



**WAFAQI MOHTASIB (OMBUDSMAN)'S
ANNUAL REPORT**

**FOR
1983**

AUGUST 8 - DECEMBER 31, 1983

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

WAFAQI MOHTASIB (OMBUDSMAN)'S ANNUAL REPORT FOR 1983

**WAFAQI MOHTASIB (OMBUDSMAN)'S
ANNUAL REPORT**

**FOR
1983**

AUGUST 8 - DECEMBER 31, 1983

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



D.O. No. 11/WM/84-35
Government of Pakistan
Wafaqi Mohtasib (Ombudsman)'s
Secretariat

Islamabad, the 28th March, 1984

Dear Mr. President,

It is with a sense of great pleasure that I place before you my first Annual Report in pursuance of Article 28 of the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983.

The "Report" covers the period from August 8, 1983, the day I took the oath of Office, to the end of the year on December 31, 1983. Although covering a period of less than five months, the "Report" will bear testimony to the sincere and, by the grace of Almighty Allah, successful efforts made to institutionalize the system of administrative accountability. This development is bound to have a far reaching impact on the entire administrative ethos in the country. For this, the people of Pakistan, and no less the administrators themselves, should feel profoundly grateful to you.

I, on my part feel highly gratified for getting an opportunity to secure redress of the grievances of the people speedily, effectively and without any expense. My colleagues share with me the deep satisfaction that stems from bringing relief and succour to the aggrieved citizens.

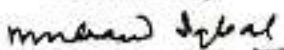
I may add that the load of work has considerably increased, both in number and complexity, after the period dealt with in the "Report". The number of complaints received in five months upto December, 31, 1983, was 7812, and in about 3 months from January 1, 1984 to 27th March, 1984, are 9023. The total number of complaints received as of March 27, 1984 is 16835. I am glad to be able to say that we have been successfully coping with the increasing volume of work. We remain constantly alert to the need for devising appropriate strategies for the challenging nature of the task.

I avail of this opportunity to express my profound gratitude and that of my colleagues for your constant support, inspiration and encouragement to us and for the appreciation you have graciously expressed about our performance.

May Almighty Allah enable me and other members of my organization to continue to discharge our onerous duties in a befitting manner in future.

With profound regards.

Yours sincerely,


(Sardar Muhammad Iqbal)

General Mohammad Zia-ul-Haq,
President of the
Islamic Republic of Pakistan

CONTENTS

	Page
I. Introduction	1
II. Conceptual Framework	2
III. Preparatory Steps	11
IV. Jurisdiction, Functions, Powers and Procedure	14
V. Management Methods/Style of Working and Staffing Pattern	22
VI. Receipt and Disposal of Complaints	25
VII. Interaction with the Government/Agencies and Media	34
VIII. Future Developments	38
Appendixes:	
A. Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983	43
B. Statistical Data	61
C. Summaries of Representative Cases	69
D. Brief Particulars of Cases Disposed of	147
E. Agency-Wise Distribution of Complaints Received and Admitted	183
F. Statistical Comparison	187
Summary of the Report	191

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ

For Allah loves those who are fair and just.

Al-Hujurat (XLIX -9)

I. INTRODUCTION

*Presidential
Order*

1.1 In January 1983, the President of Pakistan was pleased to promulgate the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983, (hereinafter called the "Order") which may rightly be called Pakistan's first charter of administrative accountability, translating the Islamic concept of *Hisab* into practical terms.

*Annual
Report*

1.2 Article 28 (1) of the Order (which is attached as Appendix A) stipulates that "within three months of the conclusion of the calendar year to which the report pertains, the Mohtasib shall submit an Annual Report to the President".

*Period of
Review*

1.3 The following pages embody the First Annual Report which covers the period from August 8, 1983, when the Office of Wafaqi Mohtasib became operational, to the end of the year on December 31, 1983. This period of slightly less than five months is of special significance as it saw the establishment and evolution of a unique institution in our country, posing unprecedented challenge to me and to my colleagues in this organisation.

*Task of
Diagnosing,
Redressing and
Rectifying
Injustices*

1.4 The task assigned to me for diagnosing, investigation, redressing and rectifying any injustice done to a person through mal-administration on the part of the Federal Government Agencies or their officials is indeed Herculean. It is manifestly far more difficult and onerous as compared to my previous assignments in the judiciary, both in terms of its functional sweep and the nature of responsibility. So, when on January 13, 1983 even before signing the Order, the President very kindly offered to appoint me as the first Wafaqi Mohtasib (Ombudsman) the decision to accept the office was not an easy one. I accepted this assignment so that I might be able to do some service to my country hoping that this institution, set up for ensuring accountability, would progressively become stronger and effective and provide solace and succour to the fellow citizens who suffer at the hands of the administration. In my letter, dated January 21, 1983, written for the attention of the President, I, among other things, stated:

"The establishment of the Office of Wafaqi Mohtasib is designed to uproot injustices done to the citizens of the country and to provide speedy redress. The duties of the Ombudsman shall be very onerous and unpleasant, particularly when the country has been in the grip of corruption and mal-administration for over 30 years. In the past, certain institutions, similar to the proposed one, were created, but they could not work satisfactorily, or, at least, did not deliver the goods..... Therefore, one must keep in view the practical problems and difficulties to be faced by the Wafaqi Mohtasib."

II. CONCEPTUAL FRAMEWORK

2.1 The primary objective and indeed the *raison d'être* for establishing the office of the Wafaqi Mohtasib (Ombudsman) is to institutionalise a system for enforcing and fortifying bureaucratic accountability.

2.2 The concept of accountability for us, however, is

Concept of Accountability as a cardinal Feature of Islam.

not a mere requirement of good public administration but is an imperative of our faith. Accountability is the cardinal feature of Islam. All of us, howsoever high or low, are accountable to Almighty Allah not only for our deeds or omissions but also for our motives and intentions. We are bound to render account of each and every moment of our lives on the Day of Judgement. It is, therefore, appropriate if an effective system is adopted for ensuring administrative accountability. While establishing the Office of Wafaqi Mohtasib in Pakistan, we mainly drew inspiration from our own traditions and institutions set up by the Khulafa-e-Rashideen such as the Department of Nazarul Mazalim (Review of Wrongs). The institution set up in Pakistan represents a synthesis of the early Islamic concept and the contemporary Scandinavian system of the Ombudsman.

Phenomenal Increase in the Functional Scope of Bureaucracy.

2.3 In recent years all over the world there has been a phenomenal increase both in absolute size and the functional scope of the bureaucracy. The regulatory, protective and promotional functions of the state have become progressively complex and all-pervasive. As a consequence life and livelihood of the individual citizen is more and more affected by the actions and omissions of the public authorities. Further, in a country like Pakistan we are compelled to telescope the process of development with a view to emancipating our people from the bonds of hunger, illiteracy and disease. We are understandably in a hurry to bring about the desired social and economic transformation. The Government functionaries have to play here even a more active and affirmative role than their counterparts in the developed countries. This interaction between bureaucracy and the citizen tends to generate many legitimate grievances. In such a milieu the need for supplementing and strengthening the existing mechanism for controlling bureaucracy assumes a greater significance.

Setting up of Ombudsman's Institution in Developing Countries.

2.4 The institution of the Ombudsman is, however, usually found in the affluent developed countries. In these societies there exist sound institutional infrastructure, economic and political stability and by and large an efficient, responsive and honest bureaucracy. In the developing countries, with their vast population, paucity of

resources, ubiquitous role of the public servants and the lingering colonial ethos of the administrators, establishing the institution of the Ombudsman is not an easy decision. Sheer size of the population and the number of complaints generated can overwhelm any such institution.

*Imparting a
Practical
Shape to the
Concept.*

2.5 In Pakistan the establishment of the institution of the Ombudsman was advocated on several occasions. Article 276 of the Interim Constitution, 1972, as a matter of fact, provided for the appointment of a Federal Ombudsman as well as the Provincial Ombudsmen. Subsequently the Constitution of 1973 included the Federal Ombudsman at item 13 of the Federal Legislative List in the Fourth Schedule. However, the idea remained inert as a mere item in the Federal Legislative List, till it was given a practical shape by the President, General Mohammad Zia-ul-Haq.

*Pakistan —
A Pioneer*

2.6 In Asia no other country of our size and population has the institution of Ombudsman. Pakistan can be regarded as a pioneer in this context. Setting up the Office of the Wafaqi Mohtasib is thus not only important for us alone but for many other countries in the Third World. If we succeed in achieving reasonable measure of success, this would act as a catalyst in the process of toning up the ethos of administration in other developing countries.

*President's
Objectives —
Ideas.*

2.7 The President of Pakistan, it would be pertinent to note, was not under any compulsion to set up this institution. On the other hand there was no dearth of reservations, scepticism and doubts about the wisdom to establish an independent agency to oversee the actions of the bureaucracy. The President really deserves the gratitude of the nation for the imagination, vision and moral courage exhibited by him for this bold step. While inviting me to become the Wafaqi Mohtasib he emphasised the fact that he was not introducing the Office to fulfil any legal requirement or comply with any formality. He assured me in unequivocal words that he sincerely wanted this institution to play an independent and effective role.

2.8 Apart from ensuring redressal of grievances in

*Institution-
alising the
Relationship
between the
Chief Execu-
tive and the
Wafaqi
Mohtasib.*

specific cases, the President told me that he wanted to establish an institution which would result in percolation of efficiency and justice to the various levels of the government structure. But for the keen interest and personal commitment of the President this legislation would not have seen the light of day and without his constant support it cannot accomplish the task assigned to it. I sincerely hope and pray that this positive relationship between the Chief Executive and the Wafaqi Mohtasib will become institutionalised. Owing to the nature of functions entrusted to this institution with their profound impact on the welfare of the citizen, I am confident that the Office of the Wafaqi Mohtasib will endure. In the larger interest of the nation incessant endeavours ought to be made by all of us to ensure that the setting up of this institution does not turn out to be an ephemeral episode or a passing event in the administrative history of Pakistan.

*Misconcep-
tion regarding
Functions
and Role.*

2.9 I have found ignorance and misconception about my role and functions to be quite wide-spread even among the educated and articulate sections of the society. Misunderstanding and lack of knowledge as to what I can or cannot do are apt to prevent viewing of the functions and performance of the institution of the Wafaqi Mohtasib in its true perspective.

2.10 I therefore, deem it, essential to devote some space to clarify and elaborate the real role and functions of the Office of the Ombudsman.

*Essential
Common
Characteris-
tics*

2.11 The institution of the Ombudsman, as stated above, represents a response to the common problem – of protecting an individual's right without jeopardising the efficacy of public policies – faced by most of the societies in the contemporary world. But the functional competence and the organisational structure of this institution varies from country to country depending on the peculiar circumstances of each of them. Nevertheless there exist certain common characteristics which are more important than the variations. It is important that the Office of the Ombudsman is

(a) Legally established.*

*Larry Hill, *The Model Ombudsman*, (1976), p. 12

- (b) functionally autonomous;
- (c) external to the Administration;
- (d) operationally independent of both the Legislature and the Executive;
- (e) non-political;
- (f) sympathetic to the citizens but not averse to administration;
- (g) freely accessible; and
- (h) given practically unlimited access to the documents bearing upon the impugned decision.

2.12 It is gratifying to note that all these characteristics are present in the Office of the Wafaqi Mohtasib (Ombudsman).

*External to
Administration*

2.13 The office of the Wafaqi Mohtasib has been established by law through a Presidential Order which is an instrument of constitutional import. A number of provisions have been made to make the Mohtasib functionally autonomous. It would be clearly wrong to regard him as an extension of the executive arm of the Government. It is true that I draw my authority from the Head of the State who, to give him due credit, has chosen not to place himself above this law. The Executive Head is thus as much bound by this law as any other citizen of the country. The Wafaqi Mohtasib has been enjoined by law to perform his functions and exercise his powers independent of the Executive. The Mohtasib's organisation has a distinct identity of its own, external to the administration. There are, however, some governmental proceedings which can marginally impinge on the functional autonomy of this organisation. In order to ensure that Mohtasib is not only independent but should be seen to be independent it is proposed to resolve these issues by framing appropriate rules as envisaged in Article 30 of the Order.

2.14 The terms and conditions of the Wafaqi Mohtasib's service cannot be varied during the term of his office. He

*Security of
Tenure*

holds office for a period of four years and is not eligible for any extension of tenure or for reappointment under any circumstances. He is assured of security of tenure and cannot be removed from his office except on the ground of misconduct or of being incapable of properly performing the duties of his office by reason of physical or mental incapacity. Even this fact, on his request, can be determined by the Supreme Judicial Council, comprising the Chief Justice of Pakistan, two next most senior Judges of the Supreme Court and two most senior Chief Justices of High Courts.

2.15 With a view to ensuring his operational efficiency the Mohtasib has been vested with a reasonable assortment of powers to which reference will be made in some detail later in this Report.

Non-Political

2.16 The Wafaqi Mohtasib's office is non-partisan and non-political. This embargo on participation in political activity extends beyond the currency of his tenure. He is not allowed to hold any office of profit in the service of Pakistan, before expiration of two years after he has ceased to hold the office of the Mohtasib; nor is he eligible for election as a member of the Federal or Provincial Legislature or a Local Body. He cannot take part in any political activity during the tenure of office and for a period of two years thereafter.

*Distinctive
Character*

2.17 I find it necessary to invite special attention to the fact that this institution is distinct in its jurisdiction and the mode of operations from the existing grievance redressal mechanisms. It is not a parallel executive nor has it been assigned functions identical to those of agencies like Anti-Corruption Establishment, Federal Investigation Agency and the Federal Inspection Commission. Without displacing or supplanting any of the established institutions this organisation has been brought into being to fill up serious gaps in the system for protection of individual citizens from injustice through governmental mal-administration.

*Functional
Sweep*

2.18 In some respects this institution has wider functional sweep and capacity to redress grievances than the courts. They have the power 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 look into mal-administration, characterising any decision, process, recommendation, act of commission or omission which is alleged to be arbitrary, unreasonable, unjust, biased or discriminatory. He is also empowered to look into cases of neglect, in-attention, delay, incompetence, inefficiency and ineptitude. It would be observed that, as Ombudsman, I am not only concerned with the legality of administrative processes but also with the equity of determinations even in the field of administrative discretion.

2.19 While examining the quality of decisions I do not substitute my judgement for that of the concerned functionary of the Government. I do not suggest any change when a decision has been properly taken on its merits after taking into account all consideration germane to the issue. But the action should not be unreasonable and unjust. My inquiries are mainly directed to determine whether there has been fair play in the administrative process. It is also my duty to bring to the notice of the concerned agencies if any provision of law or procedure is itself unreasonable or defective.

