of Dispute***

By virtue of Article 33(1) of the Presidential Order, 1983 the HWM is vested with prerogative to decide the cases through informal mechanism without docketing any complaint or issuing any official notices. This provision is pressed liberally into service to make possible the securing of redress in many cases, even against Pakistan Air Force and Pakistan Army.<sup>12</sup>

Thus the powers “to informally conciliate, amicably resolve, stipulate settle or ameliorate any grievance...” not only widens the ambit of the Ombudsman’s activity but also provides a means for settlement of disputes through conciliatory proceedings and mutual satisfaction of the parties. The rationale underlying this provision is to effect settlement through discussion and persuasion enabling the parties to understand each other’s point of view.<sup>13</sup>

### ***Mechanism for the Enforcement of Decision***

Although the decision of Ombudsman is recommendatory in nature yet the relevant laws provide mechanism for its enforcement. Article 12, 14 and 16 of the President Order 1 of 1983 comprehensively deal with this aspect. In case of “**Defiance of Recommendations**”, the report of the HWM becomes a part of the personal file or Character Roll of the public servant, primarily responsible for the defiance; or the Mohtasib may refer the matter to the President who may, in his discretion, direct the Agency to implement the recommendation and inform the Mohtasib accordingly. (Article 12).

Further, in addition to taking other action under this Order, the HWM may refer the matter to the appropriate authority for taking disciplinary action against such person. However, if the HWM finds the applications made against the Agency or public servant is false, frivolous or vexatious, he may award reasonable compensation to such person against whom the complaint was made and the amount of such compensation shall be recoverable from the complainant as an arrears of land revenue. (Article 14)

Moreover, the HWM has same powers, mutatis mutandis, as the Supreme Court to punish any person for its contempt including disobeying any of his orders. (Article 16)

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<sup>10</sup> Federal Tax Ombudsman, *supra*

<sup>11</sup> Banking Mohtasib Pakistan, *supra*

<sup>12</sup> Wafaqi Mohtasib (Ombudsman)’s Secretariat. Wafaqi Mohtasib (Ombudsman)’s Annual Report for 1986, pages 60-61

<sup>13</sup> Wafaqi Mohtasib (Ombudsman)’s Secretariat. Wafaqi Mohtasib (Ombudsman)’s Annual Report for 1984, pages 21-22

## *Reducing Burden on the Judicial System*

It is an established fact that the litigation in our country is cumbersome and generally prolonged causing huge backlog of cases at all levels of judicial system. On 31th December 2013, a total of 1,709,345 cases were pending in the Courts of Pakistan.<sup>14</sup>See Table III.

| <b>Table: III</b>                 | <b>Overview of the Performance of Courts during The Year 2013</b> |                                    |                                 |                              |
|-----------------------------------|---|------------------------------------|---------------------------------|------------------------------|
| <b>Courts</b>                     | <b>Pendency on 01/01/2013</b>                                     | <b>Institution during the year</b> | <b>Disposal during the year</b> | <b>Balance on 31/12/2013</b> |
| Supreme Court of Pakistan         | 20,314  | 18,154                             | 17,988                          | 20,480                       |
| Federal Shariat Court             | 1,320   | 326                                | 649                             | 997                          |
| Lahore High Court, Lahore         | 15,5827   | 133,548                            | 116,338                         | 173,037                      |
| High Court of Sindh, Karachi      | 54,290  | 30,158                             | 18,145                          | 66,475                       |
| Peshawar High Court, Peshawar     | 27,295  | 19,878                             | 20,457                          | 26,716                       |
| High Court of Balochistan, Quetta | 4,878   | 3,941                              | 3,896                           | 4,923                        |
| Islamabad High Court, Islamabad   | 9,166   | 9,349                              | 5,063                           | 13,387                       |
| District Courts, Punjab           | 1,024,517   | 1,929,236                          | 1,759,600                       | 1,107,634                    |
| District Courts, Sindh            | 114,832   | 225,999                            | 216,151                         | 124,190                      |
| District Court, KP                | 111,062   | 309,437                            | 294,726                         | 132,762                      |
| District Court, Balochistan       | 8,505   | 27,349                             | 27,410                          | 8,444                        |
| District Court, Islamabad         | 27,797  | 59,955                             | 39,251                          | 30,300                       |
| <b>Total</b>                      | <b>1,559,803</b>  | <b>2,767,530</b>                   | <b>2,519,674</b>                | <b>1,709,345</b>             |

## *Referral Mechanism*

The WM has an established referral system to facilitate the common people. When any application not relevant to WM is received, it is forwarded to the concerned institution / agency.

<sup>14</sup> Secretariat, Law and Justice Commission on Pakistan. 'Judicial Statistics of Pakistan 2013 [Online] Available at: [http://www.ljcp.gov.pk/R\\_P/Judicial\\_Statistics\\_13/index.html](http://www.ljcp.gov.pk/R_P/Judicial_Statistics_13/index.html), page 3 Retrieved: 08/09/2015

Likewise, facilitation desks have been established at the airports to receive complaints and guide the people.

### ***Limited Physical Outreach of Federal Ombudsmen***

The major impediment in providing relief to the aggrieved people at the grass-root level is the limited outreach of HWM and other Federal Ombudsmen. The WM has regional offices in nine districts, while Federal Tax Ombudsman and Banking Mohtasib Pakistan (BMP) have regional offices in five districts only. On the other hand Federal Insurance Ombudsman, and Federal Ombudsman (Protection against harassment of women at workplace) have no regional offices. (See Table I)

Although Ombudsmen Offices are affording facility for filing formal and informal complaints through multiple modes including an online complaint system and the law does not require the physical presence of the complainant during the course of investigation yet, the complainants for their satisfaction travel down to the regional office or the Head Office, and incur expenses.

Realizing the inconvenience faced by the masses in approaching the Federal Ombudsman for redress of their grievance, the Honourable Wafaqi Mohtasib in exercise of power under Section 18 of P.O. Order No.1 of 1983 constituted a Federal Advisory Committee on Reforms and ADR comprising fifteen members from different disciplines. In the advisory session held on 5th December 2014. The key decision made in the session involved: (1) development of best and most effective communication strategy for awareness raising; (2) examination of the legal aspects of ADR; (3) to expand the area of operation; (3) engage interns on token payment to assist and be trained in Wafaqi Mohtasib Office; (4) meeting with the provincial Ombudsmen with the view to making their institutions effective on the same pattern as envisaged in the Federal Ombudsmen Institutional Reforms Act, 2013.

In support and to strengthen the efforts of Honourable Wafaqi Mohtasib, his project was undertaken by Federal Tax Ombudsman in collaboration with World Bank to extend the outreach of the Ombudsman Offices especially, Wafaqi Mohtasib to grass-root level, initially at the District-level and later to Sub-Divisional / Tehsil level jointly with the provincial Ombudsman. But, the strategy would be that each Ombudsman / or the designated official will conduct his / her hearing according to the relevant law, separately but under one roof on a pre planned and pre-advertised dates to conduct hearings and resolve the complaint on the spot. This is meant to bring a more consorted and coherent approach in speedy complaint resolution mechanism.

### *Geographic Scope of Study*

The following regions are covered:

| <b>Table: IV</b>   | <b>Geographic Scope of Study</b> |                  |                              |                      |
|--------------------|----------------------------------|------------------|------------------------------|----------------------|
| <b>Province</b>    | <b>Divisions</b>                 | <b>Districts</b> | <b>Sub Division / Tehsil</b> | <b>Union Council</b> |
| Punjab             | 9                                | 36               | 105                          | 3,464                |
| Sindh              | 7                                | 24               | 103                          | 1,110                |
| Balochistan        | 6                                | 32               | 49                           | 567                  |
| Khyber Pakhtunkhwa | 7                                | 26               | 74                           | 986                  |
| AJK <sup>15</sup>  | 3                                | 10               | 32                           | 189                  |
| <b>Total</b>       | <b>32</b>                        | <b>128</b>       | <b>596</b>                   | <b>6,000</b>         |

### *Conceptual Scope of Study*

This study is multi-dimensional, involving the:

- ✓ identification of significant international models of complaint redress mechanisms and arrangements;
- ✓ identification of resources in the targeted areas that can be utilized in the proposed extended system of administrative justice;
- ✓ identification of additional resources requirements for the proposed extended system of administrative justice;
- ✓ exploring ways for developing rapport with concerned government functionaries at federal, provincial and district levels;
- ✓ identification of civil society organization and bar associations for the purpose of involving them in complaint redress mechanism; and
- ✓ development of conceptual framework of a proposed extended and integrated system of service delivery for administrative justice at division, district and sub-divisional / tehsil level.

### *Indicators of Baseline Study*

The baseline indicators broadly include outreach of Ombudsman Offices, existing mechanism for redress of grievances, time frame for redress of grievance; possible means of outreach and the strength and weakness of existing mechanism. (See Annex 'B')

Based on the literature review and consultation mentioned hereinabove, the report including the proposal for extending the outreach of the Mohtasib Offices especially Wafaqi Mohtasib to District-level initially and Sub-Divisional level, at a later stage will be prepared

### *Methodology*

This is a qualitative research study involving desk research and the consultation with the stakeholders at federal and provincial levels.

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<sup>15</sup>[Online]

Available at: <http://pndajk.gov.pk/Documents/AJK%20at%20a%20glance%202013%20final.pdf>

Retrieved: 13/08/2015

The detailed description of each step is as under:

### ***Desk Review***

The following categories of documents (secondary data) were reviewed:

#### **Policy and Legal Framework**

All prevailing National and provincial policies, laws, rules, regulations relating to Ombudsmen in Pakistan.

#### **Literature**

Reports relating grievance redress mechanisms existing at federal, provincial, division, district and sub-division / tehsil levels in Pakistan, proposals for “Alternative Dispute Resolution at the Grass Root level within 60 Days”, prepared by joint teams of Federal and Provincial (Mohtasibs) of Pakistan; Annual reports of Federal and Provincial Ombudsmen, Law and Justice Commission of Pakistan (LJCP) and reports relating international models of complaint redress mechanisms and arrangements.

#### ***Consultation with the Stakeholders and Experts***

In accordance with the guidance of the Honourable Wafaqi Mohtasib, exclusive consultations were held with the Chief Secretaries of all four provinces of Pakistan, Provincial Ombudsmen, Chief Commissioner Islamabad Capital (ICT), Senior Advisors of WM and Secretary W, having extensive experience in the field and served in the multiple Districts of Pakistan. (See Annex ‘C’)

#### ***Validation of Report and Proposal***

The data drawn from various sources was triangulated and the draft report was thoroughly reviewed by Honourable Wafaqi Mohtasib, his team of Senior Advisors and the Special Secretary for Law, Justice and Human Rights. Their feedback was incorporated.

### **Limitations**

The issue of timely appointment with the stakeholders remained one of the key challenges causing unexpected delay in completion of the study.

Further, due to limited timeframe for the study and budgetary constraints, the key stakeholders of Azad Jammu Kashmir, Presidents of Bar Council and Bar Associations and representatives of non-governmental organizations (NGOs), working at the grass root level could not be consulted.