*Absence of
Technicalities*

2.20 Another significant feature of our operations is the fact that proceedings before me are not bogged down by the intricacies and technicalities of the Law of Evidence. Most importantly, my organisation cannot be prevented in performance of its functions by claim of privilege with regard to documents which is frequently the case in proceedings before courts of law. Here only the President can, in his discretion, allow claim of privilege with respect to any information or document on grounds of its being a state secret.

2.21 Any person can approach me without incurring expense or fulfilling cumbersome formalities. Technicalities do not stand in my way. For the first time in the history of this country an institution has been created which can be activated by a citizen by just taking the trouble of putting down a few lines on a sheet of paper and placing it in the nearest post box. Thereafter he or she can rest assured that his/her grievance would be personally looked into by me. The examination would be thorough, objective

and prompt. It would not stop with obtaining a report from the agency concerned. Invariably, version of the agency is made available to the complainant for rebuttal. Files of the agencies are perused and the concerned officials, wherever necessary, are examined. The agencies are obliged to lay all their cards on the table. Extraneous consideration, if any, and even the subtlest nuances are brought into open. I place the onus on the Agencies to put forward the reasons forming basis of the decisions, make clear their formulations and satisfy me about their validity. My effort is to elicit facts through in-depth investigation. There is an informality in our proceedings which enables me to make objective assessment and impartial judgement. This has yielded quick and positive results.

*Bridge
between
Citizen and
Administrator*

2.22 The significant aspect of the role of the Ombudsman is not one of a prosecutor but focuses on an attempt to bring about a better understanding by the public of the functioning of the government departments, and to act as a bridge between the two. A particular effort is always made to explain the conclusion to which I arrive so that both the administrator and the complainant understand the rationale behind the recommendations and conclusions.

*Careful
Examination*

2.23 I cannot obviously guarantee that all the reliefs sought by the complainants in all the cases can be secured to them. However, I hold out the sincere assurance that all complaints made to me are looked into with utmost care, impartiality and sympathy, and that each case is given a rigorous and objective examination. Moreover, for me and my staff complaints made to this organisation do not mean dealing with the "files or file numbers of categories but with people who have concerns, emotions, fears and hopes". These people, more often than not, have been found to belong to poor section of the society. While persons having resources and contacts often have a resource to conventional venues for redressing their grievances, the illiterate and indigent citizens, it is heartening to observe, have started coming to me. In a manner of speaking, I can call myself the Poor Man's Ombudsman.

2.24 My staff and I find it a matter of great personal

*Job
Satisfaction*

gratification and derive immense job satisfaction from the redressal of grievances. I regard discharging of my duties as an act of worship and a debt which I owe to my fellow citizens. I am happy to report that this perspective is shared by each and every functionary working in my organisation. Many grateful citizens keep on writing to me moving letters of thanks. This appreciation, more than anything else, fortifies me in my resolve to do everything which is humanly possible to protect the citizens from mal-administration.

*Satisfaction
of Aggrieved
Citizen*

2.25 It would be apposite to emphasise here that the most important function of the institution of the Ombudsmen all over the world is to redress the grievances of the individual citizen and not to embark upon any roving campaign to catch big fish. The end product of the process of redressal of grievances is of course administrative accountability but the objective is accomplished with attention focussed on the complaints of individuals. During the course of four months or so under review in this report I have looked into complaints covering a very wide spectrum. All the complaints received my full attention irrespective of the nature of wrong or quantum of loss sustained by the citizen. In a case where I ordered T&T Department to refund a sum of Rs. 2.70 to the complainant whose telegram remained undelivered, the significance of my achievement was not the amount of money involved but, as a national daily put it, was the fact that an aggrieved citizen had received satisfaction. And by the same token the Government Agency was made to account for its responsibilities even in regard to a very minor matter. I need hardly emphasise that our functional reach did not confine to minor matters. Complaints involving huge amounts in respect of valuable rights have been entertained, decided and necessary relief provided. The most important feature is the process itself which is animated automatically the moment a complaint is made to me.

*No
Cure-all*

2.26 I would like here to sound a word of caution. No Ombudsman in the world can act as a panacea for the cure of all the ills of the society. It would be unfair to regard him as the possessor of a cure-all. The citizens should under-

stand my precise role and functions. I can act as a catalyst but cannot assume the role of administrators themselves. My task, nevertheless, remains exceedingly important for sound public administration even when I am not dealing with earth-shaking events. The Ombudsman is like a judge who may not be dealing all the time with capital offences or colossal sums of money but does not lose his relevance or significance for ensuring prevalence of justice in the society.

*Protection
to Public
Servants*

2.27 It would not be inappropriate here to clearly state that the purpose of setting up my office is not to victimize public servants or to persecute them. An honest public servant is entitled to full protection. It is my intention that my organisation should not assume the form of the Sword of Damocles constantly hanging over the heads of public servants. On the other hand one of the results of functioning of my organization should be the reinforcement of confidence in civil servants. When only a minor fraction of complaints made to the Ombudsman – an independent and impartial person – are found to be sustainable, people's confidence in the public authorities is likely to be strengthened. I will not hesitate to award reasonable compensation in suitable cases, as permitted by the order, to any functionary or the agency against whom false, frivolous or vindictive complaints are made.

III. PREPARATORY STEPS

3.1 It would be appropriate here to relate the sequence of dates pertaining to the establishment of the Office of Wafaqi Mohtasib (Ombudsman). I accepted the offer of the President to serve as the first Ombudsman on January 13, 1983. The Order was signed by the President on January 16. Thereafter I discussed various aspects of the appointment with the relevant authorities, after which my appointment was announced through the media on January 21. On January 24, 1983, the order was duly notified in the official Gazette.

3.2 I accorded great importance to adequate preparation before assuming this onerous responsibility. In this context, in my letter already referred to in para 1.4, I stated as follows:

I had suggested that during the interregnum, i.e., after the announcement appointing me as Wafaqi Mohtasib till such time I take over, a Ministry without portfolio, may be created. This suggestion was made by me with a view that the arrangements for office establishment etc., which are bare necessities for any one to undertake the work, should be finalised during this period. On second thought, however, I feel, there is no need to create such a Ministry. The Office of Wafaqi Mohtasib is non-political and I do not wish that my decision to accept this challenge should be looked with suspicion by any person. Therefore, I withdraw my suggestion, and would rather agree with that of yours for appointment of an Administrator in consultation with me. He should be an honest and hard-working officer, with experience in the administration, and also in matters which are to be dealt with and attended to under the Order. It will be possible for me to advise him as "Ombudsman designate". He should be assigned the task of:

- (a) Drawing up complete infrastructure of immediate and permanent establishment at various centres to assist the Wafaqi Mohtasib in the performance of his functions;
- (b) manning the establishment with suitable personnel of proven ability and integrity;
- (c) drafting the rules of procedure; and
- (d) settling the financial arrangements for meeting the requirements of the Organization in a manner which does not impair its independence.

I am of the considered view that the finalization of these pre-requisites is essential before the Wafaqi Mohtasib is inducted in the Office. If he assumed his Office before the infrastructure and procedural details are ready, his Office would be flooded with representations which it would not be possible to

deal with immediately, thereby causing disappointment and frustration.

3.3 I did not assume office till August 8, 1983. My decision to defer assumption of office at the time of announcement of my appointment was, as it can be seen from the foregoing extracts from my letter, based on cogent reasons. At that juncture, with the exception of the enabling law, nothing had been done to prepare the ground for this institution. I thought it wrong to draw a single penny from the public exchequer by heading 'a paper' organization. Taking the oath would have given a signal to the people that the process of grievance-redressal had started by the new institution. But without management wherewithal, physical infrastructure, clarification of the concepts and formulation of operating procedures giving any impression of being operational would have been clearly counter-productive and led to disenchantment and frustration. Immediately after announcement of my appointment, I started extensive consultations as Ombudsman-designate¹ with a large number of people both in the Government and from the public. On February 12, 1983, appointment of Mr. M. Masud Zaman as Secretary, Wafaqi Mohtasib (Ombudsman)'s Secretariat was notified. A skeleton staff joined the Secretariat sometime later. I remained in constant touch with this nucleus of officers; attended innumerable meetings; identified suitable personnel for staffing the organisation; drew up the organisational structure; evolved operating procedure; spelled out the financial requirements and secured requisite funds, and supervised setting up of physical infrastructure.

3.4 My decision not to immediately take up the office stands vindicated. I can say with a sense of profound satisfaction that immediately after the assumption of office, not waiting even for a single day, we started working in full swing and quickly developed a drive and momentum that has since been successfully maintained. Thus, on the first day, we received and dealt with 18 complaints, the number of which rose to 153 by the end of the week and has since been maintaining a progressively upward and steady trend. The successful functioning of this institution was generally regarded to be a "Mission Impossible."

*Decision
Vindicated*

All my life I have had strong conviction in the dictum "The things which are impossible with men are possible with God". And this has again proved to be true. By the grace of Almighty Allah and by a total commitment and devotion to work of all involved in this organisation, what seemed impossible has turned out to be a "Mission Possible".

IV. JURISDICTION, FUNCTIONS, POWERS AND PROCEDURE

4.1 It would be useful to summarise the jurisdiction, functions and powers entrusted to me by the law.

4.2 Any person aggrieved by mal-administration on the part of a federal government agency or any of its officers or employees can make complaint in writing on solemn affirmation and oath to me. In addition, I can look into any allegation of mal-administration on my own motion. Besides this, a reference can be made to me by the President or the Federal Council. The Supreme Court or the High Courts may also make a motion to me during the course of any proceedings before them.

4.3 The term 'mal-administration' has been defined to cover a very wide spectrum and as matter of fact encompasses every conceivable form of administrative practice.

*Definition
of Mal-
Administra-
tion*

It 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* 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 ineptitude, in the administration or discharge of duties and responsibilities.

4.4 The term "Agency" has been defined as a Ministry, Division, Department, Commission or office of the Federal Government or a statutory corporation or any other institution established or controlled by the Federal Government but does not include the Supreme Court, the Supreme Judicial Council, the Federal Shariat Court or a High Court. Currently the number of Agencies falling within my functional ambit is 455, spread all over the country and employing about a million functionaries.

4.5 The Order ousts my jurisdiction from matters which:—

*Jurisdictional
Scope*

- (a) are sub-judice before a court of competent jurisdiction or judicial tribunal or board in Pakistan on the date of receipt of a complaint, reference or motion by me; or
- (b) relate to the external affairs of Pakistan or the relations or dealings 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; or
- (d) concern any personal grievance of a public servant or functionary relating to the Agency in which he is or has been working about his service therein (i.e. service matters).

4.6 A complaint is not to be entertained if made later

than three months from the day the complainant first had notice of the alleged matter. However, I can investigate a time-barred complaint if, in my opinion, there are special circumstances justifying taking of cognisance. In all the cases taken up for investigation, a notice is issued to the Principal Officer of the Agency concerned and to any other person alleged in the complaint to have taken or authorised action complained of, calling upon them to meet the allegation. I can require any officer or member of the agency concerned or any other person to furnish any information or produce any document which, in my opinion, is relevant.

4.7 In any case where I decide not to conduct an investigation, I am required to send to the complainant a full statement of reasons for not doing so.

4.8 After having considered a matter if I find an element of mal-administration, I communicate my findings to the agency concerned asking it:-

*Directions
to Agencies*

- (a) to consider the matter further;
- (b) to modify or cancel the decision or action or make up omission;
- (c) to explain it more fully;
- (d) to take disciplinary action against any public servant;
- (e) to dispose of the case within a specified time; and
- (f) to improve the working of the agency or to take any other steps specified by me.

*Defiance of
Recommendation*

4.9 Failure on the part of an Agency to comply with my recommendations in a case are treated as defiance of Recommendations which may lead to referral of the matter to the President who, in his discretion, may direct the agency to implement my recommendations. In each instance of defiance, a report by me forms a part of the personal

file or character roll of the public servant primarily responsible for the Defiance.

4.10 In all cases where I am satisfied that a public functionary is guilty of mal-administration, I can refer the case to the concerned authority for appropriate corrective or disciplinary action or both. The authority concerned is required under law to inform me within 30 days of the action taken failing which the matter can be brought by me to the notice of the President for such action as he may deem fit.

4.11 I have also been empowered to award compensation to an aggrieved person for any loss or damage suffered by him on account of any mal-administration committed by a Federal Government Agency or functionaries working therein.

4.12 On the other hand if a complaint is found to be false, frivolous or vexatious I have been empowered to award reasonable compensation in appropriate cases to the Agency or functionary against whom the complaint was made.

*Powers to
Summon
Witnesses*

4.13 I have been vested with the same powers as are vested in a Civil Court under the Code of Civil Procedure for summoning, enforcing the attendance of any person, examining him on oath, compelling the production of documents, receiving evidence on affidavits, and issuing commissions for examination of witnesses. The law has also given me the power to inspect any premises, inspect and impound documents relating to any subject under investigation.

4.14 The Wafaqi Mohtasib has also been given powers identical to that of the Supreme Court to punish any person for contempt who:

*Powers to
Punish for
Contempt*

- (a) abuses, interferes with, impedes, imperils, or obstructs the process of the Mohtasib in any way or disobeys any order of the Mohtasib;

- (b) scandalises the Mohtasib or otherwise does anything which tends to bring the Mohtasib, his staff or nominees or any person authorised by the Mohtasib in relation to his office, into hatred, ridicule or contempt;
- (c) does anything which tends to prejudice the determination of a matter pending before the Mohtasib; or
- (d) does any other thing which, by any other law, constitutes contempt of court.

*Regulations
about
Procedure*

4.15 Immediately on taking the oath of office I made the Wafaqi Mohtasib (Procedure for Conduct of Business) Regulations, 1983, which set out in detail the procedure for receipt, examination, investigation of complaints. For the facility of public on the 9th August, 1983 i.e. the first day after I had taken the oath of office, a Press Note was issued specifying the procedure for filing complaints. It stated that;

*Press Note
about
Procedure*

- (1) Complaints should be made on solemn affirmation or oath and in writing addressed to the Wafaqi Mohtasib Secretariat, near Zero Point, Islamabad. They should specifically state the name of the office against whom the complaint is made and describe the facts in a simple and concise manners.
- (2) For facility of correspondence the name and full postal address of the complainant as well as the number of his national identity card should be clearly mentioned. It may be noted that the law on the subject does not permit any action on anonymous or pseudonymous complaints.
- (3) Complaints may be about mal-administration arising out of official acts which are contrary to law and rules and regulations or are arbitrary, unjust or discriminatory, or involve corruption such as bribery, favouritism, nepotism and administrative excess, or relate to neglect and delay.

(4) It may be stated for general information that the expression "Offices of the Federal Government" means a ministry, division or department and the statutory (autonomous and semi-autonomous) corporations. It includes air, shipping, gas and electricity supply companies, nationalised and taken-over industries, nationalised banks and insurance companies, means of communication like railway, post, telephone and telegraph, organizations such as radio and television, Federal universities, etc.

4.16 The aforementioned Regulations provide the following mode for receipt of complaints:-

*Mode for
Receipt of
Complaints*

- (a) by personal presentation to me (for this purpose, I meet the complainants daily at 12.30 p.m.);
- (b) by presenting it to the Director-General (Complaints) a senior officer of my Secretariat who has been specifically authorised in this behalf;
- (c) by presenting in the Central Registry of the Secretariat;
- (d) by post or;
- (e) by any other means of communication.

*Examination
of
Complaints*

4.17 All complaints received by any of the methods mentioned above are examined by the Director-General (Complaints) and the Registrars in the Complaints Cell. Each and every complaint is read carefully and the relevant issues are brought out. Attention in particular is given to the question of jurisdiction. It may be noted that apart from complaints pertaining to the Provincial subjects or subjudice matters or those relating to the external affairs or to defence of Pakistan, anonymous or pseudonymous complaints cannot be entertained. Consequently my office does not look into the complaints which conceal or do not disclose the name and the identity of the complainant. Invariably, where the name and the identity of the complainant appears to be doubtful, confirmation of the contents

of the complaint is sought by writing him at the address given by him. Special care is taken in the cases where allegations of corruption and mal-practices are raised against a functionary of an Agency.

*Passing
Preliminary
Orders*

4.18 After meticulous examination of all complaints received on any particular day a summary of the complaints is prepared and is put up to me by the evening. I go through the summary and on the very next morning, and after perusal of complaints, pass orders for entertaining or rejecting them. I would like to highlight here the fact that no complaint is entertained or rejected by any one else besides me. I personally pass orders in regard to each case.

*Further
Action*

4.19 The complaints which are complete in all respects are sent to the concerned officers for undertaking investigation. However, complaints requiring confirmation, verification, elucidation and documentary proofs are sent to the Registrars in the Complaints Cell for necessary action. In all cases in which the complaints have been rejected for being non-maintainable, intimation is sent to the complainants forthwith, giving them reason for not entertaining their complaints.

*Daily
Report*

4.20 In order to avoid delay in conducting investigations, my officers, instead of sending the files to me for obtaining approval for taking essential steps, submit a daily report in which the suggested actions are set forth. Instead of examining the file itself in each case time and time again, I pass orders on these daily reports. This method keeps me fully informed of action of the investigating officer taken on every complaint, not to mention acceleration of speed in the despatch of business.

*Liaison
Officers*

4.21 Before examining the witnesses, comments of the Agency complained against are called for. Under Article 10(4) of the Order an Agency is required to meet the allegations contained in the complaint within 30 days. But in order to expedite matters, we have been giving normally a fortnight's time for submission of comments. The Agencies have nominated, in response to a reference made

by my office, Liaison Officers. This has proved to be a salutary step. We have no more to search out as to who would be the concerned official in an Agency dealing with the subject matter. We keep constant contact with the Liaison Officer and get matters sorted out expeditiously.

*Calling of
Complainants
and the
Agencies
Representa-
tives*

4.22 I am of the considered view that unnecessary noting on files and bureaucratic obsession with procedures are the main cause of delays resulting in injustice though in a number of cases decisions of the government functionaries are otherwise unimpeachable. The glacial pace and slow movement of files give rise to genuine grievances. I would not like only to stress upon the government functionaries to avoid delays but apply the same principle in my own office. Therefore, in several matters, instead of calling reports and rejoinders, complaints and the representatives of the Agencies are called in person to resolve the matter. Care is also exercised that the complainant is not put to unnecessary burden by asking him to appear in Islamabad. The investigating officers are directed to visit the spot personally and examine the witnesses and the concerned functionaries of the Agencies.

*Passing of
Final orders*

4.23 After the completion of investigation, which includes examination of witnesses, scrutiny of documents and study of relevant rules and laws, a draft report is prepared by the investigating officer and submitted to me. In all important cases I hold personal hearings; examine the witnesses and discuss the matter with the senior functionaries of the Agencies. I go through the report, examine the record of the case and discuss at length the matter with the investigating officer and pass the final orders which are communicated promptly to the complainant and the Agency concerned.

*Personal
Complexion
of the
Office*

4.24 The conceptual design and operating norms all over the world envisage convergence of all activities in the person of Ombudsman. He is personally accountable and responsible for securing redress of grievances brought to the notice of his office. He cannot hide himself behind an impersonal bureaucratic screen. Adhering to this concept, I have taken every care to keep myself involved to the fullest extent in

each and every complaint which is received by my Secretariat.

*Meeting
with
Complainants*

4.25 . Besides performing a multitude of functions I meet the complainants everyday and listen to their grievances. I take this to be a very important part of my duties. During the period under review I have met 593 persons who came from all over the country. I gave them patient hearing; entertained the complaints, if they fell within my purview; and explained to them the reasons if those were not entertainable. I have found that giving hearing and meeting with the complainants is a very rewarding experience. It has enabled me to acquire a direct and meaningful understanding of the problems. It enables me to have a deeper insight into the depths and dimensions of their grievances. I have, therefore, regarded this interaction exceedingly important and symbolic of the concern which led to the establishment of my office. This epitomizes the earnest attempt to humanise the working of bureaucracy in our country and is productive of empathy for the complainant and a desire to share his view-points and concerns. I spend an average of about two hours each day with the complainants. I try my best not to let my other engagements and commitments interfere with this daily meeting.

V- MANAGEMENT METHODS/STYLE OF WORKING & STAFFING PATTERN

5.1 I have been keenly aware of the relevance of management-methods/system and style of working in the context of efficiency and effectiveness of any organisation. The quantum of work and the speed with which I wanted to dispose of business made it indeed imperative for me to adopt somewhat unconventional work-method in my organisation.

5.2 After giving serious thought as to how to cope up with ever-expanding volume of work with utmost expedition, I decided to adopt a flat type organisation by lessening the steepness of hierarchal pyramid. I have introduced a horizontal system of working which envisages submission of

cases by all officers irrespective of their rank to me directly instead of sending cases through their immediate superiors. Now the papers, instead of traveling a bewildering variety of hierarchal layers, come directly to me. Horizontal system, however, does not mean that the junior officers are not subject to supervision of their superiors or left to their own devices without getting guidance of the senior functionaries. This does not also imply that cases would come to me without contribution from the senior and experienced officials. Every complaint is marked down through the Director-Generals who select important cases which are to be dealt with directly by themselves. There are, of course, certain cases specially entrusted by me to be handled by the Director-Generals themselves. The rest of the cases are marked down by the Director-Generals to the Directors or Registrars. These officers examine and investigate the cases, seek guidance of their superiors and then put them up directly to me. They keep their immediate superiors fully informed of every action by sending a copy of daily report to them. In the entire process minimum of noting is permitted. Expeditious disposal is accorded a very high priority. I, thus, discourage putting up of files through what is termed in bureaucratic parlance as 'Proper Channel'. The work, as a consequence of horizontal management-method, is disposed of with far greater speed and promptness. Without adoption of this system we would not have taken off. The convergence of such a huge volume of work at my level, no doubt, imposes a tremendous pressure on me necessitating extremely long hours of work. I, however, derive great pleasure from this work as the results are gratifying.

5.3 The second important facet of our work-style is not to put off till tomorrow what can be done today. The citizens of Pakistan accustomed to the government working, are greatly amazed at the working of our organisation where the dominant concern is not to postpone work till "Tomorrow" and there is a continual, pervasive striving for disposal of work "Today". I keep on making incessant endeavours to follow the wise words of Hazrat Ali (May God be pleased with him)

"See to it that petitions or applications submitted

for your consideration are brought to your notice the very day they are submitted, however much your officers might try to request for time. Dispose of the day's work that very day, for the coming day will bring with it its own task."

*Dedicated
Personnel*

5.4 But the management methods and the work style may not lead to any result unless there are right people available in an organisation. I am indeed fortunate to have with me a band of exceptionally dedicated individuals, imbued with a sense of mission and a commitment to serve their fellow citizens. Their punctuality, among other qualities, is exemplary. All of us come in time to office but often stay much after the closing hours.

5.5 It would have been well nigh impossible to cope with the huge amount of work, which started pouring into my office since its very inception, but for the efforts and devotion exhibited by them. They belong to varied disciplines. Among them there are experienced executives as well as legal experts. Some officers have extensive field experience while the others have that of the working of secretariat. All of them have to their credit outstanding record of performance as public servants. They have put in many years of service as functionaries of the Government, entrusted with important assignments of different natures. And once they were inducted into this organisation, which is there to serve the people, they have completely identified themselves with its objectives.

*Complexion
of Staff*

5.6 I had always wanted to give this institution a truly national complexion by inducting officers from all over the country. In this context, I have been only partially successful. Time and again I have requested the concerned Provincial Governments to make officers available to this organisation. In some cases response has not been very encouraging. I, nevertheless, intend to pursue the matter persistently and ensure that the national complexion of this organisation is enhanced.

5.7 I also consider it worthwhile to recruit functionaries from all walks of life in order to ensure that this institution

does not turn into a bureaucratic organisation. People with different backgrounds and academic experience will bring with themselves freshness of ideas and outlook and will impart to the organisation a balanced image and perspective.

*Economy
in Staffing*

5.8 The adoption of different management-style and the presence of right type of officials made it possible for us to function with minimum possible staff. The apprehension that the organisation would be highly over-staffed has been belied by the fact that we have taken far less personnel than the sanctioned strength. I propose to fill up the posts gradually in response to our expanding needs and the genuine requirements of the organisation.

VI. RECEIPT AND DISPOSAL OF COMPLAINTS

*Total
Complaints*

6.1 From the inception of this Office on August 8, 1983, upto December 31, 1983, we have received a total number of 7812 complaints. This figure includes many complaints where either no allegation of mal-administration was made or they concerned actions omissions or on the part of government functionaries in their private capacity. (Appendix B of this Report contains relevant statistical data concerning various aspects of complaints).

6.2 Out of these, 3922 complaints (i.e. 50.2% of the total) pertained to Federal Agencies and functionaries working under them.

*Distribution
between
Federal and
Provincial
Subjects*

6.3 3890 complaints (i.e. 49.8%) related to provincial subjects. In spite of the fact that several announcements have been made through press, radio, and television that provincial matters were outside the jurisdiction of the Wafaqi Mohtasib (Ombudsman), the complaints against the provincial agencies have continued to pour in.

6.4 All complaints pertaining to the provincial subjects (harring some sent for the consideration of the concerned authorities) had to be rejected as they fell outside my

jurisdiction. However, in each case care was taken to apprise the complainants of the reasons for rejecting the complaints. In a few cases of glaring injustice and inattention, I deemed it appropriate to draw the attention of the concerned Provincial Governments to them. I exercised utmost restraint in referring such cases with the result that only 172 cases were sent to the provincial authorities. I must here express my thanks to the Provincial Governments who thoroughly looked into the cases sent by me, and afforded relief wherever possible.

*Disposal
after
Initial
Examination*

6.5 After initial examination of complaints concerning the Federal Agencies/functionaries, 1981 complaints were rejected while 1941 were admitted for investigation.

6.6 Following is the break-up of the grounds on which these 1981 complaints were rejected:

(1) Anonymous/pseudonymous complaints	...	222
(2) Subjudice matters	...	81
(3) Service matters	...	1081
(4) Time-barred complaints	...	18
(5) Complaints which did not disclose any mal-administration on the part of any Agency	...	579
		<hr/>
Total	...	1981
		<hr/>

6.7 It would be seen that 50.5% complaints against Federal Agencies/functionaries had to be rejected after initial examination which does entail considerable amount of effort and time. The quantum of total rejections counting the Provincial complaints is the fact much larger. Better knowledge of the jurisdiction of my Office should prove helpful in reducing the number of non-entertainable complaints. Our experience, however, is not unique in this

behalf. Even in a developed country like Britain, in 1982, the Parliamentary Commissioner for Administration, on account of jurisdictional non-maintainability, declined to accept 73 per cent of complaints referred to him.*

*Disposal
Status*

6.8 Out of 1941 complaints, admitted for investigation, 587 complaints were disposed of while 1354 complaints are under action. 334 complaints have resulted in redress while 253 were rejected.

6.9 In addition to the complaints received by me from the aggrieved persons, and those taken cognizance of on my own motion, I also received two references from the Lahore High Court under Article 9 (1) of the Order

*References
from the
Superior
Courts*

6.10 The first reference relates to writ petition No. 450/1983 regarding excess telephone bills issued by the Telegraph and Telephone Department. The second reference pertains to writ petitions No. 426/83 and 183/83 concerning a claim by a textile mill for refund of sales tax. Both these references are being processed, and the outcome would be reflected in the next Annual Report.

6.11 I attach as Appendix C case summaries of a representative selection of cases. These summaries, I hope, would shed some light on the type of complaints received by us and the mode of our dealing with them. In addition, Appendix D contains brief particulars of all the complaints disposed of by us so far.

6.12 A positive and flexible approach has been adopted in regard to the jurisdictional sweep of the institution. Specifically, a liberal view has been taken regarding the entertainment of complaints beyond the 3-month time limit prescribed in the law. Since the grievances of the people had remained bottled up, for long in the absence of an impartial forum to redress them, I felt that a rigid application of the provision regarding limitation would add to the sufferings of the people. I, therefore, exercised my power to entertain such complaints liberally. This explains the small number of complaints rejected on the ground of their being time-barred.

* Parliamentary Commissioner's Annual Report for 1982, p.2

6.13 Besides this, I thought it to be in fitness of things and in consonance with the spirit of the Order to entertain complaints involving delay where the subject would not have come within the jurisdiction of the Ombudsman.

6.14 The complaints entertained for investigation contained allegations of various forms of mal-administration. The breakdown is as under:

<i>Types of Mal- administra- tion Alleged</i>	Nature	Total No. of complaints
	Delay	648
	Inattention	109
	Neglect	222
	Inefficiency/Ineptitude	146
	Arbitrary Decisions	90
	Discrimination/Favouritism	38
	Corrupt Motives	199
	Administrative Excesses	385
	Actions contrary to Law	40
	Unjust/Biased Decisions	64
	Total:	1941

*Administra-
tive
Delay*

6.15 It would be observed that delay is the largest single manifestation of mal-administration causing grievance to the citizens. Inattention and neglect are also similar in their nature to administrative delay. I am focussing a great deal of my attention on this problem sector of our administration. I am happy to report that as a result of intervention by my office it has been possible to secure disposal of cases pending for decades. Apart from constant vigilance and sensitivity to this problem, it is also essential to evolve innovative management-methods and streamline existing procedures. This has to be a constant effort requiring serious attention of the senior government functionaries and

agencies like the O&M Division.