## **INTERNATIONAL MODELS AND COMPLAINT REDRESS MECHANISM/ ARRANGEMENTS**

There are seven models of complaint handling systems (CHS), all involving five key elements vis-à-vis., organizational, culture and commitment; principles of fairness, human resources, approaches and processes and information management and analysis. (See Table: VII)

Of the seven of models of CHS, the most relevant to subject is “Public Sector Redress Body (also known as Ombudsman)”. It is considered as “the fastest growing and most effective vehicle for redress of complaints against governments as providers of services”<sup>16</sup>

| <b>Table: V</b>                       | <b>Elements and Approaches of an Ideal GRM</b>  |
|---------------------------------------|---|
| <b>ELEMENT</b>                        | <b>APPROACH</b>   |
| Organizational Culture and Commitment | <p>Ensure commitment at all levels—attitudinal change</p> <p>Value complaints and complainants.</p> <p>Highlight weaknesses in the government/ Ministry/ Department’s programmes, policies, and service delivery.</p> <p>Stimulate an organization to improve its core services.</p> <p>Reassure complainant that the government is committed to resolving problems, improving of relations, and building commitment.</p> <p>Put in place systems of accountability and transparency.</p>           |
| Principles of Fairness                | <p>Model the complaint handling system on principles of fairness,</p> <p>Improve accessibility,</p> <p>Develop responsiveness and efficiency.</p> <p>Integrate with the core business of the institution and, where required, with that of other ministries and departments.</p>  |
| Human Resources                       | <p>Develop skills of staff that handle complaints. Design and deliver training courses on complaints handling</p> <p>Design and deliver attitudinal change programmes for staff</p> <p>Select the staff members who are most suitable for public relations and competent to deal with complaints.</p> <p>Supervise the staff regularly and seek feedback about their work.</p> <p>Link performance evaluation with complaints handling</p>  |
| Approaches and processes              | <p>Acknowledge promptly.</p> <p>Assess the complaint on priority.</p> <p>Conduct the required investigation, which should resolve factual issues and consider options for complaint resolution.</p> <p>The response to the complainant should be clear and informative.</p> <p>If the complainant is not satisfied, review the decision internally.</p> <p>Explore external review options.</p> <p>Any systemic issues that arise because of the complaint should be considered and acted upon.</p> |
| Information Management and Analysis   | <p>Design templates for information collection and inform the staff on system of information sharing.</p> <p>Collect periodic information on complainants (number- redressed-under process-requiring additional information etc.)</p> <p>Highlight the service failings that need to be remedied.</p> <p>Identify problems and trends that can be acted on by management.</p> <p>Set up qualitative and quantitative standards and measures for complaints handling.</p>                            |

<sup>16</sup> [Online]

Available at: <http://aseanconsumer.org/misc/Output%208%20i.Complaint%20and%20Redress%20Models%20-%209Jan14.pdf> page 45  
Retrieved: 08/09/2015

A brief description of some of the significant examples of Public Sector Ombudsmen is as under:-

## **Ombudsman of the Republic of Indonesia**

The former President Abdurrahman Wahid established the Indonesian National Ombudsman Commission through Presidential Decree No. 44 of the year 2000. The Ombudsman is considered an outstanding example of an autonomous redress scheme for complaints against government administration.

The significant elements of success include inter alia:

### ***Types of Investigative Techniques***

#### **Document Investigation**

In conducting substantive investigation the Ombudsman may inspect the original document and request for copy of document related to the investigation.

#### **On the Spot Investigation**

In executing on the spot investigation, the Ombudsman may inspect the object of public service without advance notice to the official or agency complained in accordance with the provisions of laws and regulations, orders, and morality.

#### **Mediation and Conciliation**

After gained trust from both parties, the Complainant and Party Complained, the Ombudsman may dispose mediation and/or conciliation as an Alternative Dispute Resolution (ADR).

#### ***Timeframe***

A common complaint should be finished in around 20 days. For a special complaint the expectation is around 60 days, depending on the difficulty levels.

Those time frames can be flexible and also depends on whether No Object Certificate (NOC) needs to spend time to do more investigation or not.

Second ombudsman assistant are split in to two divisions, namely the clarification and recommendation division, and the monitoring division.

The new numbering system has accommodated the new elements, such as the year of complaint being received, also deputy ombudsmen code and the assistant ombudsmen's code who handle the complaints.

### **Ombudsman of the Republic of Indonesia**

#### **Key Features**

#### **Investigation Techniques**

- Document
- On the Spot
- Mediation and Conciliation

**Timeframe: 20 days to resolve**

**Exceptional case: 60 days**

#### **Public Awareness and Outreach**

#### **Linkages with CSOs:**

- Assessment on maladministration
- Public Discussion
- Public Discussion
- Public Clinic

#### **Training**

## *Linkages with Civil Society*

As stipulated in the legal basis of the Ombudsman of Republic of Indonesia, one of its functions is to conduct coordination and cooperation with other state organs, public agencies, individuals, academies as well as non-governmental organizations. The activities were undertaken on various form e.g., assessment on maladministration administered by public services or work jointly in organizing public discussion as well as the public clinic in the regions.<sup>17</sup>

## *Public Awareness and Outreach*

Public awareness programs are conducted with the goals to:

- Accelerate the rights to supervise the public services
- Inform the society on the new jurisdiction of Ombudsman as accordance to Law 37/2008
- Urge the society to lodge their grievances to Ombudsman on misbehaviour or misconduct in administering public services.
- Dissemination of information regarding procedure for making complaint is widely shared.

As an archipelago state, Indonesia has 3 regions: (a) Western regions: Sumatera, Java and western part of Kalimantan; (b) Central regions: Eastern and Southern part of Kalimantan, Bali and East Nusa Tenggara; and (c) Eastern Regions: Papua.

Ombudsman of Republic of Indonesia has an effort to conduct the public awareness program that could cover those regions. The activities are as follows:

- Public advertisement through media relations
- Public discussion with relays to the regions
- Workshops with certain substance on complaints e.g., land, labour, judiciary, etc.

## *Use of Technology*

Since 2001 the citizen may file the complaint and monitor the progress of their complaints via website. Integrated system has been build since 2004 to connect between office in Jakarta and the Representative Offices in Yogyakarta, Kupang, Medan, and Manado.

## *Conducive Environment*

Created conducive environment in promoting the eradication of corruption, collusion and nepotism; improvement in the protection of people's rights to obtain public services, justice and better welfare; Prioritizing community service by developing mutual respect and ensuring confidentiality; enhanced coordination and cooperation with government agencies, Universities, non-governmental organizations, experts, professional organizations, etc.

## *Training*

Committed to high standard through ongoing training to improve professional knowledge and assistance team in handling / follow up on the complaints.<sup>18</sup>

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<sup>17</sup> [Online]

Available at: <http://asianombudsman.com/ORC/factsheets/IndonesiaFactsheet.pdf>

Retrieved: 07/09/2015

<sup>18</sup> [Online]

Available at: [www.ombudsman.go.id](http://www.ombudsman.go.id)

Retrieved: 24/08/2015

## Public Complaint Bureau Malaysia

The establishment of Public Complaint Bureau (PCB) was officially announced on 23rd July 1971 with the objective of being a monitoring body to ensure effective, efficient and fair administration. The function of PCB is to serve as a bridge between the government and the public; and to provide an avenue for the public to air their complaints or grouses when dealing with the government agencies.<sup>19</sup>

### Public Complaint Bureau Malaysia Key Features

Use of Technology – online complaint management system  
Public Awareness and Outreach  
Mobile Complaint Counters  
Integrated Mobile Complaint Counter  
Dialogues between Public and State Departments

PCB does not have any legal powers. It is based on the administration powers such as Circulars from the Chief Secretary to the Government of Malaysia that enable PCB to obtain necessary information from any government departments/ agencies in Malaysia. The features of this system are as under:

### *Use of Technology*

Public can lodge their complaint through PCB's website. A complaint form is available in the website to facilitate the complainant to lodge their complaint with PCB. The form is in various languages that are widely spoken by the people of Malaysia such as Bahasa Malaysia, English, Mandarin and Tamil.

PCB had developed an Electronic Online Complaint Management System (i-Aduan) to enable complaint to be managed more effectively. Through this system, the desk officer and also the complainant can check the status of the case from anywhere because all the details of the case and its development will be key-in system. It helps the officer to keep track all the cases under his/ her investigation and quick action can be taken if any of the agencies did not reply according to the time-line given.

Besides that, complainant can also use telephone and fax to lodge their complainant to PCB.

### *Public Awareness and Outreach*

In order to provide the opportunity for the public to make complaints, PCB has carried out proactive programs such as Mobile Complaints Counter (MCC), Integrated Mobile Complaints Counter (IMCC) and Mesra Rakyat Program (MESRA).

### *Mesra Rakyat Program (MESRA)*

This program is a dialogue session between the public and the various State/ District Government Department/ Agencies involving community leaders, residents association, fisherman, small scale farmers, retailers, and voluntary bodies with heads of departments. The aim of this program is to provide a channel for the public to air their grievances or lodge complaints when dealing with these departments. The aim of this program is in line with the Public Service Administrative Development Circular Letter No. 1/ 2002.

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<sup>19</sup> [Online]

Available at: <http://asianombudsman.com/ORC/factsheets/MalaysiaFactsheet.pdf>

Retrieved: 25/08/2015

### **Mobile Complaints Counter (MCC)**

The MCC Program is PCB's program where a counter is opened to the public to lodge their complaints. It was first introduced in 1985 known as Circuit accordance to the Public Service Development Administrative Service Circular No.4 of 1992. This program has been implemented throughout the country and the main focus of this program is at the rural areas / remote locations.

### **Integrated Mobile Complaints Counter (IMCC)**

This program was a result of improvements made to the Mobile Complaints Counter (MCC) with the aim to continue and extend this program throughout the nation. PCB's officers and officers from local departments or agencies carry out IMCC. The IMCC provides an opportunity for public to lodge complaints or to air their dissatisfactions with any Government agencies and those have been privatized.

### ***Linkages with Civil Society***

As a central complaint management agency, PCB has been dealing with the people from all walks of life (Individuals, Public/ Private sector, groups, Non-Government Organization, Politicians).

### **Ombudsmen in USA**

In the United States, there is no unified federal ombudsman service. The role of handling complaints against federal authorities has to some extent been unofficially incorporated into the role of the US Congressman. However, since 1967 at least five state legislatures and one territorial legislature have established and continued to employ a full-time ombudsman as in Hawaii, Nebraska, Alaska, Iowa and Arizona, and the U.S. territory of Puerto Rico. In other states ombudsmen appointed by, and located within the office of, the governor.

The jurisdiction in general involves receiving complaints from the public and from persons working in government; to investigate; and where appropriate to negotiate remedial action with the agencies involved. They are also obligated to answer the questions and assist people with problems relating to government.<sup>20</sup>

### ***Hawaii State Ombudsman***

The Hawaii State Ombudsman independently and impartially investigates complaints against state and county agencies and employees. The Ombudsman has interesting approach to look around to learn more about what he can do and how he may be able to help the people.

### **Outreach Efforts**

Participation in Annual Hawaii Seniors' Fair – The Good Life Expo Seniors and other attendees stopped by the Ombudsman exhibit booth to find out who we are and how we can help them resolve their issues with various executive agencies of the State and county governments. The staff meeting and speak with these attendees and disseminate brochures with additional information about the Ombudsman office.

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<sup>20</sup> Kent M. Weeks, *Ombudsmen Around the World: A Comparative Chart*, 2d. ed. (Berkeley: University of California, Institute of Governmental Studies, 1978), p. 162.

### *Addressing the Public in seminars via Skype*

The Ombudsman addresses a wide range of participants in seminars at the university.

### *Means of Receipt of Inquiries*

Telephone, mail, e-mail, fax visit and Ombudsman own motion / suo moto.

## **The Ombudsman – Australia**

Australia has an ombudsman assigned for each state—as well as an ombudsman for the Commonwealth of Australia. Since the laws differ in some states, therefore, just one process, or policy, cannot be used across the board. All government bodies are within the jurisdiction of the ombudsman.

The Ombudsman's office handles complaints, conducts investigations, performs audits and inspections, encourages good administration, and carries out specialist oversight tasks. Since 1st July 2015, the Private Health Insurance Ombudsman (PHIO) function is transferred to the Commonwealth Ombudsman. Accordingly it is now the responsibility of this office to protect the interests of people covered by private health insurance.

The Commonwealth Ombudsman is also jurisdiction to oversee the Defence Force, Immigration, Law Enforcement, Postal Industry, ACT and Overseas Students Ombudsman as well as the operation of the federal government public interest disclosure scheme.<sup>21</sup> Additionally, the Ombudsman has a number of statutory oversight functions in relation to law enforcement agency use of special powers, including those under the Telecommunications (Interception and Access) Act 1979, Surveillance Devices Act 2004 and Part 1AB of the Crimes Act 1914.