*Wide
Variety
of
Complaints*

6.16 The complaints pertained to a variety of subjects and ranged against the highest echelon of bureaucracy to the lowest level. Not all of these complaints, as a result of my investigations, were found to be genuine. There were quite a few complaints which were vexatious and hence were outrightly rejected. There were complaints which related to arbitrary decisions of bureaucrats as well as to their bonafide errors. There were complaints wherein it was found that the discretion vested with an officer was not exercised judiciously or objectively. Certain complaints identified indulgence in corrupt practices.

*Faulty
Procedures*

6.17 Faulty procedures and regulations are to a considerable extent responsible for unsatisfactory and inefficient despatch of governmental business. I have come across certain cases relating to grant of scholarships for studies abroad where a plethora of formalities had to be fulfilled. Elimination of excessive reliance on formalities was indicated. In another case of shifting of railway crossing I found that a period of about four years had been consumed in the fulfilment of requirements laid down by different governmental agencies before the needful could be done. Even my own experience in regard to relatively minor matters for which references had to be made by my Secretariat to other organisations showed that results have not been forthcoming readily because cases could be finalised only after passing through a bewildering variety of stages in a number of agencies. These are not isolated cases. The need for streamlining procedures and elimination of inessential formalities is really too obvious to require reiteration on my part.

*Importance
of sending
replies to
Citizens*

6.18 I also noticed that certain complaints arose because of the inattention of the department to take cognizance of an application at the appropriate time. In certain cases, the aggrieved could have been satisfied if merely a suitably worded reply had been sent to them by the Agency expressing its inability to entertain their petitions. Complaints have also arisen because an evasive and vague reply was given to the complaints instead of quoting the exact provisions of law.

Communication Gap

6.19 In view of the variety of complaints that I have personally handled in these five months, I came to the conclusion that the complainants in a large numbers of cases were not apprised of the basis on which decisions were taken. It is human nature that in the absence of detailed information it would bear psychological consequences, and would ultimately result in the 'Cause of grievance.' I also felt that there was a great degree of communication gap between the decision-making level and those who were directly affected by the decisions. The communication gap not only existed but it had widened.

Corruption

6.20 In the context of commonly voiced view regarding increase in corruption, I would request all the public-spirited and patriotic people to report concrete cases of corruption and bribery so that I could take due action on them. It is simply not enough for a citizen to bewail the prevalent state of affairs. It is every one's duty to bring to my notice, in the prescribed manner, any matter falling in the category of corruption.

6.21 There is no dearth of talk about corruption which, no doubt, exists. However, it may be noted that the real victim of corruption is often the Government itself. Both the corrupter and the corrupted benefit from this nefarious practice. Understandably the beneficiaries are reluctant to lodge complaints which partly explains why only a small number of concrete complaints have been made about corruption. It would be interesting to observe that in majority of cases where allegations of corruption have been levelled, we have not been receiving any reply on return call for confirmation.

6.22 There is no doubt whatsoever about the compulsive need to excise the cancer of corruption from our society. The phenomenon of bureaucratic corruption had been existing for a long time. To hope for its complete elimination overnight would be, however, idealistic. A pragmatic approach is, therefore, indicated concentrating in the first instance on reducing the incidence and arresting the trends of corruption.

6.23 The improvement of governmental procedures, in this connection, among other things, would go a long way in improving the situation. Adoption of scientific management-methods including computerization can prove quite helpful. A very high priority needs to be accorded to avoidance of administrative delays which indeed constitutes the main source of corruption.

6.24 My institution, on its part, is trying to look into this problem from a different angle than that of an anti-corruption agency. Where a concrete allegation of corruption is substantiated, we make efforts to ensure that the law runs its own course. I am, however, at the present juncture focussing energies on minimising the bureaucratic delay which, as observed above, is a fertile source of corruption. I am sanguine that our attention to this aspect would progressively yield satisfactory results and further steps to identify and probe this malady would prove salutary.

6.25 It should be realised that the impact of my institution is two-fold. One is visible and quantifiable while the other is invisible. The statistics only depict and reflect the visible impact but the invisible impact possesses greater significance and potential to influence the conduct of governmental business. Its main manifestation is psychological. The establishment and functioning of my organisation has led to an awareness among the government functionaries that someone was there to see whether the decision-making process was being carried on efficiently, justly and fairly. It is thus being realised that there now exists an impartial institution to whom the administrators are constantly accountable. It is our incessant endeavour and fervent hope that this consciousness would permeate the entire governmental machinery and result in toing up the administrative ethos.

6.26 Furthermore, as a result of findings and recommendations by my organisation, improvements in the long run would hopefully take place in regard to procedures, methods, systems, and time-schedules, so as to prevent recurrence of grievances in future.

6.27 Another facet of the invisible impact is that the relief provided in one case has a multiplier effect. The citizens with similar grievances should reasonably hope to be treated more fairly without their being obliged to approach me.

6.28 Agency-wise distribution of complaints, received and admitted, is given in Appendix E. The largest number of complaints admitted relate to the Agencies under the Communications Division which is followed by those under the Finance Division. There have been also substantial number of complaints against the Agencies under the Water and Power, Railways and Interior Divisions.

*Comparison
of
performance
with the
other
Ombudsmen*

6.29 It would be pertinent to compare the performance of our organisation with that of some other Ombudsmen elsewhere in the world. A brief statistical comparison with the British and New Zealand's Ombudsmen, in respect of cases dealt with by them in one full year and by us in a period of less than five months, is set forth at Appendix F. Our performance can be favourably compared with theirs.

6.30 However, it would be more apt to compare our performance in the initial period with that of the British Ombudsman in the first years of his operations. During the course of 1967 the year when the office of the British Parliamentary Commissioner for Administration was established) the total number of complaints received by him was 1069.* In 561 cases it was found that the complaints were outside his jurisdiction; whereas 100 cases were discontinued after partial investigation, and only 188 cases investigations were completed. Out of the cases which were taken for investigation only 19 complaints were found justified. It would be also relevant to note that in the initial period of four years (1976 - 1970) the British Ombudsman found only 164 cases to be justified.**

6.31 It may be recalled that In Pakistan we had received 7812 complaints, out of which 5871 complaints have been

* Parliamentary Commissioner's Annual Report for 1967, p.3

** Frank Stacey, The British Ombudsman (1971), p.325.

disposed of after investigation. Thus as against the total of 164 complaints in Britain, in which grievance was redressed in four years, we have been successful in providing relief in 334 cases in a period of a five months. While assessing our performance in the correct perspective it may be kept in view that ours is a much larger country both in terms of area and population than Britain. Above all we are a developing country, facing all the problems and unfortunate features stemming from economic and social backwardness.

6.32 The service matters relating to public servants have been very wisely excluded from the jurisdiction of the institution of the Wafaqi Mohtasib (Ombudsman). Had this exclusion not been made, we would have been swamped with complaints of public servants (nearly 0.7 million) making it difficult to pay full attention to the grievances of other citizens arising out of the mal-administration on the part of Federal Government Agencies or their functionaries. It was possible to adopt this approach because the alternative institutional arrangements in the form of Service Tribunals had been in existence for several years.

6.33 However, no tribunal of this kind has been established for redressal of personnel grievances of the functionaries of the statutory corporations. I have been receiving a large number of complaints from the employees of public sector corporations about injustice suffered by them through mal-administration in regard to their service matters. Owing to the absence of an institutional device to redress such grievances, manifest cases of mal-administration have been taking place.

6.34 I have, therefore, suggested that Government may give serious and urgent thought to establish a forum, on the tribunal provides for civil servants, to deal with personnel grievances of the executives and officers of the public sector corporations who can neither approach the service tribunals nor the labour courts.

VII. INTERACTION WITH THE GOVERNMENT AGENCIES AND MEDIA

7.1 I deem it essential for the successful performance of my functions to establish and strengthen meaningful rapport with the Government Agencies so that they may not view my institution as a foreign element bent upon finding fault with their working or consumed with a desire to interfere in their working. My interaction with bureaucracy is "low-keyed, non threatening and as much as possible conciliatory".

*Positive
Response*

7.2 I am happy to report that response from the various agencies to my recommendations has been positive, prompt and heartening. These Agencies, in most of the cases, have responded with exemplary speed to our queries, readily acknowledged their short-comings, quickly complied with our advice and took disciplinary action where necessary. In this connection, I would like to make special mention of WAPDA which initiated departmental proceedings against as many as 19 functionaries including Executive Engineers, Sub-Divisional Officers and others. Penalties have already been imposed on six of them.

7.3 I am glad to be able to say that no Defiance of Recommendations on the part of any Agency has so far taken place.

*Full
Cooperation*

7.4 I must say that at the time of assumption of office most of the knowledgeable people were doubtful that the Government Agencies, used to bureaucratic way of thinking and behaviour, would extend to me their cooperation. I am happy that their apprehension did not prove true. On the other hand, I have been the recipient of whole-hearted cooperation. I hope that this healthy tradition, reflective of conscientiousness on the part of the public functionaries and positive perception by them of the Ombudsman's organization, would continue to develop in the right direction in days to come.

7.5 The Ombudsmen all over the world, for successful performance of their duties, need constant, positive and

sympathetic support of the media. Press indeed plays a crucial role in strengthening the moral authority of the institution. In our own context it would be relevant to mention that the Order itself envisages simultaneous submission to the President and release to the Press of my Annual and other Reports. Similarly the Mohtasib can, from time to time, make public any of his studies, research, conclusions, recommendations, ideas or suggestions in respect of any matter being dealt with by this institution. Press and other means of media have to play an active role in serving as a communication-link between my office and the citizens.

7.6 It has been gratifying to see that the national press has evinced keen interest in the institution of the Ombudsman even before the draft legislation was discussed in the Majlis-e-Shura. (Federal Council)

7.7 The need for brevity prevents detailed mention of all that the Press has written in various forms about the Ombudsman's institution in Pakistan. Among the multitude of newspapers in the country there would be hardly any which did not report or comment on it, and I have reason to be grateful to all of them for their suggestions and proposals and, in particular, their good wishes. The daily press were extremely helpful in introducing the institution properly to the public that ever since the inception of Pakistan there has been no effective measure to check, monitor and control administrative excesses which are normal to a bureaucracy not answerable for its actions. Injustice more often than not, has been meted out to the citizen who had hardly any means to question the bureaucracy either directly or through agencies set up for this purpose. The Ombudsman's very presence, it was stated, would be a protection for the citizen, and he would feel better guarded against administrative caprices and inefficiency. While many appellations and adjectives were employed to bring home to the people the usefulness of the institution of Ombudsman, I particularly liked the term "The Citizens' Friend", used by a leading national daily. I am really heartened by the fact that even the elements which were sceptical of this institution at its inception have now expressed their confidence

in it and are feeling convinced about its efficacy.

*Public
Relations
Wing*

7.8 I would particularly like to mention here that the Public Relations Wing in my office, headed by a Director-General with rich experience of dealing with the press, remains in constant touch with the media. All grievances of the people, which appear in the press, are brought daily to my attention. I have, in some cases taken suo moto cognizance of such matters.

*Suggestions
about
Extension
in
Jurisdiction*

7.9 The Press also published a large number of letters from citizens suggesting various additions in the list of the Ombudsman's responsibilities and consequent enhancement of his jurisdiction. Worthy of specific mention is the recurrent proposal to include the service matters of public servants within the scope of his legal domain. In this context there has been, and still is, a persistent demand that service matters of employees of autonomous bodies and statutory corporations must be brought within the fold of his jurisdiction, as the other civil servants had service tribunals to turn to, whereas they could only go to the civil courts which meant years of frustrating litigation.

7.10 I am also deeply appreciative of the fact that the Press warmly welcomed my nomination as Wafaqi Mohtasib when it was announced by the President in January 1983. Since then I have continued to receive unstinted cooperation from the newspapers and from radio and television, both before and after assuming office. All our announcements regarding procedures and directions to complainants have been prominently published and widely displayed, and so have news stories of our performance and achievements. I am sincerely grateful to the media for their whole-hearted cooperation in this behalf.

7.11 I am confident that the positive relationship existing between my institution and the press will grow more intimate and close. I also hope that the press will project the performance of my institution in the correct perspective. It ought to be, however, realised that where there is need for the Press to be vigilant about public complaints it has also to be extremely careful that it does not, in any

way, prejudge an issue while reporting allegations and charges made in complaints.

Visitors

7.12 It has been a source of great pleasure and privilege for us to have received a number of visitors. The most distinguished among them was the President of Pakistan himself who spent some hours with us on November 27, 1983. He also met the officers working in my organisation. On the occasion of his visit I stated that the President was not only the architect of this Institution but also in the functional context stood at its apex. I added that the President would be specially remembered in days to come for the establishment of our unique institution which was having a profound impact on the welfare of the people.

7.13 The President stressed the need for continuing efforts and hard work to keep up the enviable reputation this institution had built up within a short span of time. The President observed that redressing grievances of the people was a noble task and gave a wonderful sense of satisfaction if one was to succeed in it. He said that redressing the grievances of the citizens was far greater than the wordly sources of advancement, hence this task should be taken as a sacred obligation and Ibadat. The President was very generous in appreciating the performance of the organisation and assured that we would receive his total support and encouragement.

7.14 Besides the President, we were happy to welcome the Federal Ministers COS to the President, Judges of the Superior Courts, Secretary-General Defence, Federal Secretaries and other senior civil servants, heads of corporations, scholars, educationists and members of the bar. They were briefed by me about the performance and functioning of this institution. They complimented us on the work method, speedy disposal of business, empathy shown by us for the complainants, zeal and zest of the functionaries in this Secretariat and the results achieved by us. They also shared with us their thoughts and told us about the working of their own organisations. Some of the seasoned civil servants were kind enough to say that they would like to

adopt also our work methods in their own organisations, and would commend their adoption by the entire government. They admitted that they were in the beginning sceptical about the success of this institution but were now convinced about its effectiveness and recognised the significance of its impact.

VII FUTURE DEVELOPMENTS

8.1 Some of the measures proposed to be adopted in 1984 are set out in the paragraphs that follow.

8.2 While my attention is focussed on specific complaints, the investigations of some complaints have started revealing a pattern which is symptomatic of a general malaise in a few Agencies. The Agencies that have particularly attracted my attention, in the context, are the Telegraph and Telephone Department, WAPDA, Banking Institutions Estate Office, A.G.P.R., House Building Finance Corporation, Central Government Polyclinic and the Railway. For 1984 it is proposed to undertake studies in those aspects of their working which have featured in complaints made to us.

*Research
and
Studies*

8.3 My approach would be to concentrate on the concrete problems encountered by the citizens as culled from actual complaints. It does not serve any useful purpose to embark upon theoretical exercises and studies which relate to general and vague allegations. This is the reason we have not initiated any studies so far as it was necessary to gain an insight, in the first few months of our functioning, into the working to the concerned Agencies. We are collecting data now as to exercise and studies which have been already conducted, recommendations made, the extent of implementation of the recommendations and reasons for persistence of the problems. We would like to enter a field only if we find ourselves in a position to bring about a meaningful impact on the working of the Agency concerned.

8.4 Article 17 of the Order confers upon me powers to constitute Inspection Teams. After having consolidated

Inspection Teams achievements in the initial period I hope to constitute soon Inspection Teams which would carryout on-the-spot inspection to evaluate the problems of the citizens arising out of actions or inaction by various federal Government Agencies. I would like these Inspection Teams to analyse and ascertain the basic causes of mal-administration. I expect that these Inspection Teams would put up practical and concrete proposals for lasting and fundamental reforms.

Regional Offices 8.5 It is proposed to set up regional offices for the smooth performance of my duties in the capitals of all the four provinces. I am determined to provide facility for redressal of grievances to the poor and needy at their door step.

Standing Committees 8.6 It is proposed to constitute Standing Committees comprising advisers, consultants and experts to assist me in the discharge of my functions. In the coming years, I hope to enlist people with varied experience, experts of various disciplines, and authorities on various subjects to assist me in suggesting ways and means to upgrade the standards of administrative functioning. I hope people who have attained eminence in their own fields will come forward to help and advise me to prepare for the future.

Conclusions 8.7 I look forward to the future with hope. But the optimism needs to be tempered with realism. Under no circumstances can we afford to be complacent. The period of January to March, 1984, which is not covered in this Report has already seen a marked increase in the number and complexity of the complaints.

8.8 Whether the promises which the institution of Wafaqi Mohatasib has held out will be converted into solid and enduring achievements, is going to be determined largely by the degree of success we attain in the coming year. The achievements set forth in this Report will have to be consolidated; the efficacy of the institution as a vehicle for redressal of the citizens' grievances will have to be enhanced its positive interaction with the Chief Executive, the concerned governmental agencies, the media and the citizens will have to be institutionalised. Furthermore,

constant efforts will have to be made to ensure that the Office of the Wafaqi Mohtasib does not only remain independent, but is also seen to be independent of the Executive.

8.9 Success will not be achieved easily. There are many pitfalls on the way. It may be necessary, among other things, in the light of experience gained from the actual handling of complaints, to make certain amendments in the law. The need for this may be felt all the more as unlike the first Parliamentary Commissioner in Britain I was not involved at the legislative stage. Success in this crucial venture requires whole-hearted cooperation of the governmental agencies, complete understanding, and full support by the citizens and the press. I am convinced of the dedication of my team. From us would continue to be required a depth of analysis, a breadth of vision, a reasonable approach and an exactitude of thought and communication — all vital for our efficacy. The sufferings of the citizens of this country spurs me and my staff to greater and still greater efforts. With the blessings of Almighty Allah, who has enabled us to achieve so much so soon we are confident of coming up to the expectations of the people.

وَاِخْرَدُ عُوْنَا اِنَّ الْحَمْدُ لِلّٰهِ رَبِّ الْعٰلَمِيْنَ

*And the conclusion of our prayer will be:
Praise be to Allah, Lord of the Worlds.*

APPENDIX A

**ESTABLISHMENT OF THE OFFICE OF
WAFaqI MOHTASIB (OMBUDSMAN) ORDER, 1983
PRESIDENT'S ORDER NO. 1 OF 1983**

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

President's Order No. 1 of 1983

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

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

1. **Short title, extent and commencement**—(1) This Order may be called the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983.

2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

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

(1) "Agency" means a Ministry, Division, Department, Commission or office of the Federal Government or a statutory corporation or other institution established or controlled by the Federal Government but does not include the Supreme Court, the Supreme Judicial Council, the Federal Shariat Court or a High Court;

(2) "mal-administration" includes,—

(i) a decision, process, recommendation, act of omission or commission which—

(a) is contrary to law, rules or regulations or is a departure from established practice or procedure, unless it is *bona fide* and for valid reasons; or

(b) is perverse, arbitrary or unreasonable, unjust, biased, oppressive, or discriminatory; or

(c) is based on irrelevant grounds; or

- (d) involves the exercise of powers or the failure or refusal to do so, for corrupt or improper motives, such as, bribery, jobbery, favouritism, nepotism and administrative excesses; and
- (ii) neglect inattention, delay, incompetence, inefficiency and ineptitude, in the administration or discharge of duties and responsibilities;
- (3) "Mohtasib" means the Wafaqi Mohtasib (Ombudsman) appointed under Article 3;
- (4) "Office" means the office of the Mohtasib;
- (5) "prescribed" means prescribed by rules made under this Order;
- (6) "Public servant" means a public servant as defined in section 21 of the Pakistan Penal Code (Act XLV of 1860), and includes a Minister, Adviser, Parliamentary Secretary and the Chief Executive, Director or other officer or employee or member of any Agency; and
- (7) "staff" means any employee or commissioner of the Office and includes co-opted members of the staff, consultants, advisers, bailiffs, liaison officers and experts.

3. **Appointment of Mohtasib.**—(1) There shall be a Wafaqi Mohtasib (Ombudsman), who shall be appointed by the President.

(2) Before entering upon office, the Mohtasib shall take an oath before the President in the form set out in the First Schedule.

(3) The Mohtasib shall, in all matters, perform his functions and exercise his powers fairly, honestly, diligently and independently of the Executive; and all executive authorities throughout Pakistan shall act in aid of the Mohtasib.

4. **Tenure of the Mohtasib.**—(1) The Mohtasib shall hold office for a period of four years and shall not be eligible for any extension of tenure or for re-appointment as Mohtasib under any circumstances.

(2) The Mohtasib may resign his office by writing under his hand addressed to the President.

5. Mohtasib not to hold any other office of profit, etc.—(1) The Mohtasib shall not—

- (a) hold any other office of profit in the service of Pakistan; or
- (b) Occupy any other position carrying the right to remuneration for rendering of services.

(2) The Mohtasib shall not hold any office of profit in the service of Pakistan before the expiration of two years after he has ceased to hold that office; nor shall he be eligible during the tenure of office and for a period of two years thereafter for election as a member of Parliament or a Provincial Assembly or any local body or take part in any political activity.

6. Terms and conditions of service and remuneration of Mohtasib.—

(1) The Mohtasib shall be entitled to such salary, allowances and privileges and other terms and conditions of service as the President may determine and these terms shall not be varied during the term of office of a Mohtasib.

(2) The Mohtasib may be removed from office by the President on the ground of misconduct or of being incapable of properly performing the duties of his office by reasons of physical or mental incapacity:

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

(3) If the Mohtasib makes a request under the proviso to clause (2), he shall not perform his functions under this Order until the hearing before the Supreme Judicial Council has concluded.

(4) A Mohtasib removed from office on the ground of misconduct shall not be eligible to hold any office of profit in the service of Pakistan or for election as a member of Parliament or a Provincial Assembly or any local body.

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

8. **Appointment and terms and conditions of service of staff.**—(1) The members of the staff, other than those mentioned in Article 20 or those of a class specified by the President by order in writing, shall be appointed by the President in consultation with the Mohtasib.

(2) It shall not be necessary to consult the Federal Public Service Commission for making appointment of the members of the staff or on matters relating to qualification for such appointment and methods of their recruitment.

(3) The members of the staff shall be entitled to such salary, allowances and other terms and conditions of service as may be prescribed having regard to the salary, allowances and other terms and conditions of service that may for the time being be admissible to other employees of the Federal Government in the corresponding Grades in the National Pay Scales.

(4) Before entering upon office a member of the staff mentioned in clause (1) shall take an oath before the Mohtasib in the form set out in the Second Schedule.

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

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

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

or dealings of Pakistan with any foreign state or government; or

- (c) relate to, or are connected with, the defence of Pakistan or any part thereof, the military, naval and air forces of Pakistan, or the matters covered by the laws relating to those forces.

(2) Notwithstanding anything contained in clause (1), the Mohtasib shall not accept for investigation any complaint by or on behalf of a public servant or functionary concerning any matters relating to the Agency in which he is, or has been, working in respect of any personal grievance relating to his service therein.

(3) For carrying out the objectives of this Order and, in particular for ascertaining the root causes of corrupt practices and injustice, the Mohtasib may arrange for studies to be made or research to be conducted and may recommended appropriate steps for their eradication.

(4) The Mohtasib may set up regional offices as, when and where required.

10. Procedure and evidence.—(1) A complaint shall be made on solemn affirmation or oath and in writing addressed to the Mohtasib by the person aggrieved or, in the case of his death, by his legal representative and may be lodged in person at the office or handed over to the Mohtasib in person or sent by any other means of communication to the Office.

(2) No anonymous or pseudonymous complaints shall be entertained.

(3) A complaint shall be made not later than three months from the day on which the person aggrieved first had the notice of the matter alleged in the complaint, but the Mohtasib may conduct any investigation pursuant to a complaint which is not within time if he considers that there are special circumstances which make it proper for him to do so.

(4) Where the Mohtasib proposes to conduct an investigation he shall issue to the principle officer of the Agency concerned, and to any other

person who is alleged in the complaint to have taken or authorised the action complained of, a notice calling upon him to meet the allegations contained in the complaint, including rebuttal:

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

(5) Every investigation shall be conducted in private, but the Mohtasib may adopt such procedure as he considers appropriate for such investigation and he may obtain information from such persons and in such manner and make such inquiries as he thinks fit.

(6) A person shall be entitled to appear in person or be represented before the Mohtasib.

(7) The Mohtasib shall, in accordance with the rules made under this Order, pay expenses and allowances to any person who attends or furnishes information for the purposes of any investigation.

(8) The conduct of an investigation shall not affect any action taken by the Agency concerned, or any power or duty of that Agency to take further action with respect to any matter subject to the investigation.

(9) For the purposes of an investigation under this Order the Mohtasib may require any officer or member of the Agency concerned to furnish any information or to produce any document which in the opinion of the Mohtasib is relevant and helpful in the conduct of the investigation, and there shall be no obligation to maintain secrecy in respect of disclosure of any information or document for the purposes of such investigation:

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

(10) In any case where the Mohtasib decides not to conduct an investigation, he shall send to the complainant a statement of his reasons for not conducting the investigation.

(11) Save as provided in this order, the Mohtasib shall regulate the procedure for the conduct of business or the exercise of powers under this Order.

11. Recommendations for implementation.—(1) If, after having considered a matter on his own motion, or on a complaint or on a reference by the President, the Federal Council or the National Assembly, or on a motion by the Supreme Court or a High Court, as the case may be, the Mohtasib is of the opinion that the matter considered amounts to mal-administration, he shall communicate his findings to the Agency concerned—

- (a) to consider the matter further;
- (b) to modify or cancel the decision, process, recommendation, act or omission;
- (c) to explain more fully the act or decision in question;
- (d) to take disciplinary action against any public servant of any Agency under the relevant laws applicable to him;
- (e) to dispose of the matter or case within a specified time;
- (f) to take action on his findings and recommendation to improve the working and efficiency of the Agency within a specified time; or
- (g) to take any other step specified by the Mohtasib.

(2) The Agency shall, within such time as may be specified by the Mohtasib, inform him about the action-taken on his recommendations or the reasons for not complying with the same.

(3) In any case where the Mohtasib has considered a matter, or conducted an investigation, on a complaint or on a reference by the President, the Federal Council or the National Assembly or on a motion by the Supreme Court or a High Court, the Mohtasib shall forward a copy of the communication received by him from the Agency in pursuance of clause (2) to the complainant or, as the case may be, the President, the Federal Council, the National Assembly, the Supreme Court or the High Court.

(4) If, after conducting an investigation, it appears to the Mohtasib that an injustice has been caused to the person aggrieved in consequence of mal-administration and that the injustice has not been or will not be remedied, he may, if he thinks fit, lay a special report on the case before the President.

(5) If the Agency concerned does not comply with the recommendations of the Mohtasib or does not give reasons to the satisfaction of the Mohtasib for non-compliance, it shall be treated as "Defiance of Recommendations" and shall be dealt with as hereinafter provided.

12. Defiance of Recommendations.—(1) If there is a "Defiance of Recommendations" by any public servant in any Agency with regard to the implementation of a recommendation given by the Mohtasib, the Mohtasib may refer the matter to the President who may, in his discretion, direct the Agency to implement the recommendation and inform the Mohtasib accordingly.

(2) In each instance of "Defiance of Recommendations" a report by the Mohtasib shall become a part of the personal file or Character Roll of the public servant primarily responsible for the defiance:

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

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

14. Powers of the Mohtasib.—(1) The Mohtasib shall, for the purposes of this Order, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) compelling the production of documents;
- (c) receiving evidence on affidavits; and
- (d) issuing commission for the examination of witnesses.

(2) The Mohtasib shall have the power to require any person to furnish information on such points or matters as, in the opinion of the Mohtasib, may be useful for, or relevant to, the subject matter of any inspection or investigation.

(3) The powers referred to in clause (1) may be exercised by the Mohtasib or any person authorised in writing by the Mohtasib in this behalf while carrying out an inspection or investigation under the provisions of this Order.

(4) Where the Mohtasib finds the complaint referred to in clause (1) of Article 9 to be false, frivolous or vexatious, he may award reasonable compensation to the Agency, public servant or other functionary against whom the complaint was made; and the amount of such compensation shall be recoverable from the complainant as an arrear of land revenue:

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

(5) If any Agency, public servant or other functionary fails to comply with a direction of the Mohtasib, he may, in addition to taking other actions under this Order, refer the matter to the appropriate authority for taking disciplinary action against the person who disregarded the direction of the Mohtasib.

(6) If the Mohtasib has reason to believe that any public servant or other functionary has acted in a manner warranting criminal or disciplinary proceedings against him, he may refer the matter to the appropriate authority for necessary action to be taken within the time specified by the Mohtasib.

(7) The staff and the nominees of the Office may be commissioned by the Mohtasib to administer oaths for the purposes of this Order and to attest various affidavits, affirmations or declarations which shall be admitted in evidence in all proceedings under this Order without proof of the signature or seal or official character of such person.

15. Power to enter and search any premises.—(1) The Mohtasib, or any member of the staff authorised in this behalf, may, for the purpose of making any inspection or investigation, enter any premises where the Mohtasib or, as the case may be, such member has reason to believe that any article, book of accounts, or any other document relating to the subject matter of inspection or investigation may be found, and may—

- (a) search such premises and inspect any article, book of accounts or other document;
- (b) take extract or copies of such books of accounts and documents;
- (c) impound or seal such articles, books of accounts and documents; and
- (d) make an inventory of such articles, books of accounts and other documents found in such premises.

(2) All searches made under clause (1) shall be carried out, *mutatis mutandis*, in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898).