### ***Investigation Processes***

Under the Ombudsman Act, the Ombudsman has a broad discretion not to investigate a complaint. On average, 65–75% of complaints that are in jurisdiction are not investigated upon initial receipt. The most common reason is that the complainant is advised to raise their complaint with the agency concerned in the first instance.

If an investigation is undertaken, the Ombudsman Act provides a high degree of flexibility in deciding how the investigation will be conducted. This enables the most relevant, practicable and efficient approach to be selected. Most investigations are conducted informally, and may entail telephone and/or email contact between the Ombudsman investigation officer and the agency contact officer. An investigation can be as simple as one or two telephone calls, or as complex as requiring review of many agency files and documents, formal interviews, and obtaining independent specialist advice.

There are several steps in the investigation process dictated by the Ombudsman Act.

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<sup>21</sup> [Online]  
Available at: <http://www.ombudsman.gov.au/>  
Retrieved: 25/08/2015

## Canada

| Table: VI   | Federal Ombudsman - Legal Framework  |
|---|--|
| Federal Ombudsman   | Laws   |
| Law applicable on all Federal Ombudsman                                 | The Federal Ombudsmen Institutional Reforms Act, 2013                                      |
| Federal Ombudsman of Pakistan   | The Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983 (P.O.1 of 1983) |
| Federal Tax Ombudsman   | The Establishment of the Office of Federal Tax Ombudsman Ordinance, 2000.                  |
| The Banking Mohtasib Pakistan   | Banking Companies Ordinance, 1962, Part IV-A   |
| The Insurance Ombudsman   | The Insurance Ordinance, 2000  |
| Federal Ombudsman (Protection Against Harassment of Women at Workplace) | The Protection Against Harassment of Women at Workplace Act, 2010                          |

In Canada the Ombudsman offices are federal level, provincial and territorial levels; municipal level as well as Ombudsman for specific category of institutions like college and university; corporate; bank and insurance companies. There are also Ombuds and Commission of various Jurisdictions, such as Fair Practices Commission, Workplace Safety and Insurance Board of Ontario.<sup>22</sup>

## FEDERAL OMBUDSMEN IN PAKISTAN

In Pakistan there are five Federal Ombudsmen vis-à-vis., Federal Ombudsman of Pakistan, Federal Tax Ombudsman, Federal Insurance Ombudsman, Banking Mohtasib Pakistan, and Federal Ombudsman (Protection of Women against Harassment at Workplace), established under the laws. See Table III, below:-

## Jurisdiction and Powers

### *Authority to Take Preventive and Curative Actions*

The institution of Ombudsman is a quasi-judicial in nature. However, the preamble of the President Order No.1, 1983 reflects the authority of Wafaqi Mohtasib authority to take preventive actions by virtue of diagnosis and rectification of in injustice done to a person through maladministration, and curative actions through investigation and redress.

**The Ombudsman has authority to take preventive and curative action**

<sup>22</sup> [Online]

Available at: [http://www.ombudsmanforum.ca/en/?page\\_id=176](http://www.ombudsmanforum.ca/en/?page_id=176)

Retrieved: 23/08/2015

The Supreme Court of Pakistan held:-

“The Ombudsman offices are mandated “to diagnose, investigate, redress and rectify an injustice done to a person through mal-administration”, which is expansively to include “a decision, process, recommendation, act of omission or commission” that:

is contrary to law, rules and regulation...

is perverse, arbitrary or unreasonable, unjust, biased, oppressive, or discriminatory, or

is based on relevant grounds, or

involves an exercise of powers or the failure or refusal to so, for corrupt or improper motives, such as bribery, jobbery, favoritism, nepotism and administrative excessiveness; and

neglect, inattention, delay, incompetence, inefficiency and ineptitude, in the administration or the discharge of duties and responsibilities.

We are, therefore, compelled to make the point that, in view of the Ombudsman offices mandate, it is not sufficient to just address individual complaints, the Ombudsman offices must address systematic failures that are the root causes of “maladministration” and formulate and enforce standards of “good administration” as envisaged by the law.<sup>23</sup>

Thus the institution of Ombudsmen plays a vital role not only in redressing the grievance of people but it also diagnoses governance issues through analysis of the data of complaints accepted against the public functionaries and making appropriate recommendations to the Federal Government to rectify the same.

The HWM in exercise of his powers vested under Article 18 of the President Order No.1 of 1983 constituted National Committees had taken-up quite a few endemic issues that became the subject matter of public complaints lodged with HWM. The working of the government agencies including Accountant General of Pakistan, Pakistan Post, and Pakistan Railways had been critically appraised from the point of view of administrative accountability and the recommendations were submitted to the Federal Government for necessary action. See Annex ‘D’.

By virtue of the Federal Ombudsmen Institutional Reforms Act, 2013 (FOIRA-2013), in addition to the powers of the Ombudsman under the relevant statute the Ombudsmen have Civil Court powers to grant temporary injunction and stay the operation of an impugned order / decision for a period up to sixty days and to get his order / decision implemented (Section 14(2)), as well as the power to punish for contempt as provided under the Contempt of Court Ordinance, 2003 (V of 2003) (Section 12).

### ***Expedition Disposal of Complaint***

The Ombudsman may require the agency to submit the written comments in a complaint within fifteen days and this may be extended to a further period of seven days, subject to sufficient causes. The Ombudsman may also require the authority to attend the hearing of complaint. In case of non-compliance of the directions, the disciplinary action shall be taken. The statutory period for disposal of complaint is sixty days.

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<sup>23</sup> CMA No.1313/2015 in SMC NO.1 OF 2006 dated 28-05-2015

## *Review*

The Ombudsman has power to review any of his recommendation, decision, etc., on a petition made by any of the aggrieved party, within thirty days of the impugned recommendation, decision, etc. The review petition shall be decided within forty-five days (Section 13)

The representation against the Ombudsman's impugned decision, order, finding or recommendation may be filed to the President within thirty days. (Section 14)

## *Grievance Commissioner*

The Ombudsman has an authority to appoint Grievance Commissioner in any Agency against which a large number of complaints are received constantly. (Section 7)

## *Limitation on the Jurisdiction*

The institution of Ombudsman is barred from undertaking any investigation or inquiry into any matter: (a) are sub-judice before a court of competent jurisdiction or tribunal or board in Pakistan on the date of the receipt of a complaint, reference or motion by him; or (b) relate to the external affairs of Pakistan or the relations or dealing of Pakistan with any foreign state or government; or (c) relate to, or are connected with the defence of Pakistan or any part thereof, the military, naval and air forces of Pakistan, or the matters covered by the laws relating to those forces.<sup>24</sup> The WM is also not allowed 'to accept for investigation any complaint by or on behalf of a public servant or functionary concerning any matters relating to the Agency in which he is, or has been, working in respect of any personal grievance relating to his service therein.'<sup>25</sup>

## *Informal Resolution of Dispute*

In order to provide speedy relief to the aggrieved, the law authorizes the Mohtasib and a member of the staff to informally resolve the dispute without written memorandum and without the necessity of docketing any complain or issuing any official notice. The objective of this law is to provide speedy relief as justice delayed is justice denied.

## *Extensive Jurisdiction*

The Mohtasib has been vested with overriding authority to settle any dispute informally, regardless of the mandate and its limitations under the President Order No.1, 1983. The Section 33 of the President's Order No.1, 1983 reads:

"Notwithstanding anything contained in this Order, the Mohtasib and a member of the Staff shall have the authority to informally conciliate, amicably resolve, stipulate, settle or ameliorate any grievances without written memorandum and without the necessity of docketing any complain or issuing any official notice."

The philosophy underlying this provision is to provide speedy relief to the aggrieved, without going into formalities. The aforesaid provision needs to be understood and interpreted liberally and to the benefit of the common people. Owing to the overriding nature of this

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<sup>24</sup> The Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983, Section 9(1)

<sup>25</sup> *Ibid*, Section 9(2)

provision, ‘notwithstanding anything contained in this Order’ the Mohtasib can even decide the cases beyond the scope of ‘maladministration’.<sup>26</sup>

The exclusive jurisdictions of Federal Ombudsmen is detailed as under:

## **The Federal Ombudsman (Wafaqi Mohtasib) of Pakistan**

The Wafaqi Mohtasib (Ombudsman) of Pakistan (WM), established by virtue of the P.O.1 of 1983, which can be called the first Charter of administrative accountability, based on the Islamic concept of “hisab”.

He has jurisdiction to investigate and redress the grievance of the public in the matter of maladministration. Supreme Court of Pakistan (SCP) and High Courts (HCs) may initiate upon a complaint made by any person having a grievance against the federal government agencies (FGA) or upon a reference made by the President of Pakistan, Federal Council (FC) or the National Assembly (NA), or a motion the investigation. The WM may even undertake any suo motu (on its own motion) investigation into any alleged maladministration by any government agency.<sup>27</sup>

However, any matter (including a reference or motion by the complainant) if sub-judice before any other legal forum at the time of the submission of a complaint; or the matters relating to defence of Pakistan or foreign affairs of the country; or service matters of a public servant have been excluded from WM’s jurisdiction.

The HWM, ‘may on a complaint by any aggrieved person, on a reference by the President, the Federal Council or the National Assembly, as the case may be, or on a motion of the Supreme Court or a High Court made during the course of any proceedings before it or of his own motion, undertake any investigation into any allegation of maladministration on the part of any Agency or any of its officers or employees’.

The WM has wider jurisdiction to diagnose, investigate and redress the grievances of public against the ‘mal administration’ of government agencies.

“maladministration” includes,

- (i) a decision, process, recommendation, act of omission or commission which:-
  - (a) is contrary to law, rules or regulations or is a departure from established practice or procedure, unless it is bona fide and for valid reasons; or
  - (b) is perverse, arbitrary or unreasonable, unjust, biased oppressive, or discriminatory; or
  - (c) is based on irrelevant grounds; or
  - (d) involves the exercise of powers, or the failure or refusal to do so, for corrupt or improper motives, such as, bribery, jobbery, favouritism, nepotism and administrative excesses, and
- (ii) neglect, inattention, delay, incompetence, inefficiency and inaptitude, in the administration or discharge of duties and responsibilities;<sup>28</sup>

<sup>26</sup> Justice (R) Muhammad Raza Khan, Special Secretary, Federal Ministry of Law, Justice and Parliamentary Affairs, Government of Pakistan. Opinion expressed in consultation meeting, held on 15/10/2015

<sup>27</sup> *Ibid*, Section 9

<sup>28</sup> President Order No.1 of 1983, Article 2(2)

## ***Structural Set-up***

The institution of Ombudsman has Investigation Wing in the head office as well as in all regional offices, headed by HWM. While the Secretary, WM supervises the Implementation and Systematic Issues, Research and Studies Wing, Administration, International Cooperation, Media Wing and Regional Heads.

## ***Complaint System***

The WM has a complainant friendly mechanism to redress the grievances of public against the FGAs. Standard formats have been developed for the complainants to make applications and provide necessary information in this context. The WM's website also has provisions for submitting online complaint and queries by the public.

The procedure for filing of the complaint requires submission of complaint by any aggrieved person or his legal representative within three months from the day of the accrual of the cause. The HWM has, however, discretion to condone the time limitation for making complaint.

A complaint written in English or Urdu may be lodged with the Head Office or any of the Regional offices, on Wafaqi Mohtasib Secretariat (WMS) Form 'A' or to the WM or Director General (Complaints) or Central Registry of the Secretariat by fax, e-mail or by any other means of communication either personally or by his/her representative. In case the complaint is not lodged on WMS-Form 'A', it shall be accompanied by a solemn affirmation that:

- (a) the contents of the complaint are correct and true to the best of knowledge and belief of the complainant;
- (b) previously no complaint on the subject was filed at the Head Office or any of the Regional Offices;
- (c) no suit, appeal, petition or any other judicial proceedings in connection with the subject matter of the complaint is pending before any Court, Tribunal or Board; and
- (d) a representation to a competent authority of the Agency in respect of the allegations contained in the complaint was made, but either no reply thereto was given within a reasonable time or the representation had unjustly been turned down.