16. Power to punish for contempt.—(1) The Mohtasib shall have the same powers, *mutatis mutandis*, as the Supreme Court has to punish any person for its contempt who—

- (a) abuses, inteferes with, impedes, imperils, or obstructs the process of the Mohtasib in any way or disobeys any order of the Mohtasib;
- (b) scandalises the Mohtasib or otherwise does anything which tends to bring the Mohtasib, his staff or nominees or any

person authorised by the Mohtasib in relation to his office, into hatred, ridicule or contempt;

- (c) does anything which tends to prejudice the determination of a matter pending before the Mohtasib; or
- (d) does any other thing which, by any other law, constitutes contempt of court:

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

(2) Any person sentenced under clause (1) may, notwithstanding anything herein contained, within thirty days of the passing of the order, appeal to the Supreme Court.

(3) Nothing in this Article takes away from the power of the President to grant pardon, reprieve or respite and to remit, suspend or commute any sentence passed by any court, tribunal or other authority.

17. Inspection Team.—(1) The Mohtasib may constitute an Inspection Team for the performance of any of the functions of the Mohtasib.

(2) An Inspection Team shall consist of one or more members of the staff and shall be assisted by such other person or persons as the Mohtasib may consider necessary.

(3) An Inspection Team shall exercise such of the powers of the Mohtasib as he may specify by order in writing and every report of the Inspection Team shall first be submitted to the Mohtasib with its recommendations for appropriate action.

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

action.

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

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

21. **Authorization of Provincial functionaries, etc.**—The Mohtasib may, if he considers it expedient, authorize, with the consent of a Provincial Government any agency, public servant or other functionary working under the administrative control of the Provincial Government to undertake the functions of the Mohtasib under clause (1) or clause (2) of Article 14 in respect of any matter falling within the jurisdiction of the Mohtasib; and it shall be the duty of the agency, public servant or other functionary so authorised to undertake such functions to such extent and subject to such conditions as the Mohtasib may specify.

22. **Award of costs and compensation and refunds of amounts.**—(1) The Mohtasib may, where he deems necessary, call upon a public servant, other functionary or any Agency to show cause why compensation be not awarded to an aggrieved party for any loss or damage suffered by him on account of any mal-administration committed by such public servant, other functionary or Agency, and after considering the explanation, and hearing such public servant, other functionary or Agency, award reasonable costs or compensation and the same shall be recoverable as arrears of land revenue from the public servant, functionary or Agency.

(2) In cases involving payment of illegal gratification to any employee of any Agency, or to any other person on his behalf, or misappropriation, criminal breach of trust or cheating, the Mohtasib may order the payment thereof for credit to the government or pass such other order as he may deem fit.

(3) An order made under clause (2) against any person shall not absolve such person of any liability under any other law.

23. Assistance and advice to Mohtasib.— (1) The Mohtasib may seek the assistance of any person or authority for the performance of his functions under this Order.

(2) All officers of an Agency and any person whose assistance has been sought by the Mohtasib in the performance of his functions shall render such assistance to the extent it is within their power or capacity.

(3) No statement made by a person or authority in the course of giving evidence before the Mohtasib or his staff shall subject him to, or be used against him in, any civil or criminal proceedings except for prosecution of such person for giving false evidence.

24. Conduct of business.— (1) The Mohtasib shall be the chief executive of the Office.

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

25. Requirement of affidavits.— (1) The Mohtasib may require any complainant or any party connected or concerned with a complaint, or with any inquiry or reference, to submit affidavits attested or notarized before any competent authority in that behalf within the time prescribed by the Mohtasib or his staff.

(2) The Mohtasib may take evidence without technicalities and may also require complainants or witnesses to take lie detection tests to examine their veracity and credibility and draw such inferences that are reasonable in all circumstances of the case especially when a person refuses, without reasonable justification, to submit to such tests.

26. Remuneration of advisers, consultants, etc.— (1) The Mohtasib may, in his discretion, fix an honorarium or remuneration of advisers, consultants, experts and interns engaged by him from time to time for the

services rendered.

(2) The Mohtasib may, in his discretion, fix a reward or remuneration to any person for exceptional services rendered, or valuable assistance given to the Mohtasib in carrying out his functions:

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

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

28. **Annual and other reports.**— (1) Within three months of the conclusion of the calendar year to which the report pertains, the Mohtasib shall submit an Annual Report to the President.

(2) The Mohtasib may, from time to time, lay before the President such other reports relating to his functions as he may think proper or as may be desired by the President.

(3) Simultaneously, such reports shall be released by the Mohtasib for publication and copies thereof shall be provided to the public at reasonable cost.

(4) The Mohtasib may also, from time to time, make public any of his studies, research, conclusions, recommendations, ideas or suggestions in respect of any matters being dealt with by the Office.

(5) The report and other documents mentioned in this Article shall be placed before the Federal Council or the National Assembly, as the case may be.

29. **Bar of jurisdiction.**— No court or other authority shall have jurisdiction—

(1) to question the validity of any action taken, or intended to be

taken, or order made, or anything done or purporting to have been taken, made or done under this Order; or

- (2) to grant an injunction or stay or to make any interim order in relation to any proceedings before, or anything done or intended to be done or purporting to have been done by, or under the orders or at the instance of the Mohtasib.

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

31. **Reference by the President.**— (1) The President may refer any matter, report or complaint for investigation and independent recommendations by the Mohtasib.

(2) The Mohtasib shall promptly investigate any such matter, report or complaint and submit his findings or opinion within a reasonable time.

(3) The President may, by notification in the official Gazette, exclude specified matters, public functionaries or Agencies from the operation and purview of all or any of the provisions of this Order.

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

33. **Information 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, amicably resolve, stipulate, settle or ameliorate any grievance without written memorandum and without the necessity of docketing any complaint or issuing any official notice.

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

34. Service of process.— (1) For the purposes of this Order, a written process or communication from the Office shall be deemed to have been duly served upon a respondent or any other person by, *inter alia*, any one or more of the following methods, namely:—

- (i) by service in person through any employee of the Office or by any special process-server appointed in the name of the Mohtasib by any authorized staff of the Office, or any other person authorized in this behalf;
- (ii) by depositing in any mail box or posting in any Post Office a postage-prepaid copy of the process, or any other document under certificate of posting or by registered post acknowledgment due to the last known address of the respondent or person concerned in the record of the Office, in which case service shall be deemed to have been effected ten days after the aforesaid mailing;
- (iii) by a police officer or any employee or nominee of the Office leaving the process or document at the last known address, abode, or place of business of the respondent or person concerned and, if no one is available at the aforementioned address, premises or place, by affixing a copy of the process or other document to the main entrance of such address; and
- (iv) by publishing the process or document through any newspaper and sending a copy thereof to the respondent or the person concerned through ordinary mail, in which case service shall be deemed to have been effected on the day of the publication of the newspaper.

(2) In all matters involving service the burden of proof shall be upon a respondent to credibly demonstrate by assigning sufficient cause that he, in fact, had absolutely no knowledge of the process, and that he actually acted in good faith.

(3) Whenever a document or process from the Office is mailed, the envelope or the package shall clearly bear the legend that it is from the Office.

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

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

37. **Order to override other laws.**— The provisions of this Order shall have effect notwithstanding anything contained in any other law for the time being in force.

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

THE FIRST SCHEDULE

[See Article 3(3)]

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

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

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

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

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

May Allah Almighty help and guide me (Amen).

THE SECOND SCHEDULE

[See Article 8(4)]

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

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

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

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

May Allah Almighty help and guide me (Amen).

GENERAL

M. ZIA-UL-HAQ,

President and Chief Martial Law Administrator.

APPENDIX B

STATISTICAL DATA

TABLE - I

STATEMENT SHOWING THE TOTAL NUMBER OF COMPLAINTS
RECEIVED DURING THE PERIOD AUGUST TO DECEMBER, 1983

S. NO.	AGENCY	NUMBER OF COMPLAINTS	PERCENTAGE OF TOTAL
1.	Federal Agencies	3922	50.20%
2.	Provincial Agencies	3890	49.80%
	TOTAL*	7812	100.00%

**This figure includes complaints against Government functionaries in their private capacity as well as those not relating to mal-administration.*

TABLE - II

STATEMENT SHOWING THE ACTION TAKEN ON COMPLAINTS
RELATING TO FEDERAL AGENCIES AFTER INITIAL EXAMINATION

S. NO.	AGENCY	NUMBER OF COMPLAINTS	PERCENTAGE OF TOTAL
1.	Admitted for Investigation	1941	49.49%
2.	Rejected	1981	50.51%
TOTAL:		3922	100.00%

TABLE - III

DATA REGARDING THE STATUS OF COMPLAINTS
TAKEN-UP FOR INVESTIGATION

S. NO.		NUMBER OF COMPLAINTS	PERCENTAGE OF TOTAL
1.	Redressed	334	17.21%
2.	Rejected after investigation	253	13.03%
3.	Under investigation	1354	69.76%
	TOTAL:	1941	100.0%

TABLE – IV
DATA REGARDING COMPLAINTS PERTAINING TO FEDERAL AGENCIES
REJECTED AFTER INITIAL EXAMINATION

S. NO.	REASONS FOR REJECTION	NUMBER OF COMPLAINTS	PERCENTAGE OF TOTAL
1.	Anonymous/Pseudonymous	222	11.21%
2.	Subjudice	81	4.09%
3.	Service Matters	1081	54.57%
4.	Time Barred	18	0.90%
5.	Not relating to mal-administration.*	579	29.23%
TOTAL:		1981	100.00%

**It includes complaints against the Government functionaries in their private capacity.*

TABLE -V
DATA REGARDING MONTH-WISE COMPLAINTS RELATING TO FEDERAL AGENCIES
RECEIVED, ADMITTED FOR INVESTIGATION, REJECTED AND REASONS THEREOF

Month	Total No. of complaints	REJECTED SUMMARILY FOR WANT OF JURISDICTION						ENTERTAINED		
		Subjudice matters	Time Barred	Service Matters	Complaints not relating to mal- administration	Anonymous/ Pseudonymous	Complaints against Govt. functionaries in private capacity	TOTAL REJECTED	Entertained for confirmation	Referred to Investigation
1	2	3	4	5	6	7	8	9	10	11
August '83	664	13	4	233	52	33	5	340	122	202
Sept. '83	631	10	3	168	54	33	8	276	216	139
Oct. '83	591	7	6	145	92	41	7	298	106	187
Nov. '83	778	13	2	198	105	48	22	388	139	251
Dec. '83	1258	38	3	337	201	67	33	679	200	379
GRAND TOTAL	3922	81	18	1081	504	222	75	1981	783 1941	1158

TABLE - VI

STATEMENT SHOWING AREA-WISE ORIGIN OF COMPLAINTS
PERTAINING TO FEDERAL AGENCIES

S. NO.	PROVINCE/AREA	NUMBER OF COMPLAINTS	PERCENTAGE OF TOTAL
1.	Punjab	1835	46.79%
2.	Sind	1042	26.57%
3.	N.W.F.P.	395	10.07%
4.	Baluchistan	133	3.39%
5.	Federally Administered Areas, Overseas Pakistanis and others.	517	13.18%
TOTAL:		3922	100.00%

APPENDIX C

SUMMARIES OF REPRESENTATIVE CASES

AVIATION DIVISION

Case No. Reg. I/243/83

Claim for the Baggage Lost during PIA Flight.

In this case, the complainant sought my intervention for an equitable settlement of compensation for his baggage which was lost during a PIA flight from London to Rawalpindi.

2. The complainant stated that he travelled from London to Rawalpindi by a PIA flight in 1980. He carried four suit cases with him, two weighing 28 Kgs and the other two weighing 20 Kgs. with their identification tags duly issued to him. On disembarkation at the Islamabad Airport, he received only two suit cases weighing 20 Kgs while the other two were missing. He was advised to file a claim for his lost baggage. Later, at the instance of the PIAC Headquarters, an enquiry into the matter was held at the Islamabad Airport, holding the Security & Briefing Staff responsible for the mishandling of the baggage. However, no action was taken. The complainant further alleged that against the declared value of 550 Sterling Pound for the lost baggage, the PIA offered a meagre amount of Rs.528/- as compensation after deducting the excess baggage charges for the lost items and another Rs.1000/- as ex-gratia payment.

3. I entertained this complaint and asked the agency to meet the allegations contained in it. In their report, the PIAC informed me that the ticket produced by the complainant bore an endorsement only for two pieces of baggage weighing 20 Kgs and expressed their inability to accept the responsibility for the alleged loss of other two items which had not been entered on the ticket. It was brought out by the agency that baggage identification tags were not to be considered as accountable documents according to the IATA Rules and thus PIAC did not have any legal liability in such a case.

4. The explanation offered by the PIAC was considered by me. As it failed to meet the specific allegation levelled in the complaint, I summoned the representative of PIAC in my office. I also obtained the enquiry report, relevant rules and the provisions and conventions governing international air transit. I noticed that in accordance with the WARSAW convention 1929, as verified by the Hague Protocol 1955, the passengers were entitled to compensation in case of loss of baggage according to the value of goods subject to a maximum of US \$20 per Kg.

5. During the course of investigations of this case, wherein the representative of the PIAC and the Attorney for the complainant were present, the PIAC made an offer to pay at the rate of \$ 20 per Kg provided that the complainant pays the excess baggage charges between London and Rawalpindi. While the payment at the rate of \$ 20 per Kg was acceptable to the complainant's attorney, the deduction on account of the excess baggage charges was not acceptable.

6. I concluded that in case the PIAC fails to produce any rule of IATA or

AVIATION DIVISION:— contd.

of WARSAW Convention, it will be required to pay compensation calculated at the above rate i.e. US \$ 20 per Kg for 28 Kgs without deducting excess baggage charges. These calculations were based on the current rate of exchange, though the rate of exchange at the time of the occurrence was Rs.9.90 per dollar, to compensate for the delay caused by the PIAC in payment of the said compensation.

7. I was happy to note that as a result of my intervention a conciliation was effected between the parties and the matter was duly settled. The complainant was provided substantive relief.

Case No. Reg.1/1136/83

*Appeal for Absorption in Service after
Completion of Apprenticeship.*

In this case the complainant alleged discrimination on the part of the Pakistan International Airlines Corporation in the absorption of apprentices after successful completion of their technical training at the PIA Training Institute.

2. The facts in this case were that the complainant was selected as an apprentice in the Engineering Department of the PIAC and he completed his training in 1982. However, a few days later he was released by the Agency. It was alleged that 9 candidates were selected by the PIAC for the training and he was the only candidate who was released while all the other candidates were absorbed in service. In the meantime, fresh batches of apprentices were also trained and were absorbed in service. The complainant pointed out that this discriminatory act of the agency had deprived him of the opportunity to utilize his highly specialized training for a prosperous future and the three precious years he had put in had gone waste. He sought my intervention for the redressal of his grievance.

3. I entertained the petition and called upon the agency to meet the allegation contained in the complaint. In their comments, the agency reported that:

"In view of his poor performance, unsatisfactory attendance and casual attitude he was not considered suitable for absorption and thus was released after the completion of Apprenticeship".