The complainant is also required to produce the copies of relevant documents including copy of the Computerized National Identity Card (CNIC) and the latest correspondence with the Agency, if possible. On personal presentation of the complaint in any of the offices of the WM, a receipt is issued immediately. However, in case of submitting the complaint by any other means, receipt is issued within 72 hours.

## ***National Commissioner for Child***

The Ombudsman being a human rights institution has taken initiatives for the protection of vulnerable persons especially children, across the country.

In April 2009, the WM in collaboration with UNICEF initiated the Responsive Enabling Accountable Systems for Children's Rights (REACH) project. Under this project a Children's

Complaint Office (CCO) was established within the WM Secretariat. On 8th May 2013, the HWM notified Mr. Ejaz Ahmad Qureshi, Senior Advisor / Head of Federal CCO as National Commissioner for Children (NCC).

The National Commissioner for Child (NCC) has jurisdiction to work on individual complaints as well as systematic issues, take initiative of suo moto cases and coordinate with the Regional Offices.

To ensure consorted efforts of the stakeholders, the HWM, in exercise of his powers vested under Article 18 of President Order, 1983 constituted a 'National Committee on Children', comprising of 18 members in the year 2014 and five sub-Committees on Advocacy, Legal Framework, Promotion and Awareness, Research and Coordination and Child Protection Policy in the January 2015 to develop concrete proposal and recommendations.

### ***Focal Persons Abroad***

The HWM appointed eighteen focal persons in fifteen countries.<sup>29</sup>

### **Federal Tax Ombudsman**

The institution of Federal Tax Ombudsman (FTO) is constituted under the Establishment of the Office of Federal Tax Ombudsman Ordinance, 2000. The FTO deals with the complaints of maladministration including exercise of official power by tax functionaries for corrupt or improper motives, neglect, inattention, delay, discrimination, incompetence, inefficiency and ineptitude.<sup>30</sup>

The jurisdiction extends to the cases of unlawful decisions or process, perverse, arbitrary, unjust, oppressive or unreasonable acts of omission or commission on the part of Revenue Division or any Tax Employee. The FTO can also investigate cases involving wilful withholding of refunds, coercive methods of tax recovery, non-responding to taxpayers correspondence and the Federal Board of Revenue's (FBR) avoidance of disciplinary action against those tax officials who are held by the FTO as wilful, vindictive, whimsical, biased or inefficient.<sup>31</sup>

The FTO has the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of summoning any person and examining him on oath; enforcing attendance of any person; compelling production of documents; receiving evidence on affidavit; and issuing commission for examination of witnesses,<sup>32</sup> as well as require any person to furnish the information relevant to the subject matter under investigation.<sup>33</sup>

### **Banking Mohtasib Pakistan**

The Mohtasib Pakistan (BMP), appointed under Part IV-A of the Banking Companies Ordinance, 1962 redress the complaints relating non-compliance with banking laws, regulations

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<sup>29</sup> [Online]

Available

at:

<http://www.mohtasib.gov.pk/gop/index.php?q=aHR0cDovLzE5Mi4xNjguNzAuMTM2L3dhZmFxaW1vaC8uL3VzZXJmaWxlczEvZmlsZS9Gb2NhbcUyMFB1cnNvbniMIMjBBYnJvYWQucGRm>

Retrieved: 25/08/2015

<sup>30</sup> The Establishment of the Office of Federal Tax Ombudsman Ordinance, 2000. (Section 9)

<sup>31</sup> FTO, Annual Report 2014

<sup>32</sup> The FTO Ordinance, *supra*, Section 14

<sup>33</sup> *Ibid*, Section 14(2)

including policy directives and guidelines issued by State Bank of Pakistan; complaint against delays or fraud in relation to payments or collection of banking instruments; banking services; fraudulent withdrawals; foreign currency accounts, remittance to and from abroad; mark-up or interest rate; and utility bills, lodged against the banks in both the public and private sectors.<sup>34</sup> The BMP has powers of a Civil Court.

## Insurance Ombudsman

The Insurance Ombudsman (IO) appointed under the Insurance Ordinance, 2000, Part XV, Section 127 has authority to initiate an investigation into any alleged maladministration on the part of the insurance company except in the matters falling within the jurisdiction of HWM (Section 127(a)) or “are sub-judice before either a court of competent authority or tribunal or board in Pakistan on the date of the submission of complaint, reference or motion by the aggrieved party.” (Section 127 (b))

There appears to be a very thin line of distinction between the jurisdictions of FIO and WM in respect of public sector insurance companies. The FIO provides relief in the matters involving “maladministration” against only private insurance companies, though the Insurance Ordinance does not differentiate between public and private insurance companies. The Court or Insurance Tribunal may refer the matter involving alleged maladministration on the part of insurance company to IO for necessary investigation. Nevertheless, such reference does not debar the court or the tribunal from their jurisdiction to decide such case on merits.<sup>35</sup>

## Complaint System

In the case the complaint is filed at the Commission, it is generally referred to IO. In case the aggrieved person files the complaints to FIO directly, he/she is required to take the following steps:<sup>36</sup>

- The complainant must submit a solemn affirmation or oath in writing addressed to the FIO;
- The complaint must contain the full particulars of the transaction complained of and the name and address of the complainant; and
- Intimation in writing by the concerned insurance company of his intention of filing a complaint.

The FIO may reject or accept the complaint and the procedure for investigation is at the discretion of the FIO. He may pass order, as he deems appropriate, provided such complaint is not kept in abeyance in any other legal forum.<sup>37</sup> Any complainant whose application has been rejected has a right to sue the insurance company (Section 130(4)). While in case the complainant is not been satisfied with the decision of SECP, he/she may prefer an appeal against the impugned order of the IO, to the Appellate Authority of SECP within thirty days. Any order of the IO, which has not been appealed against, or any order passed by the Commission in appeal, as the case may be, will be final and operative.

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<sup>34</sup> The Banking Companies Ordinance, 1962, Part IV-A, Section 82B

<sup>35</sup> The Insurance Ombudsman, *supra*, Section 128

<sup>36</sup> *Ibid*, Section 129

<sup>37</sup> *Ibid*, Section 128

## Federal Ombudsman Protection Against Harassment of Women at Workplace

The Ombudsman appointed under Section 7 of the Protection Against Harassment of Women at Workplace Act, 2010 has jurisdiction to redress the grievance of an employee victim of harassment at workplace in both private and public sectors, vis-à-vis., “a Federal or Provincial Government Ministry, Division or department, a corporation or any autonomous or semiautonomous body, Educational Institutes, Medical facilities established or controlled by the Federal or Provincial Government or District Government or registered civil society associations or privately managed a commercial or an industrial establishment or institution, a company as defined in the Companies Ordinance, 1984 (XLVII of 1984) and includes any other registered private sector organization or institution”<sup>38</sup>

### *Complaint System*

Any employee may prefer a complaint to the Ombudsman. Within three days of the receipt a complaint, the Ombudsman is required to issue a written show cause notice to the accused. The accused after the receipt of written notice must submit written defence to the Ombudsman within five days and his failure to do so without reasonable cause the Ombudsman may proceed ex-parte. Both the parties can represent themselves before the Ombudsman.

The Ombudsman is bound to conduct an inquiry into the matter according to the rules made under this Act and conduct proceedings as the Ombudsman deems proper. The Ombudsman shall record his decision and inform both parties and the management of the concerned organization for implementation of the orders.<sup>39</sup> Any person aggrieved by a decision of the Ombudsman may, within thirty days of the communication of the decision, make a representation to the President or Governor, as the case may be whose decision shall be final.<sup>40</sup>

## PROVINCIAL/REGIONAL OMBUDSMEN IN PAKISTAN

The institution of Ombudsman exists in all four provinces of Pakistan and Azad Jammu and Kashmir. The key features of Provincial Ombudsmen are as under:

| <b>Table: VII</b>   | <b>Provincial Ombudsman - Legal Framework</b>   |
|---|---|
| Provincial Ombudsman  | Laws  |
| The Provincial Ombudsman Punjab   | The Punjab Office of the Ombudsman Act 1997   |
| The Provincial Mohtasib (Ombudsman) Sindh   | The Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991            |
| Provincial Ombudsman Balochistan  | The Establishment of the Office of Ombudsman for the Province of Balochistan Ordinance 2001 |
| The Azad Jammu and Kashmir (AJK) Ombudsman  | The Presidential Ordinance 1991, adopted as Act XIV of 1992                                 |
| The Provincial Ombudsman Punjab (Protection Against Harassment of Women at Workplace) | The Punjab Protection Against Harassment of Women at Workplace, Act 2010                    |
| The Provincial Ombudsman Sindh (Protection Against Harassment of Women at Workplace)  | The Protection Against Harassment of Women at Workplace, Act 2010                           |

<sup>38</sup> The Protection Against Harassment of Women at Workplace Act, 2010, Section 2(1)

<sup>39</sup> *Ibid*, Section 8

<sup>40</sup> *Ibid*, Section 9

## **The Provincial Ombudsman, Punjab**

The Ombudsman constituted under the Punjab Office of the Ombudsman Act 1997 'may on a complaint by any aggrieved person, on a reference by the Government or the Provincial Assembly, or on a motion of the Supreme Court or the High Court made during the course of any proceedings before it or of his own motion, undertake any investigation into any allegation of maladministration on the part of any Agency or any of its officers or employees' (Section 9).

## **The Provincial Mohtasib (Ombudsman) Sindh**

The Mohtasib Sindh (Provincial Ombudsman Sindh) has been established by virtue of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991. This law empowers Provincial Mohtasib (Ombudsman) Sindh to diagnose, investigate, redress and rectify any injustice done to a person through maladministration of an Agency of the Government of Sindh to provide speedy relief to any citizen or legal resident of Pakistan, especially those residing in Sindh, who may have suffered from any 'maladministration' at the hands of any agency of the Government of Sindh.

### ***Special Initiatives***

In collaboration with United Nations Children's Funds (UNICEF) and the Asian Development Bank (ADB) the Provincial Ombudsman has taken initiatives for strengthening its systems and building its capacity for improved service delivery.

### **Children Complaint Office**

In compliance of Article 12 of the United Convention on the Rights of the Child (UNCRC), which calls for establishing an institutional arrangement for providing Children with 'an opportunity to be heard in any judicial and administrative proceeding affecting the Child', the Children's Complaints Office, established under the Responsive, Enabling, Accountable, Systems for Children's Rights (REACH) project. It is designed as a dedicated mechanism for receiving and resolving complaints from and about children, against maladministration in any provincial agency.

### **Strengthening the Asian Ombudsman Association**

The ADB is providing funding of \$900,000 for over a two-year period to enable the establishment of a knowledge management resource centre within the AOA.

## **Provincial Ombudsman Balochistan**

The office of Provincial Ombudsman of Balochistan has been established in 2001 under the Establishment of the Office of Ombudsman for the Province of Balochistan Ordinance 2001 (Ordinance No.VI of 2001).

The office of the Ombudsman is vested with a mandate to investigate the complaints arising out of the maladministration of provincial government departments/agencies to provide free, fair and expeditious relief to the aggrieved persons, ensuring good governance and better service delivery through administrative accountability.

## *Special Initiatives*

### *Children Complaint Cell*

With the support of UNICEF a proper Children Complaint Cell (CCO) Secretariat was established in the Provincial Ombudsman in the year 2009. The objective of this Cell is to investigate complaints/cases pertaining to grievances of the children in Balochistan. The UNICEF initially sponsored the CCO, and now it is continuing by the Secretariat through its own means.

### *Balochistan Child Rights Standing Committee*

In exercise of powers conferred under Section 18 of the Establishment of the office of Ombudsman for the Province of Balochistan Ordinance No. VI of 2001, the Honourable Ombudsman Balochistan constituted “Balochistan Child Rights Standing Committee” (BCRSC). The objective of this Committee is to protect and monitor rights of the children and ensure accountability of provincial agencies charged with the task of compliance with the UNCRC.