4. The relevant extract from the Apprenticeship Contract which the complainant had signed prior to the commencement of his training was also spelled out in the report. It stated, inter alia:

"The employer is not obliged to offer employment after the completion of his Apprenticeship nor is the Apprentice obliged to serve the employer after the completion of Apprenticeship".

5. I observed that the above-mentioned clause of the Apprenticeship Contract was fully in accordance with Rule 23 of the Apprenticeship Rules 1966,

AVIATION DIVISION:— *contd.*

which is as follows:

"Employment after Training.

It shall not be obligatory on the part of the employer to offer employment to an apprentice on completion of his apprenticeship, nor shall it be obligatory on the part of the apprentice to serve the employer after the completion of his apprenticeship."

6. In view of the Apprenticeship Rules, the action taken by PIAC in respect of the complainant was neither discriminatory in nature, nor biased or unreasonable. However, by way of abundant caution, performance record in respect of 8 other colleagues of the complainant who were absorbed in PIAC was obtained for purpose of comparative study.

7. A perusal of the records revealed that there were actually 10 candidates out of which 8 were absorbed and 2 candidates, the complainant and another person, were not accepted as they secured the lowest percentage of marks (72% and 65% respectively).

8. I dismissed the complaint as no element of mal-administration was found in this case.

CABINET DIVISION

Case No. Reg. I/107/83

*Violation of Government Rules Resulting in
Deprivation of Shares.*

The complainant, a proprietor of Readers Association, complained that the Manager of Publications, Federal Publications Branch (Department of Stationery and Forms) had been allowing 25% discount to a foreign organisation known as the Library of Congress. He alleged that in accordance with prescribed rules of the Government the discount could be allowed only to the duly appointed agents for the sale of the Government of Pakistan publications. The complainant further stated that a foreign organisation was not an agent under the prescribed rules. To elucidate his argument he produced a number of vouchers in this regard. It was further alleged that the violation of this rule was brought to the notice of the Manager and the Controller of the Department of Stationery and Forms more than once but they had not taken any action on it. It was further alleged that the violation of the rules had resulted in the following:—

- a) The duly appointed agents were being deprived of their shares without any justification.

CABINET DIVISION:— *contd.*

- b) A foreign organisation was being patronised for reasons best known to the department.
- c) Pakistan was losing foreign exchange in the form of 25% discount to a foreign firm.

2. The complainant made an earnest request to intervene in this matter with the prayer for issuance of directions to the Controller, to stop this undue favour; to recover losses incurred by the agents and the Government of Pakistan and that severe disciplinary action be taken against the Manager and the Controller of the Department of Stationery and Forms.

3. I called upon the agency to give detailed comments on the allegations levelled by the complainant. A copy of the relevant Rules were also obtained from the agency.

4. In their comments, the agency stated that the Library of Congress Office, applied to the Manager Federal Publications Branch on 8-2-82 for appointment as an agent of FPB, for sale of Government of Pakistan Publications among the Colleges and University libraries in the United States. The Library of Congress accepted the Rules for Agents. After payment of the prescribed deposit, the Manager FPB appointed the Library of Congress as an agent for the sale of Government of Pakistan publications, provisionally, on 21-3-82. It was further spelled out that under Rule 3, agents were entitled to obtain publications from the FPB at a discount of 25% against their deposit accounts only.

5. I carefully examined the complaint and the report of the agency. I noticed that Rule 1 of the aforementioned Rules laid down the procedure and conditions regarding appointment of agents. It was observed that there were no discriminatory provisions in the rules to differentiate between local and foreign organisations to debar the latter from becoming an agent. Any one, at home or abroad, could apply to the Manager FPB and once they agreed to fulfil the prescribed conditions, the Manager was fully competent to appoint them as an agent initially for a period of one year.

6. From the record produced before me I came to the conclusion that the agency had committed no violation of rules whatsoever. The Library of Congress had been operating at Karachi since 1962 and were engaged in procurement of Government and non-Government publications for distribution to Colleges and University libraries in the U.S.A. There were at the moment 38 agents working all over the country and 18 of them were based in Karachi (the petitioner being one of them). It was only the petitioner who had raised this hue and cry. The sale of publications was equally open to all agents and it was entirely to them to make promotional efforts to boost their sales. No favour had been done to the Library of Congress.

CABINET DIVISION:— *contd.*

7. I was satisfied, as a result of my investigations, that there was no mal-administration on the part of the agency in this case. I informed the complainant that the agency had acted in accordance with the law and procedure and closed the matter.

Case No. Reg. 1/161/83

*Delay in the Payment of Land Acquired
by the Government.*

The complainant, an affectee of the land Reforms of 1972, stated in his complaint that his land measuring 5925 units located in District Bhakkar were acquired by the Government under the Land Reforms Regulation of 1972. It was further stated that the compensation worked out by the Federal Land Commission in respect of these units amounted to Rs. 1,77,750.00. The acquisition proceedings pertaining to 2117 units out of the aforementioned 5925 units had been challenged under the Land Reforms Regulation of 1972 and the case was pending adjudication before the Lahore High Court and the Board of Revenue Punjab.

2. The complainant alleged that under the directions of the Federal Land Commission, the Punjab Chief Land Commissioner had with-held the payment of compensation even in respect of the units acquired by the Government which had not been challenged in any Court of Law.

3. I entertained this complaint and noticed that a sum of Rs. 1,14,240/- had not been paid to the complainant for an area calculated at 3880 P.I. Units, for which there was no dispute. In other words the complainant did not contest the resumption of 3880 P.I. Units, and yet he had not been paid the compensation ever since the land was resumed. I, therefore, decided to call upon the Federal Land Commission to meet the allegations contained in this complaint.

4. In the report, the agency informed me of entire background of the case and finally stated:-

"The Punjab Land Commission has intimated that a requisition was sent to the State Bank of Pakistan (Public Debt. Office), Lahore, on 20th December, 1983 for issue of compensation bonds of the value of Rs. 114,240/- in respect of the remaining area of 3880 PIUs regarding which there is no dispute. As soon as the bonds are received from the State Bank of Pakistan, the same will be sent to the Deputy Land Commissioner Bhakkar for delivery to the recipient".

5. In view of this report, I was satisfied that full relief in this case had been assured. Nevertheless, the fact remained that there was an inexplicable delay in making payment of the undisputed amount to the complainant but for my intervention, more delay would have been caused. The possibility that there would be many cases of this nature could not be ruled out. I, therefore, requested the Chair-

CABINET DIVISION:— *contd.*

man of the Federal Land Commission, to have the list of all such cases prepared and to pay compensation to the owners for resumed P.I. Units in respect of which there was no dispute, without any loss of time.

COMMERCE DIVISION

Case No. Reg. 1/557/83

Illegal Rejection of Claim by the Agency.

The complainant, a widow of a bank manager stated that the State Life Insurance Corporation had rejected her legal claim of a life insurance policy. The facts in this case were that the complainant's husband took out a life insurance policy for Rs.1,00,000/- in June, 1979. Unfortunately the complainant's husband expired in December, 1979. When she asked for the payment of her claim she was categorically told by the agency that since her husband had concealed his ailments, which led to his death, her claim had been rejected. It was contended that despite having approached numerous echelons of the agency she had been refused payment.

2. I entertained this complaint and called for a report from the agency. The agency in their comments, stated that after the death of the complainant's husband, two doctors had certified in June, 1979 that the deceased was suffering from diseases like hepatitis, anaemia, diarrhoea, liver abscess etc., which ultimately culminated in his death as to what was diagnosed in the final stages as lymphosarcoma. The agency contended that under section 45 of the Insurance Act, they were competent to reject the claim of the widow.

3. I examined the report of the agency which was accompanied by certificates from two doctors. These certificates created doubt as they had been obtained within two days of each other. The format of the certificates was almost identical. However, the noteworthy point was that whereas the doctors had certified that the insured was under their treatment from January/March 1979, the certificates were signed after a year in January 1980. No history sheet or prescription dated prior to these dates was available with any of the two doctors I decided not to accept the certificates at face value and ordered a full investigation.

4. While both doctors have categorically stated before the investigating officer that the deceased was enjoying good health and was never suspected of suffering from cancer, none of them was able to produce any record in respect of the deceased dated earlier than 28-5-79 when he signed his health statement. One doctor in fact stated that what he meant by saying that the deceased was under his treatment since January, 1979 was that he himself (the doctor) was appointed as medical attendant of the Bank whose Manager the deceased was, and it was in this sense that he had recorded his remarks in the certificate. He should obviously have known better, because he knew the purpose for which the Insurance Corporation

COMMERCE DIVISION:—*contd.*

was obtaining the certificates. The other doctor has simply stated that he had kept no records but issued the certificate from memory. A more irresponsible action could not be expected from any doctors, particularly in issuing certificates like these. However, what matters is that they have clearly stated that the insured was not suffering from cancer when he came to them and therefore none of them had carried out any clinical investigations. Both doctors are on the approved list of the Corporation which is another important factor to be kept in mind.

5. I issued directions to the agency that the entire claim of the complainant must be paid to her immediately. I also directed that suitable compensation should be paid to the complainant in view of the hardships that she had been undergoing for the last 4 years. I also recommended that suitable action should be taken against both these doctors who were on the approved list of the agency.

Case No. Reg. I/1168/83

Unlawful Withholding of Insurance Claim.

A widow of an insurance policy holder complained that the State Life Insurance Corporation (SLIC) had withheld payment of her claim in respect of the insurance policy of her deceased husband.

2. The complainant stated that being the sole beneficiary in the said policy, she preferred a claim with Corporation after her husband's death in March, 1982. The Corporation, after necessary enquiry accepted her claim to the amount of Rs. 41,520, but withheld payment at the instance of the Divisional Commissioner who had filed a suit in the court against the deceased. It was prayed that since the Court had not issued a stay order, withholding of the amount was without any lawful authority.

3. The matter was taken up with the Insurance Corporation who intimated that the payment was withheld, under instructions of the Divisional Commissioner as the deceased was involved in a case of defalcation of Government money. The action, *prima facie*, being irregular I summoned the Executive Director of the Corporation in my office, who admitted that the action could not be upheld under the Insurance Act. He explained that they had withheld payment as Government money was involved and the Divisional Commissioner had indicated that he was taking the case to a Civil Court. No court injunction was received and the Corporation eventually arranged payment of the claim amount. An unwarranted delay of about 2 years had, however, been caused in the process. The agency failed to justify withholding of the payment under any legal provision rendering it a clear case of mal-administration. I served the agency with a notice to show cause as to why suitable compensation for the unlawful delay in payment may not be awarded. The agency failed to satisfy me in this behalf and I accordingly, in exercise of the powers conferred by Article 22 of the Order, awarded monetary compensation to the complainant to the extent the amount would have grown if invested in Khas Deposit Certificates on the due date of payment.

COMMERCE DIVISION:— *contd.*

6. I am glad to report that the Corporation promptly paid the compensation to the complainant.

COMMUNICATIONS DIVISION

Case No. Reg. 1/11/83

Loss of VPP Worth Rs. 442/-.

In this case, the complainant alleged negligence and inattention on the part of the Postal authorities which resulted in the loss of VPP worth Rs. 442/- despatched by him from Karachi to Hunza.

2. It was stated by the complainant, that he got a VPP amounting to Rs. 442/- despatched from the Saddar Post Office, Karachi to a book shop in Hunza. However, the same did not reach its destination. The complainant applied for payment of the amount of VPP but no action was taken by the agency despite a lapse of six months. Hence, this complaint was field in my office.

3 I called upon the agency to offer their comments on the allegations levelled in the complaint. In their report the agency submitted that after reference from me, a duplicate VPP money order was immediately issued and payment made to the complainant.

4. I am appreciative of the prompt action taken by the Agency which was advised to streamline their system so as to prevent recurrence of similar lapses in future.

Case No. Reg. 1/24/83

*In-attention of the Department in Correcting
Excess Bill.*

The complainant, a telephone subscriber from Sargodha, complained to me that ever since the installation of a telephone at his residence, he had been receiving excess bills from the T&T Department. It was further stated, that the telephone number which was given to the complainant was earlier being used by a Commission Agent's Shop. He had been receiving numerous bills pertaining to the time period when this telephone was under the use of the previous subscriber. The complainant emphatically pointed out that in the latest bill issued by the department, an amount of Rs. 815.80 had been shown in the foot-note of the bill as "total other arrears". The complainant further stated that he had contacted the Divisional Engineer and the Revenue Officer of the T&T Department on many occasions, but there had been no positive response from them.

COMMUNICATIONS DIVISION:— *contd.*

2. I entertained the complaint and called upon the agency to meet the allegation. The department informed me that on receiving a reference from my office, the entire record of Telephone Revenue Office was checked and it revealed that the amount of Rs. 88.50 did not relate to the period in which the complainant was using this number and as such it had been reflected due to clerical mistake. The department further informed me that this amount had been cancelled now and the correct bill had been issued to the complainant. The report further elaborated that the remaining amount of Rs. 727.62 was correctly charged on the basis of record, which was available in the form of trunk calls. Since the subscriber had also disputed the amount of Rs. 727.62 relating to trunk calls, it was provisionally deleted from the complainant's bill and investigation had been initiated which was in progress and the complainant was being asked to pay only the current bills and not the disputed amount, till the investigation were finalized.

3. A week later, I was informed by the department that as there were no outward trunk calls ticket and the billing was made through pairing check (inward ticket prepared at KR end), the only way was to consult the duty chart relating to the date and time of inward ticket. In the opinion of the local officers of the department located at Sargodha, either the telephone operator on duty at Sargodha gave the bogus ticket number or the operator on duty at Karachi on Sargodha toll prepared a bogus inward ticket. The officers of the T&T Department at Sargodha informed me that since the Karachi office was beyond their jurisdiction, an investigation at Karachi was inevitable to fix responsibility on the concerned officials.

4. I wrote to the Director Central, Telegraph and Telephone, Islamabad to conduct a detailed investigation in this whole affair and to report to me the factual position of this case. It was reported to me that as a result of investigations carried out by the Department, the disputed bill of Rs. 727.62 relating to the trunk calls which were never made by the complainant had been withdrawn, and the petitioner had been informed accordingly. The T&T department further intimated that the department had taken serious cognizance of the whole case and directions had been issued to initiate departmental action against the officials found at fault.

5. It is a matter of great satisfaction that due to my intervention grievance of the complainant has been redressed and the officials found at fault are being proceeded against.

Case No. Reg. I/47/83

*Delay in payment of Postal Life Insurance claim
on matured policy*

The complainant alleged delay in the payment of his postal life insurance claim which had matured since May, 1983.

COMMUNICATIONS DIVISION:— contd

2. The complainant stated that he was holding a Postal Life Insurance policy for Rs. 2000/- which matured on 12-5-83. He applied well in time for the payment of his insurance amount and completed the requisite formalities in this regard. However no payment was made to him. He requested me to intervene for the settlement of his claim.