### **The Provincial Ombudsman Khyber Pakhtunkhwa**

The Provincial Ombudsman, established under the KP Provincial Ombudsman Act, 2010 may undertake investigation into any allegation of maladministration against any agency of the Provincial Government or any of its officer or employee either on a written complaint of an aggrieved person or on a reference by the Governor or the Provincial Assembly or on a motion of the Supreme Court or the High Court or of his own motion, except the matter which is subjudice in any court or Judicial Tribunal; relates to the external affairs of Pakistan; connected with military, navy or air force; and is a service matter.

### **The Provincial Ombudsman Punjab (Protection Against Harassment of Women at Workplace)**

In post Eighteenth Amendment scenario, the provincial Government of Punjab adapted the law on the Protection of Women Against Harassment of Women at Workplace Act, 2010 with minor changes and appointed Ombudsperson to deal with the complaint as the Ombudsman at Federal level, while the jurisdiction is limited to the province of Punjab.

### **The Provincial Ombudsman Sindh (Protection Against Harassment of Women at Workplace)**

The provincial Ombudsman Sindh (Protection Against Harassment of Women at Workplace) is appointed under Section 7 of the Act, which provides for the appointment of Ombudsman at federal and provincial levels.

### **Azad Jammu and Kashmir Mohtasib (Ombudsman)**

The Azad Jammu and Kashmir (AJK) Ombudsman institution (locally known as Adara Mohtasib) was established in September 1991 by virtue of a Presidential Ordinance. The said Ordinance was subsequently adopted as an Act XIV of 1992 by the Legislative Assembly of Azad Jammu and Kashmir, which came into force on the 24th June 1992. Under the said law, the office of Ombudsman with exclusive is vested with powers to diagnose, investigate, redress and rectify the issues of public maladministration.

AJK Ombudsman Office is one of the founding members of the AOA.

## The Ombudsman Gilgit-Baltistan

In the year 2012, the Legislative Assembly of Gilgit-Baltistan (GB) passed resolution for the establishment of provincial Ombudsman of GB,<sup>41</sup> however, no concrete measures have been taken as yet.

## PHYSICAL OUTREACH OF OMBUDSMEN OFFICES

### Federal Ombudsmen Offices

The WM has its Secretariat based in Islamabad and ten regional offices located in Lahore, Sukkur, Quetta, Faisalabad, Multan, Dera Ismail Khan, Peshawar, Karachi, Hyderabad and Swat. Likewise, The FTO comprises Headquarters in Islamabad and five regional offices located in Karachi, Lahore, Quetta, Peshawar and Faisalabad.

The BMP's Secretariat is located in Karachi and has five regional offices in Lahore, Rawalpindi, Multan, Peshawar and Quetta. While the Insurance Ombudsman and Federal Ombudsman (Protection against Harassment of Women at Workplace), based in Karachi and Islamabad, respectively do not have regional offices, as yet. See Table VIII.

| Table:<br>VIII | Physical Outreach of the Federal Ombudsmen |            |            |            |         |                 |
|----------------|--|------------|------------|------------|---------|-----------------|
|                | Provinces                                  | WM         | FTO        | BMP        | FIO     | FO<br>(PAHWAWP) |
| HQs            |  | Islamabad  | Islamabad  | Karachi    | Karachi | Islamabad       |
| ROs            | Punjab                                     | Lahore     | Lahore     | Lahore     |         |                 |
|                |  |            |            | Rawalpindi |         |                 |
|                |  | Multan     |            | Multan     |         |                 |
|                |  | Faisalabad | Faisalabad |            |         |                 |
|                | Sindh                                      | Karachi    | Karachi    |            |         |                 |
|                |  | Sukkur     |            |            |         |                 |
|                |  | Hyderabad  | Peshawar   | Peshawar   |         |                 |
|                | KP   | Peshawar   |            |            |         |                 |
|                |  | D.I.Khan   |            |            |         |                 |
|                |  | Swat       |            |            |         |                 |
|                | Balochistan                                | Quetta     | Quetta     | Quetta     |         |                 |

### Provincial Ombudsmen Offices

#### *The Office of the Ombudsman Punjab*

The OP has its physical outreach in all thirty-six districts of Punjab by means of a four-tier structure vis-à-vis., Provincial Advisor, District Advisor, Tehsil Advisor and Liaison Complaint Officer.

<sup>41</sup> <http://www.inp.org.pk/media-gallery/detail/379/282>  
Retrieved: 25/08/2015

Except the position of Provincial Advisor, the placements are made on honorary basis of persons of integrity with background and experience related to Provincial Civil Service, Federal Defence Services, Judiciary, Bar, people retired from the fields of Education, Medicine, Engineering, Business, Media, Social and Human Rights Advisor and Liaison Officer (Union Council level) through a transparent advertising process.

The Advisors serving in the Office OP are assigned one or more districts and are designated as Provincial Advisor In charge of in one or more districts.

### ***The Provincial Ombudsman Balochistan***

The POB has its outreach in 25 districts of Balochistan. The Head Office is at Quetta and has seven Regional Offices in Naseerabad, Zhob, Sibi, Hub, Loaralai, Khuzdar, and Turbat.

With the support of World Bank, the POB has set-up Complaint Receiving Desks (CRD) in the Deputy Commissioners' Offices of 18 districts. Five more have been sanctioned but they are not functional as yet.

### ***The Provincial Ombudsman Sindh***

The Provincial Ombudsman Sindh (POS) has its Head Office at Karachi and fifteen regional offices located in Badin, Hyderabad, Karachi Central, Karachi East, Jacobabad, Larkana, Mirpur Khas, Mithi, Naushehro Feorz, Sukkur, Thatta, Ghotki, Dadu, Khairpur, and Shaheed Benazir Abad (Nawabshah). According to the information from the Advisor of the POS has its outreach in all the districts of Sindh.

### ***The Provincial Ombudsman Khyber Pakhtunkhwa***

The POKP has its Head Office in Peshawar and no regional office. The Provincial Ombudsman has extended its outreach by conducting hearing at the District Coordination Officers (DCO) of some districts.

| <b>Table:<br/>IX</b>  | <b>Physical Outreach of the Provincial / Regional Ombudsmen</b> |                               |                        |                              |                         |                                    |                  |                |
|-----------------------|---|-------------------------------|------------------------|------------------------------|-------------------------|------------------------------------|------------------|----------------|
| <b>Provinc<br/>es</b> | <b>Punjab</b>   | <b>Punjab<br/>PAHW<br/>AW</b> | <b>Sindh</b>           | <b>Sindh<br/>PAHW<br/>AW</b> | <b>Balochista<br/>n</b> | <b>Khyber<br/>Pakhtunkh<br/>wa</b> | <b>AJK</b>       | <b>G<br/>B</b> |
| <b>HQs</b>            | Lahore  | Lahore                        | Karachi                | Karachi                      | Quetta                  | Peshawar                           | Muzaffarab<br>ad |                |
| <b>ROs</b>            | Lahore  |                               | Badin                  |                              | Hub                     |                                    |                  |                |
|                       | Attock  |                               | Hyderabad              |                              | Zhob                    |                                    |                  |                |
|                       | Bhakkar   |                               | Karachi (C)            |                              | Sibi                    |                                    |                  |                |
|                       | Bahawalnagar  |                               | Karachi (E)            |                              | Loralai                 |                                    |                  |                |
|                       | Chakwal   |                               | Jacobabad              |                              | Khuzdar                 |                                    |                  |                |
|                       | Chiniot   |                               | Larkana                |                              | Turbat                  |                                    |                  |                |
|                       | DIK   |                               | Mirpur Khas            |                              | Naseerabad              |                                    |                  |                |
|                       | Faisalabad  |                               | Mithi                  |                              |                         |                                    |                  |                |
|                       | Gujrat  |                               | N-Feroz                |                              |                         |                                    |                  |                |
|                       | Gujranwala  |                               | Sukkur                 |                              |                         |                                    |                  |                |
|                       | Hafizabad   |                               | Thatta                 |                              |                         |                                    |                  |                |
|                       | Jhang   |                               | Ghotki                 |                              |                         |                                    |                  |                |
|                       | Jhelum  |                               | Dadu                   |                              |                         |                                    |                  |                |
|                       | Kasur   |                               | Khairpur               |                              |                         |                                    |                  |                |
|                       | Khanewal  |                               | Shaheed<br>Benazirabad |                              |                         |                                    |                  |                |
|                       | Khushab   |                               |                        |                              |                         |                                    |                  |                |

## **Means of Outreach**

### ***Use of Technology***

All the offices of Ombudsman accept complaints via post fax and email. WM, FTA, BMP, POP, POS, POB also have online complaint facility while AJK Office website has online complaint service is in the future plans. The FTA and POB also have complaint tracking system.

### ***Awareness Raising***

Open Kachehries, seminars are organized for awareness raising among the masses about the efficacy of Provincial Ombudsman Secretariat especially Balochistan and to provide assistance to the poor people who might not otherwise have access to this forum.

### ***Collaboration with Non-Government Organizations***

The non-government organizations (NGOs) and Community Based Organizations (CSOs) play a vital role in raising awareness. The Ombudsmen in Pakistan are working closely with them. Some of the key initiatives in this regard are as under:

- Communication and Advocacy Campaign was undertaken 2010 by interaction and close coordination with CSOs and Media.
- The Office of Ombudsman AJK welcomes applications received from the NGO's on behalf of the poor and needy people.

## **PARALLEL COMPLAINT REDRESS SYSTEMS AT FEDERAL LEVEL**

All the government functionaries have their own formal administrative mechanism and regulatory bodies to resolve complaints. Some of the important GRMs are as under:

### **The National Accountability Bureau**

The National Accountability Bureau (NAB), operating under the National Accountability Ordinance, 1999 has headquarters in Islamabad and regional offices in the provincial capitals and one at Rawalpindi. It takes cognizance of all offences falling under Section 9-A. It has announced SMS complaint service under Anti-corruption and Prevention Awareness Program.

### **Regulatory Bodies**

The regulatory authorities have quasi-judicial authority for issuance of licenses, tariff setting and maintenance of proper standards and quality of services by the licensees besides deciding the matters in respect of their regulated activities. As for instance the following regulatory bodies:

#### ***The National Electric Power Regulatory Authority***

The National Electric Power Regulatory Authority (NEPRA) had been established in pursuance of the approval of Water and Power Development Authority (WAPDA) Strategic Plan for the privatization of the Pakistan Power Sector in the year 1992. The key objective of this institution is to oversee the restructuring process and to regulate monopolistic services in order

to improve the quality of life to the public and to offer them better opportunities for development. It is also mandated to ensure that the interests of the investors as well as of the customers through judicious decisions based on transparent commercial principles.

### **Complaint System**

Any interested person including the Provincial Government can file a complaint against any licensee in respect of the violation of any “order, rule, regulation, license or instruction made or issued there under.” (Section 39) With reference to GRM, the NEPRA Act provides for the appointment of Provincial Office of Inspection (POI). The Consumer Service Manual (CSM) also envisages a comprehensive mechanism to redress the consumer.<sup>42</sup>35 Accordingly NEPRA has simple three-tier quasi-judicial machinery to redress the grievances of its consumers. It operates at the following levels:

**Tier I - District Level:** Majority of the complaints in respect of meter reading and billing, electric supply failures and other matters in respect of electric power supply are handled at the DISCO level through one Window Operations at Consumer Service Centers (CSCs).<sup>43</sup>

All types of applications received from the consumers are given acknowledgment of it with intimation of definite time frame for the disposal of their complaints. The CSCs are also responsible for making special arrangements for handling the complaints from elderly and handicapped consumers.<sup>44</sup>

An approved CSM has been circulated to all the DISCOs for implementation.<sup>45</sup> The Complaint Handling and Dispute Resolution (Procedure) Rules 2009 have also been proposed and forwarded to the Cabinet Division for approval/notification.

**Tier II -Provincial Level:** The POIs have an authority inter alia to resolve disputes over metering, billing and correction of tariff.<sup>46</sup> To ensure transparency, all complaints, responses and decisions in this context are open to public inspection and examination.

**Tier III - Federal Level:** Only a fraction of cases reach the Authority for adjudication. There is also a provision for submitting on-line complaints on the website of NEPRA.<sup>47</sup>

### **Shortcomings**

The complaint handling systems appears to be confusing and slow for the following reasons:

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<sup>42</sup> Consumer Service Manual (CSM). (2010). Section 1.4. (20): Consumer means a person or his successor-in-interest

who purchase or receive electric power for consumption and not for delivery or re-sale to others, including a person who owns or occupies a premises where electric power is supplied. [Online]

Available at: <http://www.nepra.org.pk/Legislation/Codes/Consumer%20Service%20Manual.pdf>

Retrieved: 08/12/2010

<sup>43</sup> *Ibid*, Section 10.1.

<sup>44</sup> *Ibid*, Section 10.4(e))

<sup>45</sup> NEPRA Annual Report 2009-10, page 61 [Online]

Available at: <http://nepra.org.pk/annualreports.htm>

Retrieved: 08/12/2010

<sup>46</sup> CSM, *supra*, Section 10.4(e)

<sup>47</sup> Regulatory Management and Reform in India, Background Paper for OECD, CUTS International. [Online]

Available at: <http://nepra.org.pk/onlinecomplaint.php>.

Retrieved: 09/12/2010

### 1. *Lack of hierarchy in complaint handling*

The complaint may be filed at any level or at all levels. In case of the filing of complaints at more than one forum, the general practice is that all other forums except one, close the case. But there is no defined rule as to which forum should close the case and which one must decide the case.

### 2. *Multiplicity of forums for filing complaint*

A range of forums for filing of complaint though gives a freedom of choice to the complainants but it slow down the process. As pointed out by the NEPRA officials,<sup>48</sup> the DISCOs receive complaints in thousands. Therefore, they take long time in responding to the complaint filed to the Authority. Most of such complaints are also of those complainants who have approached WMS as well as the Authority. Hence, there is a need to sort out the complaints at the initial phase and streamline the process.

### 3. *Lack of time frame for redress of grievance*

The NEPRA Act does not spell out the time frame for the disposal of the complaints. However, by virtue of clause 10.3 of CSM only the complaints regarding billing are required to be decided within the timeframe specified for each cause of complaint but no record regarding the level of compliance of this timeframe could be obtained from the Authority.

According to the officials of CAD, generally a complaint, reflecting dispute takes about 90 to 120 days to decide while a complaint with no dispute is disposed off in 60 days at DISCO level.

The complaints at DISCO level are handled in the following order of priority fixed for the causes:<sup>49</sup>

- Leakage of current;
- Collective complaint of consumers;
- Damage of transformer;
- Trimming of branches of trees touching the electric lines and other preventive maintenance work;
- Low voltage at consumer's premises; and
- Sub-standard quality of supply

### 4. *Investigation mechanism*

NEPRA has technical expertise in this regard though no fix number of investigation officers and no specifically defined criteria of qualification in this regard. On receipt of complaint the concerned technical staff is given the assignment to investigate and report on the issues. In case of need, the staff from other department may also be deputed to look into the matter.

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<sup>48</sup> Wafaqi Mohtasib (Ombudsman) Pakistan. (2012). "Duplication of powers among various oversight institutions" page 17

<sup>49</sup> CSM, *supra*, clause 10.4(b).

## 5. *Resources dedicated*

The GRM is very much embedded in the institutional framework, therefore, there is no fixed budget or staff in this regard. The resources are dedicated as per need. In response to a question regarding an inordinate delay in disposal of complaint, it was pointed out that the number of complaints at DISCO level is too high thus delay is most likely. This point raises question on the standards for quantity and quality of resources allocated for complaint handling at DISCO level.

**In the year 2007, 663 complaints against DISCOs had been made to NEPRA while in the same year 10,179 complaints against WAPDA/PEPCO had been lodged with WM.<sup>50</sup>**

## **Oil and Gas Regulatory Authority**

With the establishment of the Oil and Gas Regulatory Authority (OGRA), on 28th March 2002 all works done by Natural Gas Regulatory Authority (NGRA) was subsumed by it.

Since March 15, 2003, OGRA has also been assigned functions for the regulation of activities relating to LPG (Liquidated Gas) and CNG (Compressed Natural Gas), which had earlier been within the purview of the jurisdiction of Director General (Gas) of the Ministry of Petroleum and Natural Resources.

Like NEPRA, OGRA is also a regulatory body established under the OGRA Ordinance (No.XVII of 2002). The provisions of the said Ordinance, the rules and regulation besides the licenses issued there under have overriding effect. This Authority has been vested inter alia with the exclusive jurisdiction to: grant, issue, renew, revoke, etc., license in respect of any regulated activity, prescribe necessary requirements and standards for undertaking the regulated activity and uniform accounting pattern for licensees and procedures standards for investment programs by licensees of natural gas; administer, enforce and certify the standards and conditions for the regulated activities. Also to promote effective competition, efficiency in the regulated activities; monitor and enforce the compliance of conditions by the licensees; ensure open access, common carrier and common operator in the public interest, subject to the application of the interested party; disseminate information relating the regulated activity; determine/administer prices of petroleum.

### **Complaint Mechanism**

The institution has a simple and cost-effective complaint handling mechanism. By virtue of Section 11 of the OGRA Ordinance and OGRA Complaint Resolution Procedure Regulations, 2003.

The highlights of the complaint system are as follows:

1. **Complaint with the Licensee:** The complainant must initially seek redress from the licensee in accordance with the regulations.

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<sup>50</sup> Wafaqi Mohtasib (Ombudsman) Pakistan (2012). "Duplication of Powers Among Various Oversight Institutions"

2. **Complaint with the Registrar:** In case of complainant's failure to get the desired redress he may file a complaint with the Registrar of the Authority.

- a. Complaint's requirements: Any person may file a complaint with the Registrar in a specified format in triplicate, duly verified by an affidavit with supporting documents. The complaint may be Urdu or English languages.
- b. Time Limitation: The complaint must have been filed within 90 days from the date of the complainant's failure to get redress from the licensee; or any period as may be approved by the Registrar.
- c. Initial Assessment: Upon examination of the complaint the Registrar may either reject the complaint (either on account of the non-compliance of the requirement of the complaint or short-comings in meeting the criteria admissibility); or he may accept the complaints and forward it to the Designated Officer (DO) and notify the complainant accordingly.
- d. Response of the Licensee: The DO within 15 days of the receipt of application forward it to the licensee for response with particular reference to the action taken to redress the complaint with reasons thereof, reasons for the non-satisfaction of the complainant, proposed remedy, implementation plan and/or any other factor relevant in this regard.

### Appeal

Either of the parties may appeal against the impugned order of the Authority within 30 days of the decision. The law does not provide time limitation for the disposal of complaint by the Authority.

The complaint against IESCO regarding (1) metering (2) billing and (3) collection of tariff may be referred to IESCO office. In case of non-attendance or non-satisfaction, such complaint may also be submitted to the provincial office of Inspection (POI) also known as Electric Inspector.

### ***Securities and Exchange Commission of Pakistan***

The key functions of the SECP include inter alia advice to the Board on policy/legal issues; regulation of the issue of securities and business in Stock Exchanges besides other securities markets; supervision and monitoring of the activities of central capital depository and Stock Exchange clearing house; promotion investment; administration of laws, rules and regulations relating insurance.<sup>51</sup>

The SECP does not deal with the FGAs. Also there is no legal provision with regard to the original jurisdiction of SECP to admit complaints of the aggrieved policyholders against private insurance companies. Nevertheless, it is empowered to initiate (1) suo motu investigation in respect of any act that falls within the purview of an offence under this Act,<sup>52</sup> 63 and (2) the appeal against the impugned order of the IO<sup>53</sup> 64 may also be preferred to this forum. Any

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<sup>51</sup> The Securities and Exchange Commission of Pakistan Act, 1947 (ACT NO. XLII OF 1997), Part II, Section 20

<sup>52</sup> *Ibid*, Section 29(1)

<sup>53</sup> Insurance Ombudsman, *supra*, Section 130(2)

person aggrieved by the conduct of an investigating officer may lodge a complaint against such officer to the SECP.

The Commission takes action thereon within fifteen days from the date of the receipt of the complaint. An appeal against the impugned order of SECP can be preferred to the Appellate Bench of the Commission, within thirty days of date of order.<sup>54</sup> The appeal against the orders of the Appellate Bench lies to the Court within sixty days of the date of the order.<sup>55</sup>

In AJK Anti-Corruption Department, Supreme Court Monitoring Cell, and Prime Minister's Monitoring and Implementation Unit are also functioning.

In addition to the above, the other regulatory authorities include inter alia ,Pakistan Electronic Media Regulatory Authority (PEMRA), Pakistan Telecommunication Authority (PTA) and others.

## **POTENTIAL RESOURCES FOR THE PROPOSED EXTENDED SYSTEM OF ADMINISTRATIVE JUSTICE**

### **Existing Resources**

The consultations with the Provincial Ombudsmen and Chief Secretaries of all provinces revealed the existence of an extensive framework that can conveniently be utilized by Federal Ombudsmen Offices for their outreach to the grass-root level.

A brief account of the existing facilities at grass-root level is as under:

### ***Infrastructure***

**Punjab:** The Office of OP has its physical outreach at all administrative levels in Punjab. It has established its offices in the government buildings, which were lying vacant. The districts and tehsils where government building was not available OP has either established its own offices (e.g., Lahore and Multan), or hired the premises on rent (e.g., Rawalpindi and Sargodha).

The Honourable Ombudsman expressed his willingness to share the premises and facilities with the WM, subject to certain considerations. The Chief Secretary Punjab will also consider facilitation in this regard once the WM's proposal is submitted to the Provincial Government of Punjab.

**Balochistan:** There are seven regional offices owned by the Provincial Ombudsman Balochistan (POB) and Complaint Receiving Desks (CRD) in eighteen districts of Balochistan. Five more CRDs have been approved, however, they have yet to become functional. The POB offered sharing of the premises and the equipment by the WM.

**Sindh:** It appears from the information available on the website of Provincial Mohtasib (Ombudsman) Sindh that it has sixteen regional offices. The Honourable Mohtasib Sindh, appointment could not be managed. In response to the said requests, the Secretariat of POS vide its letter dated 16th September 2015 offered to extend logistical support to federal teams visiting districts where provincial infrastructure exist. However, reservation was expressed about the proposed joint teams of Federal and Provincial officials for conducting joint meetings at Sub-

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<sup>54</sup> *Ibid*, Section 33

<sup>55</sup> *Ibid*, Section 34

Divisional level, which may be discussed later in Inter-provincial Coordination Council (ICC) meeting in this regard.

The Chief Secretary Sindh whole-heartedly appreciated the WM's initiative and given his words to facilitate the WM's extension of outreach in the entire province of Sindh by providing appropriate accommodation for WM's CRD and staff.

**Khyber Pakhtunkhwa:** The Chief Secretary Khyber Pakhtunkhwa (KP) ensured full support to the WM's initiative of extending outreach to grass-root level. He proposed establishment of CRD in the DC office of each district of KP and designation a focal person to handle the complaints.

### ***Equipments***

Presently each office of the OP, at all tiers has been provided LED for video conferencing while other necessary equipments are badly needed. The regional offices of POB are properly equipped and have adequate staff. The CRDs in DC office are provided with a computer and printer with the support of World Bank.

### ***Human Resource***

In Punjab, each office in all tiers has proper staff to receive complaint, process, investigate conduct hearing, report and ensure implementation. The Child Commissioners are working in all districts on voluntary basis.

In Balochistan, the directors and staff of the POB head the regional offices. The post of Assistant Registrar has also been created in each Regional Office. While for each CRD, an internee has been appointed with the support of World Bank.

## **Additional Resources Required for the Proposed Extended System of Administrative Justice System**

### ***Infrastructure***

**Punjab:** There is no need for any additional infrastructure because the offices of OP already exist at all level. In case of any issue regarding the premises, the request for the establishment of CRD at DC of the concerned district may be submitted to Provincial Government of Punjab. The Chief Secretary Punjab is already taken on board in this regard.

**Balochistan:** The CRDs need to be established in only 2 districts of Balochistan.

**Sindh:** The CRDs are required to be established in the DC offices of all 13 districts of Sindh.

**Khyber Pakhtunkhwa:** The CRDs need to be established in the DC offices of 24 districts of KP.

## ***Human Resource***

A total of 108 staff members (Punjab: 32, Sindh: 31; Balochistan: 31, and KP: 24), either paid or honorary are required to be appointed, one for each districts where WM does not have its physical outreach

## ***Equipments***

Laptop or desk computer with internet protocol (IP) cameras, network video recorders (NVR) cables for installation, printer, scanner internet connection, phone, fax, bio-metric attendance equipment and AMS, Attendance Management System, Server and LEDs for video conferencing.

## ***Corporate Packages***

There is a need to purchase the corporate packages for: (a) SMS packages with no expiry date to be used for SMS alert service; (b) Wi-fi for all CRDs; (3) Mobile connection for CRD staff across the country.

## ***Other Requirements***

## ***Capacity Building***

The stakeholders identified the need for the capacity building of the staff. The key areas of capacity building includes inter alia, the understanding of basic human rights, gender sensitive approach, complaint handling, referral mechanism and use of Content Management Interoperability Services (CMIS).

## ***Awareness Raising***

The major issue at grass-root level is the lack of awareness of the GRM of the federal and provincial Ombudsmen. There is a need to develop a strategy for raising awareness across the country in collaboration with the government organizations such as National Database and Registration Authority (NADRA), Bar Council and Bar Associations and NGOs.

The tools for awareness raising include SMS, public service message in local languages on radio and television and print media. Flyers book marks and brochures reflecting the address, contact numbers and procedure for making application to the Ombudsman that can be distributed in the educational institutions, shops etc. While and posters with similar information can be pasted in the public places including bus stops, railway stations, police stations, post office, etc.

## ***Proposed Framework for Extending Outreach of Ombudsmen Offices***

### ***Introduction***

The institution of WM is serving the people for more than three decades. Realizing the fact that people from far-flung areas have difficulties in approaching the Federal Ombudsman in the absence of regional offices in most of the districts, this project has been undertaken to extend the service delivery of Federal Ombudsman down to grass root level.

After an extensive consultative process of WM with the stakeholders, it was proposed that a joint team of Federal Ombudsman and Provincial Ombudsman should move to district headquarters initially, and later to sub-divisional level / tehsil level on pre-planned and pre-advertised dates to conduct hearings and announce on the spot decisions, as per their jurisdiction and under their regulatory laws separately but under the same roof. In order to determine the feasibility of the proposed initiative, an in-depth desk research was conducted which was followed by consultations with the Chief Secretaries and Provincial Ombudsman of all four provinces of Pakistan as well as the Chief Commission Islamabad Capital Territory.

The consultations meetings at provincial level strongly supported the proposal for extending the outreach of Federal Ombudsmen at the grass-root level across the country on the basis of the existence of facilities at district level and the willingness of the Chief Secretaries of Khyber Pakhtunkhwa, Sindh and Punjab as well as the provincial Ombudsmen of Punjab, Balochistan and KP to share those facilities with the Federal Ombudsmen.

In view of the foregoing discussion, the extension of the Ombudsman Office, especially Wafaqi Mohtasib is proposed to be in the following manner:

## **Approach**

To utilize and strengthen the existing framework of complains redress mechanism.

## **Establishment of Complaint Receiving Desks**

To establish 107 CRDs (Punjab: 32; Sindh: 21; KP: 23; and Balochistan: 31), one at each DC office in the provinces of Sindh and KP as well as in the regional offices of Provincial Ombudsman of Punjab and Balochistan.

## **Appointment of Liaison Counselors**

To appoint 107LC, one for each WM's CRD. There are following options in this regard:

### Option 1: Designation of Staff as 'Liaison Counselor'

One of the staff of the facility in use (either Provincial Ombudsman's regional office or DC office), may be designated as the LC; or

### Option 2: Appointment of young professional as 'Liaison Counselor'

The young professional with Masters degree and at least six months work experience may be appointed as LC, either exclusively by the WM or jointly by the WM and Provincial Ombudsman.

### Option 3: Honorary Appointments

The persons of integrity with background and experience related to judiciary, Bar, teaching, or civil service may be appointed, as experienced in Punjab.

The appointment of the staff jointly by WM and Provincial Ombudsman or designation of the staff of DC office as the Focal Person will have an effect of expense sharing.

## ***Terms of Reference***

The key terms of reference (TOR) of the LC, as the case may be are proposed to include:

- Guide the complainant for filing complaint
- Receive the complaint and ensure all formalities are complete
- Examination of documents
- Forwarding the complaints to the appropriate offices of Federal Ombudsmen
- Coordination with the WM Secretariat and the relevant functionaries
- Arrange hearing at the facility
- Perform such other functions, as may be required by the WM Secretariat and / or regional office of the WM

## **Equipments**

For each one of the 107 CRDs, there is need for laptop or desk computer with internet protocol (IP) cameras, network video recorders (NVR) cables for installation, printer, scanner internet connection, phone, fax, bio-metric attendance equipment and AMS, Attendance Management System, Server and LEDs for video conferencing.

## **Corporate Packages**

For subsidized billing, corporate packages may be purchased for: (a) SMS packages with no expiry date to be used for SMS alter service; (b) Wi-fi for all CRDs; (3) Mobile connection for LCs, across the country.

## **Modus Operandi**

### ***Standard Operating Procedure***

Standard Operating Procedure (SOP) needs to be developed to ensure smooth running of this extensive set-up and collaboration with the partnering organizations and stakeholders.

### ***Complaint Filing System***

- The LC of the CRD upon receiving the complaint check the contents and documents attached to it and guide the complainant in case the complaint is not in compliance with the requirements.
- The complaint received at CRD must immediately be scanned and forwarded to the concerned Federal Ombudsman regional office or Head Office, as the case may be. The hardcopies of complaint shall be forwarded to the concerned Federal Ombudsman via courier.
- As soon as the complaint is entered in CMIS, text message must be sent to the complainant on his or her cell phone.

### ***Frequency of Hearing***

Depending on the number of complaints received, hearings may be conducted fortnightly.

## ***Notice of Hearing***

The hearings are proposed to be pre-planned, the date and venue of which may be advertised in advance in the press and the websites of the Federal and Provincial Ombudsmen in Urdu, English and if possible, in local languages.

## ***Hearing Proceedings***

The designated staff of the WM shall conduct the formal or informal hearing, as the case may be. However, since the decision has to be made by the HWM and it will not be feasible for him to travel down to all districts, therefore, skype/ videoconference can also be arranged between the parties and the HWM. Online transmission of decision for instant approval (paperless system) can also be used. This will not only provide a cost-effective grievance redress forum to the masses but will also expedite the process.

## **MEASURES FOR STRENGTHENING THE SYSTEM**

### **Capacity Building**

In order to strengthen the GRM, it is important to do the capacity building of the Federal and Provincial Staff at the provincial and district levels in the areas inter alia, the understanding of basic human rights, gender sensitive approach of GRM, complaint handling, referral mechanism and use of Content Management Interoperability Services (CMIS).

### **Awareness Raising**

A campaign for awareness raising across the country must be launched at all levels in collaboration with the government organizations such as National Database and Registration Authority (NADRA), Bar Council and Bar Associations and NGOs like Pakistan Aga Khan Rural Support Program (AKRP) can be engaged for awareness raising of the institution of Ombudsmen, complaint redress system and procedure.

The tools for awareness raising include SMS, public service message in local languages on radio and television and print media. Flyers book marks and brochures reflecting the address, contact numbers and procedure for making application to the Ombudsman that can be distributed in the educational institutions, shops etc. While posters with similar information material can be displayed at the public places including bus stops, railway stations, police stations, post office, etc.

## **POLITICAL BUY-IN**

In order to ensure political buy-in and smooth collaboration, it is pertinent that the proposal be discussed at the IPCC that is chaired by the Prime Minister and attended among others by Chief Ministers and other important officials in order to build consensus on the proposal.

## **MAIN HEADS OF EXPENDITURE**

These include inter alia: (1) Remuneration for the LCs; (2) furniture and necessary room appliances (such as heater, fan, etc); (3) equipments (laptop, scanner, printer, telephone, fax, LCD for Skype/video conference, cables, etc); (4) vehicle or at least fuel for the regional officers

of WM; Courier; (5) Utility bills; (6) Awareness campaign; (7) Public advertisement / notice for communicating joint meeting dates during the month.

## **FUNDING**

There are two possible avenues to bear the cost of this program vis-à-vis., request to the Federal Government of Pakistan for annual budget allocation in this regard; and sharing of proposal with the international development partners like World Bank, Asian Development Bank, UNDP, etc.

## **LEGAL JUSTIFICATION**

Section 33 of Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983 (President Order 1 of 1983), provides for the informal resolution of disputes without the necessity of docketing any complain or issuing any official notice.

Sub-Section (2) of the said section further authorizes the Honourable Mohtasib to appoint 'Liaison Counsellors' at local level, whether honorary or otherwise (proposed in clause 3 above).

By virtue of Section 19, of the President Order 1 of 1983, the honourable Mohtasib, may delegate the powers to his staff or to a standing or advisory committees, subject to the conditions specified in his order. The committee or members so authorized is required to submit the report with his / her or its recommendations for appropriate action.

Therefore, in case informal resolution of disputes at local level the presence of Honourable Mohtasib is imperative which can even be ensured through skype / video conferencing, as is the practice in Hawaii, or online instant approval. The proceedings of the hearing shall, however, be recorded for the purpose of official record and ensuring transparency.

## **SUSTAINABILITY**

The sustainability of the proposed extension of the outreach of Federal Ombudsmen to district level is ensured in terms of the following aspects:

### **Political Sustainability**

The provincial governments of KP, Sindh have already made their commitment towards the proposed project. The proposal will be discussed at the ICC meeting and the issues, if any, expressed by the provincial governments will be sorted out.

The provincial Ombudsmen especially POB, OP and POKP fully support the proposal and agreed for the utilization of their extended framework jointly by Federal and Provincial Ombudsmen. The HWM will reciprocate this gesture of good will through inter alia, strengthening the existing outreach framework through capacity building, provision of equipments to be utilized by the staff of both the Federal and provincial Ombudsmen, awareness-raising campaign.

## Social Sustainability

The parliamentarians, academia and civil society organizations like Rural Support Program (RSP) have expressed full support to the project in Federal Advisory Committee meeting on “Reforms and Alternative Dispute Resolution”, held on 5th December 2015;

## Institutional Sustainability

HWM will implement this project in collaboration with the provincial Ombudsmen and the provincial governments, which is fully justified in legal terms.

## Financial Sustainability

Though efforts will be made for collaboration with international development partners for the supplies of equipments, recruitment of staff, launching of awareness raising campaigns, etc., yet in case of any shortage or delays the operation will be ensured out of the budget of WM.

## Technical Sustainability

Appropriate trainings will be arranged for the staff of both the federal and provincial Ombudsmen.

## Ownership

The ownership of the provincial Ombudsmen of Balochistan, Punjab and Sindh has been ensured. So as the governments of KP and Sindh;

## IMPLEMENTATION MODALITY

The implementation of the extended set-up of Federal Ombudsmen Offices (FOOs) is proposed to be in phases and subject to the consensus of the implementing partners (IPs):

| <b>Table: X</b> |   | <b>Expending Physical Outreach of Federal Ombudsmen Offices to all Districts of Pakistan</b> |   |   |   |   |   |   |   |   |    |    |    |    |    |
|-----------------|---|--|---|---|---|---|---|---|---|---|----|----|----|----|----|
| <b>Phases</b>   | <b>Activities</b>                         | <b>Timeline in months (November 2015 to December 2016)</b>                                   |   |   |   |   |   |   |   |   |    |    |    |    |    |
|                 |   | 1  | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| I               | Approval & negotiations                   |  |   |   |   |   |   |   |   |   |    |    |    |    |    |
| II.             | Extending outreach of FOOs in Balochistan |  |   |   |   |   |   |   |   |   |    |    |    |    |    |
| III             | Extending outreach of FOOs in Punjab      |  |   |   |   |   |   |   |   |   |    |    |    |    |    |
| IV              | Extending outreach of FOOs in Sindh       |  |   |   |   |   |   |   |   |   |    |    |    |    |    |
| V               | Extending outreach of FOOs in KP          |  |   |   |   |   |   |   |   |   |    |    |    |    |    |

Detail of each phase is as follows:

|                |   |  |
|----------------|---|--|
| <b>Phase 1</b> | <b>Timeline: November &amp; December 2015</b> | <b>Approval &amp; Negotiation with IPs</b> |
|----------------|---|--|

This initial phase involves the ICC meeting to sort-out the issues, consensus-building and the approval of the Prime Minister of Pakistan. This will be followed by WMS's coordination with the implementing partners including inter alia, the concerned Chief Secretaries, provincial Ombudsmen and the international development partner(s) to discuss the feasibility of timeline, logistical arrangements and human resource recruitment for the extended outreach of WM.

|                 |                                       |                                |
|-----------------|---------------------------------------|--------------------------------|
| <b>Phase II</b> | <b>Timeline: January – March 2016</b> | <b>Province of Balochistan</b> |
|-----------------|---------------------------------------|--------------------------------|

The process for the implementation of the extended set-up Federal Ombudsmen offices will commence with the appointment of LCs at the regional offices and CRDs of the POB, followed by the establishment of CRDs and appointment of LC in the remaining two districts of Balochistan where POB does not have CRDs as yet, in addition to the arrangement for equipments and other logistical arrangements for the extended set-up. Finally, the capacity building of the staff of WM and the POB and initiation of awareness raising campaign.

|                  |                                    |                           |
|------------------|------------------------------------|---------------------------|
| <b>Phase III</b> | <b>Timeline: April – June 2016</b> | <b>Province of Punjab</b> |
|------------------|------------------------------------|---------------------------|

The appointment of LCs at the regional offices OP besides arrangement for the equipments and other logistical arrangements for the extended set-up. This will be followed by the capacity building of the staff of WM and the OP besides awareness raising campaign.

|                 |  |                          |
|-----------------|--|--------------------------|
| <b>Phase IV</b> | <b>Timeline: July – September 2016</b> | <b>Province of Sindh</b> |
|-----------------|--|--------------------------|

The appointment of LCs at the DC offices of Sindh besides arrangement for the equipments and other logistical arrangements for the extended set-up. The capacity building of the staff of WM and provincial Ombudsman Sindh and awareness raising campaign will follow this.

|                |  |                       |
|----------------|--|-----------------------|
| <b>Phase V</b> | <b>Timeline: October - December 2016</b> | <b>Province of KP</b> |
|----------------|--|-----------------------|

The appointment of LCs at the DC offices of KP besides arrangement for the equipments and other logistical arrangements for the extended set-up. The capacity building of the staff of WM and provincial Ombudsman KP awareness raising campaign will follow this.

## ABBREVIATIONS AND ACRONYMS

|       |   |
|-------|---|
| ADB   | Asian Development Bank                            |
| ADR   | Alternative Dispute Resolution                    |
| AJK   | Azad Jammu and Kashmir                            |
| AOA   | Asian Ombudsman Association                       |
| BCRSC | Balochistan Child Rights Standing Committee       |
| BMP   | Banking Mohtasib Pakistan                         |
| CCO   | Children's Complaint Office                       |
| CHS   | Complaint Handling Systems                        |
| CSC   | Consumer Service Center                           |
| CSO   | Community Based Organizations                     |
| DC    | Deputy Commissioners                              |
| DCO   | District Co-ordination Officer                    |
| FC    | Federal Council                                   |
| FGA   | Federal Government Agency                         |
| FIO   | Federal Insurance Ombudsman                       |
| FOO   | Federal Ombudsman Office                          |
| FOIRA | Federal Ombudsmen Institutional Reforms Act, 2013 |
| FTO   | Federal Tax Ombudsman                             |
| GB    | Gilgit-Baltistan                                  |
| GRM   | Grievance Redress Mechanism                       |
| HC    | High Court  |
| HWM   | Honourable Wafaqi Mohtasib                        |
| ICT   | Islamabad Capital Territory                       |
| IMCC  | Integrated Mobile Complaints Counter              |
| IP    | Implementing Partner                              |
| ICC   | Inter-provincial Coordination Council             |

|        |   |
|--------|---|
| LC     | Liaison Counselor   |
| KP     | Khyber Pakhtunkhwa  |
| MCC    | Mobile Complaints Counter                                     |
| MESRA  | Mesra Rakyat Program  |
| NAB    | National Accountability Bureau                                |
| NCC    | National Commissioner for Children                            |
| NEPRA  | National Electric Power Regulatory Authority                  |
| NGO    | Non-Governmental Organizations                                |
| OGRA   | Oil and Gas Regulatory Authority                              |
| PCB    | Public Complaint Bureau                                       |
| P.O.   | Presidential Order  |
| REACH  | Responsive Enabling Accountable Systems for Children's Rights |
| SECP   | Exchange Commission of Pakistan                               |
| SCP    | Supreme Court of Pakistan                                     |
| SCR    | Speedy Complaint Resolution                                   |
| TOR    | Terms of Reference  |
| UNCRC  | United Nations Convention on the Rights of the Child          |
| WMS    | Wafaqi Mohtasib Secretariat                                   |
| UNICEF | United Nations Children's Funds                               |



**Annex - A****District Wise Complaints Received by Wafaqi Mohtasib (Ombudsman) Pakistan  
(January to September 2015)**

| <b>S. No.</b> | <b>Name of District</b> | <b>No of Complaints</b> |
|---------------|-------------------------|-------------------------|
| 1             | Karachi                 | 5,481                   |
| 2             | LAHORE                  | 2,902                   |
| 3             | ISLAMABAD               | 2,237                   |
| 4             | PESHAWAR                | 1,898                   |
| 5             | RAWALPINDI              | 1,735                   |
| 6             | SUKKUR                  | 1,281                   |
| 7             | KASUR                   | 1,071                   |
| 8             | HYDERABAD               | 1,055                   |
| 9             | FAISALABAD              | 795                     |
| 10            | D I KHAN                | 753                     |
| 11            | MULTAN                  | 611                     |
| 12            | SANGHAR                 | 575                     |
| 13            | MIRPUR KHAS             | 521                     |
| 14            | KHAIRPUR                | 491                     |
| 15            | NAUSHAHRO FEROZE        | 484                     |
| 16            | SARGODHA                | 451                     |
| 17            | GUJRANWALA              | 438                     |
| 18            | SHEIKHUPURA             | 399                     |
| 19            | RAHIM YAR KHAN          | 388                     |
| 20            | OKARA                   | 384                     |
| 21            | MIANWALI                | 360                     |
| 22            | MANDI BAHAUDDIN         | 356                     |

| S. No. | Name of District | No of Complaints |
|--------|------------------|------------------|
| 23     | GUJRAT           | 346              |
| 24     | NOWSHERA         | 346              |
| 25     | SHIKARPUR        | 343              |
| 26     | ATTOCK           | 314              |
| 27     | BAHAWALPUR       | 305              |
| 28     | MUZAFFARGARH     | 283              |
| 29     | KHANEWAL         | 282              |
| 30     | JHELUM           | 275              |
| 31     | QUETTA           | 273              |
| 32     | SIALKOT          | 268              |
| 33     | CHAKWAL          | 263              |
| 34     | KHUSHAB          | 252              |
|        | <b>Total:</b>    | <b>2,8216</b>    |

Districts having less than 250 complaints = 6,576

Total 28,216 + 6,576 = 34,792

**Source: Office of Data Control, Wafaqi Mohtasib (Ombudsman)'s Secretariat, Islamabad**

## Annex - B

| Baseline Indicators of Study |   |  |
|------------------------------|---|--|
| Sr. No.                      | Indicator   | Description  |
| 1.                           | Outreach of Federal Ombudsman   | (a) Number of regions, divisions, districts, sub-divisions/ tehsil, Union Council<br>(b) Key issues  |
| 1.1.                         | Means of outreach   | Infrastructure and staff; online complaint mechanism; referral mechanism; and / or other sources   |
| 2.                           | Nature and gravity of grievances at sub-Division / tehsil / Union Council levels  | (a) Number of complaints from far flung areas<br>(b) Nature of complaints  |
| 3.                           | Existing mechanism to redress the grievance of an aggrieved beyond the geographic limits of outreach of Ombudsman Secretariat at available tier | (a) GRM Mechanisms other than Ombudsman<br>(b) Awareness of Ombudsman GRM among people in distinct places. Means for submission of complaint to Ombudsman:<br>(i) Online complaint<br>(ii) Post Through activists / NGOs<br>(iii) Aggrieved travel down from his or tehsil to the office of Ombudsmen<br>(iv) Others |
| 4.                           | Time frame for redress of grievance   | (a) Frequency for redress of grievance within the statutory timeframe<br>(b) Reasons for delay, if any   |
| 5.                           | Possible means to extend outreach of Ombudsman Forum  | (a) Sharing existing infra-structure at Union Council<br>(b) Establishing focal points at the offices of: AC / DC or Union Council; or<br>(c) Bar Associations or local NGOs; and<br>(d) Providing logistical support and / or staff to the Ombudsmen offices existing at the lowest tier.                           |
| 5.1.                         | Strengths and weakness of the above propositions  | <ul style="list-style-type: none"> <li>Financial Implication of the proposal in terms of infrastructure and human resource</li> <li>Networking</li> <li>Sustainability</li> </ul>  |
| 6.                           | Role of other stakeholders  | <ul style="list-style-type: none"> <li>NGOs</li> <li>Government institutions</li> <li>Others</li> </ul>  |

**The list of stakeholders with whom consultation meetings were held:**

**Office of Federal Ombudsman of Pakistan**

1. Honourable Mr. Salman Faruqui, Federal Ombudsman of Pakistan
2. Major General (retd.) Haroon Pasha, Senior Advisor
3. Mr. Ejaz Ahmed Qureshi, Senior Advisor
4. Mr. Imtiaz Ellahi, Senior Advisor
5. Mr. Ahsan Mahboob, Secretary
6. Mr. Raja Raza Arshid, Senior Advisor
7. Mr. Agha Nadeem, Senior Advisor

**Federal Ministry of Law, Justice and Parliamentary Affairs**

Justice (R) Muhammad Raza Khan, Special Secretary

**Administration**

Islamabad Capital Territory

Mr. Zulfiqar Haider, Chief Commissioner, ICT

Punjab

Mr. Khizer Hayat Gondal, Chief Secretary

Sindh

Mr. Siddique Memon, Chief Secretary

Balochistan

Mr. Saifullah Chattha, Chief Secretary

Khyber Pakhtunkhwa

Mr. Amjad Ali Khan, Chief Secretary

**Provincial Ombudsmen**

Balochistan

Honourable Mr. Wasey Tareen

Punjab

Honourable Mr. Javed Mahmood

Khyber Pakhtunkhwa

Mr. Noor Ali Khan, Secretary Provincial Ombudsman

**List of Reports Submitted by Wafaqi Mohtasib (Ombudsman) to the Federal Government for Good Governance**

- Report on Measles outbreak in Pakistan
- Report on National Highway Authority and Motorway Police (aftermath of bus-truck accident near Khairpur Sindh resulting 57 deaths)
- Report on reforms in the prison system of Pakistan
- Report on Pakistan railways in regard to mal-administration in allotment of accommodation to its employees and suggested measures for improvement
- Report on the working of Capital Development Authority (CDA) and civic agencies
- Report on the working of Accountant General of Pakistan Revenues (AGPR), Lahore
- Reports on the working of Pakistan Post Office Department
- Report on prisoners with special reference to children
- Report on the state of children in Pakistan
- Report on transforming Pakistan Institute of Medical Sciences (PIMS) Islamabad into a leading Centre of Excellence
- Report on State Life Insurance Corporation Lahore region
- Report on National Saving Directorate General
- Proposal for the free and speedy resolution of citizen complaints against maladministration at doorsteps of complainants
- Report on machine readable passport (Volumes I & II)