3. In reply to my letter calling for their comments, the agency admitted that the complainant's policy matured on 12-5-1983. They further intimated that according to the rules the case regarding settlement of the claim of the policy is taken up one year prior to the date of its maturity. The policy holder was asked to submit his claim application form alongwith other documents through a letter dated 17-6-82. But the policy holder submitted the original policy etc. Without claim application of 17-4-1983. He was again asked to submit claim application without further delay. As soon as the claim application of the complainant was received, sanction of payment was made in his favour.

4. It was further submitted by the agency that the claim in question could not be settled earlier owing to the lapse on the part of the complainant himself.

5. I found no mal-administration in the case but was happy to note that the complainant had secured relief.

Case No. Reg. 1/75/83

*Illegal Levy of Compound Rate of Interest
on Loan.*

The complainant alleged illegal levy of compound interest on loan advanced to him as well as delay in the release of policy.

2. The complainant stated that in the year 1952, he bought a Postal Life Insurance Policy, subject to the conditions contained in Post Office Insurance Fund Rules. In the month of September, 1970, he got sanctioned in his favour loan of Rs. 3,500/- repayable in the monthly instalments of Rs. 50/- each. There was no stipulation regarding payment of interest on this loan. He had made payment of Rs. 1700/- when he decided to suspend repayment of instalments and requested the agency to intimate the surrender value of his policy but received no response.

3. On 17-5-1983, he made payment of the remaining amount with a request to release and return the policy but he was directed to make payment of the compound interest amounting to Rs. 2,891.21. According to the complainant, there was no stipulation regarding payment of compound interest nor any undertaking was obtained from him. Therefore, he prayed that the Department be directed to withdraw the illegal demand of compound interest and to intimate to him the surrender value of his policy.

COMMUNICATIONS DIVISION:— contd.

4. The agency was called upon to meet the allegations. In their reply the agency intimated that so far stipulation regarding the levy of interest was concerned, the insurant was supplied with a copy of the Note for the Guidance of the Insurants at the time of sanctioning of loan. It was clearly stipulated there that interest was to be paid by a loanee on the loan sanctioned to him. It was further stated that surrender value of the policy was intimated to the loanee on 10-12-1977 and that all the conditions relating to interest etc. were specified in the rules applicable at the time of the loan. He was also supplied with a loan repayment book.

5. As the payment of interest by a loanee was a condition attached with the advancement of loan and was clearly specified in the rules for this purpose, the complainant had got no cause for grievance and there was no mal-administration on the part of the agency. I, therefore, dismissed the complaint. However, I would have been happier if greater effort was made by the agency, and for that matter by all the public authorities, to communicate with their clientele more clearly and effectively. The communication gap, it has been observed, has given rise to grievances in a number of cases.

Case No. Reg. I/400/83

*Unfair Assessment of Demurrage
and Storage charges by K.P.T.*

The complainant alleged mal-administration on the part of the Karachi Port Trust (KPT) in making an unfair assessment of demurrage and storage charges imposed on two Vans booked from U.K. to Pakistan.

2. It was stated that the complainant returned to Pakistan after staying in the U.K. for a period of 22 years. He and his son booked a transit van each, which arrived at Karachi Port on 15.12.1981. On reaching Pakistan, the complainant fell seriously ill and was confined in hospital upto the first half of January, 1983. As he was advised complete rest by doctors, he could not take delivery of the vehicles for which KPT had charge heavy demurrage. The complainant appealed to me to get this amount waived off.

3. I entertained the petition and called upon the agency to submit a detailed report. In its report the agency stated that two Vans under question were unloaded on 5.12.1981. The complainant submitted applications dated 20.1.1982, 27.1.1982 respectively for waiver of storage and demurrage charges imposed due to his failure to have the delivery of these Vans. It was stated that in accordance with prescribed rules failure to have the delivery of the Vans after the free period, legally warranted the imposition of the demurrage and storage charges. The free period is two days after the landing date. The Chairman, KPT had already waived off a sum of Rs. 5000/- by using his maximum financial powers. The complainant filed an appeal

COMMUNICATIONS DIVISION:— *contd*

against this order which was rejected and the results thereof were communicated to him. As regards the Van imported by his son, a remission of Rs. 2000/- was allowed as the complainant had already been granted maximum remission on one of the vehicle.

4. The sole ground on which the present complaint was moved was that he was sick and was advised complete rest with a direction not to travel by air or land.

5. The complainant placed on record photo copies of his medical certificates which only specified that the complainant was suffering from bronchitis. After considering all the circumstances of the case, I concluded that the complainant could have received the delivery of the Vans through his major son or through clearing agents and as such he was rightly subjected to demurrage and storage charges. The agency had already allowed remission of Rs. 5000/- and Rs. 2000/- respectively in the demurrage and storage charges on grounds other than illness.

6. I did not find any element of mal-administration in this case. The complaint was accordingly rejected.

Case No. Reg. I/460/83

*Installation of a Public Call
Office in a private residence*

It was complained that a Public Telephone Call Office has been installed in a private residence at Karachi with the connivance of the Telephone staff. It was stated that as a rule and in accordance with the standing orders of the Government, a Public Call Office is installed for the service and benefit of the public and the location must have an easy access to the common man. Thus a Public Call Office is never installed in a private residence. To substantiate his argument, the complainant sent a copy of the Directory of 1982 which reflected the same telephone number in the name of a private person. The petitioner also sent a copy of the original bill for the month of August, 1983 issued in October, 1983 by the AOTR Karachi which showed that the telephone was working and its total bill was Rs. 365.40. The complainant highlighted the difference between the bill of a Public Call Office and a private telephone. In a Public Call Office there is no line rent, but in case of private telephone, line rent is charged at the rate of Rs.30/-.

2. I entertained this complaint and called upon the agency to meet the allegations contained therein. The agency in their report intimated to me that after conducting an inquiry into the whole affair it was proved that a Public Call Office was installed at the residence of a private person in the year 1980. The department further informed that this Public Call Office was installed on the feasibility report prepared by the SDO, PECHS Exchange, Karachi.

3. Due to my intervention in the matter the department has initiated action against the SDO and the Public Call Office has been closed. The Agency has been asked to ensure that such mal-practice should not recur in future.

COMMUNICATIONS DIVISION:— *contd.*

Complaint No: Reg. I/677/83

Negligence of the department in the erection of a dangerous manhole.

The complaint stemmed up from the fact that the Telegraph and Telephone Department had erected a dangerous manhole in front of the complainant's premises. The manhole located at Mujahid Road in Sialkot, it was contended, had no parallel of its kinds in the entire area. The entire structure which was made of concrete and cement was raised from the ground level by not less than 15 inches in height from all sides. It had the appearance of a platform in size of 90" X 60" in octagon shape beneath the electric pole. While digging the manhole, defects had been left unattended with the result that it was causing hinderance and inconvenience to pedestrians. Moreover, the manhole had created an acute problem of cleanliness.

2. I entertained this complaint and called upon the agency to meet the allegations highlighted in the complaint. The agency, in their comments, replied that a complete survey of the entire area had been conducted after having received a reference from my office. It was reported that at the time of the construction of this manhole and ductlaying work in 1982 a lot of waste material was lying on this road. The top of this manhole, at the time of construction, was under the natural ground level. After this manhole was constructed all such material was removed from the area. As a consequence the top of the manhole was protruding above the ground level. The agency further stated that it had now taken cognizance and, directions had been issued to officials to reconstruct the manhole by lowering its top level to avoid any further traffic mishap.

Case No. Reg. I/777/83

*Delay in the Payment of Rent of Building
Hired for Telephone Exchange.*

This complaint stemmed up from a decision of the Telegraph & Telephone Department to with-hold payment of nine months' rent due to the owner with respect to his building which was hired by the agency for a telephone exchange at Kotli, Azad Kashmir. The complainant alleged, that his house had been hired in the year 1974 for a period of two years. Before the date of expiry of the lease agreement period, the complainant had requested the agency to enhance its rent from Rs. 150/- to Rs. 500/- per month. The agency got the building reassessed by the PWD and its rent was fixed at the rate of Rs. 500/- per month. However, not to speak of paying rent at the revised rates, no payment, whatsoever, was made to the complainant by the agency. He approached the agency for payment of his dues but his efforts did not yield any result. Subsequently in the year 1977, the building was transferred by the T&T Department to another Government Agency who started paying rent to the petitioner at the rate of Rs. 500/- per month.

2. The complainant requested my intervention for getting payment of arrears of rent amounting to Rs. 4,500/- (i.e. at the rate of Rs. 500/- per month for nine

COMMUNICATIONS DIVISION:— *contd.*

months) from the T&T Department.

3. I entertained this complaint and called upon the T&T Department and the other government agency to meet the allegations contained in this complaint.

4. The T&T Department reported to me that a small house owned by the complainant was hired by the agency at the monthly rent of Rs.150/- w.e.f. 1.4.74.

for the installation of 50 lines telephone exchange at Kotli in Azad Kashmir. Necessary sanction was issued by the competent authority and the required amount of rent at the rate of 150/- per month was paid to the owner uptill January, 1977. On the first of February, 1977 this exchange, alongwith the building was transferred to the administrative control of the second agency and further rent was to be paid by them. The agency further stated that no sanction for the rent of Rs. 500/- per month regarding the said house was made before transferring the same to the other agency. Mere assessment, it was argued, could not be treated as sanction.

5. In their report, the other agency stated that their organisation took over the possession of the telephone exchange building on 1.2.1977. The rent of the building was being paid to the owner at the rate of Rs. 500/- per month as assessed by the PWD. It was stated that the owner of this building had been repeatedly complaining for non-receipt of rent for the period May, 1976 to January, 1977. Since, during this time period, the building was under the administrative control of the T&T Department, the case had been referred to the latter. It was further reiterated that the matter had also been under consideration at the CMLA's Secretariat for quite some time. The dispute remained as on one hand, the T&T Authorities did not admit the request of the owner for enhancement of rent, while on the other hand, the owner considered the assessment of PWD as correct.

6. In view of these conflicting stands taken by both the parties, I summoned the T&T Authorities in my office to resolve the issue. The representative of the T&T Department stated before me that when the petitioner first made a request for enhancement of rent, the Divisional Engineer started to search out another building in order to shift the telephone exchange. However, the needful could not be done and the building was handed over to the other Government Agency.

7. Having heard the point of view of the agency, I found it appropriate to point out to the T&T Department that the house in dispute was hired by them for a period of two years. This period, under terms of the agreement was to expire on 31.3.1976. However, before the expiry of the terms of agreement, the complainant had submitted an application for an increase in rent. The PWD, had assessed its rent at the rent of Rs. 500/- per month. Since the house remained under the possession of the T&T Department till 31.1.77, the complainant was either entitled to have the enhanced rent or alternatively, if the T&T Department was not willing to pay the increased rent, it was bound to vacate it on 31.3.76 as per contract.

COMMUNICATIONS DIVISION:— *contd.*

8. The department realised their error and sent a cheque of Rs. 4,500/- as rent pertaining to the nine months period, which was under dispute. It was a matter of pleasure for me to have settled a case which had been pending decision for the last more than seven years. However, I decided to issue a notice to the T&T Department to show cause as to why the department should not pay compensation to the complainant equivalent to the amount, which the complainant would have received, had he deposited the original amount in Khass Deposit Certificates. The matter regarding compensation would be decided after receipt of the reply of the agency.

Case No. Reg.1/830/83

Dealy in the Finalization of Appeal.

The complainant, an ex-employee of the Telegraph and Telephone Department complained that his services were terminated by the Divisional Engineer (Telephones), Faisalabad on 6-5-1982, after a departmental enquiry. Aggrieved by this order the complainant filed an appeal on 18-5-1982 before the General Manager, Central Telecommunications Region, Lahore. Despite a lapse of more than 15 months, the complainant's appeal had been decided although the Departmental Rules clearly stipulated that an appeal was to be decided within a time period of three months. It was alleged by the complainant that he had been made a scapegoat and justice had been denied to him. In this long span of indecision the complainant issued five reminders to the competent authorities requesting for an early decision, but to no avail. In addition to all this, a legal notice was sent to the department through the complainant's Advocate on 7-9-1983, requesting for a decision within 15 days but the appellate authority was not moved by it. While praying for my intervention he also made the plea that in any event the agency awarded him punishment disproportionate to the punishment awarded to the real culprits.

2. I entertained this complaint as, despite it being a service matter, it involved the question of delay. The agency was asked to meet the allegations contained in this complaint on this specific aspect. In their comments, the agency reported to me that the competent authority had been asked to arrange for a *denovo* trial in this case on priority basis.

3. The agency, after a few weeks, reported further that the entire case had been reconsidered and the orders of termination were rescinded. As a consequence, the complainant had been reinstated in service with a minor penalty.

4. It was a matter of great satisfaction for me that the case which was pending decision for the last fifteen months was decided in a matter of few weeks due to my intervention.

COMMUNICATIONS DIVISION:— *contd.*

Case No. Reg.1/989/83

Delay in the Payment of Group Insurance and Benevolent Fund.

The complainant, an ex-employee of the T&T Department, Quetta, complained that he had been working as a Chowkidar for many years. His health began to deteriorate and the Divisional Engineer (Telephones) sent him to a hospital for treatment. On the 24th of October 1981, the doctors declared him medically unfit to serve. The T&T referred his case for payment of group insurance and benevolent fund to the Federal Employees Benevolent Fund (FEBF), Karachi. Despite a lapse of more than 2 years, there had been no response from the agency in finalising this case. Having failed to obtain relief the complainant made an appeal to me for intervention in the matter.

2. I called upon the agency to meet the allegations levelled in the complaint. The agency, in their comments, stated that the petitioner was not entitled to group insurance, as it is admissible only to the family of an official who dies while in Government service. Nevertheless, the petitioner was entitled to benevolent fund and this case had been inordinately delayed by the FEBF authorities. The petitioner's case had been sent by the department to the FEBF, Karachi on 30-10-82 and was being vigorously pursued. The agency submitted that the finalization of this case was the direct responsibility of the FEBF authorities and it was being presumably delayed for want of a decision regarding constitution of a Special Medical Board to declare the complainant incapacitated for life. The complainant could be entitled for benevolent fund only if his permanent capacity was certified by the Board.

3. A perusal of the FEBF Act of 1969 revealed that under para 7 of the existing rules as defined therein and amended by Act XXV of 1975, there was no mention of the constitution of a Special Medical Board. I noted in particular that the schemes of Group Insurance and Benevolent Fund were brought into existence with the main purposes of providing immediate and timely financial relief to the needy Government servants and their families. Any delay and lacunae were bound to defeat the *raison d'être* of the scheme itself and would result in resentment and dis-satisfaction amongst the government employees.

4. Detailed discussion in the matter took place with the Managing Director of the FEBF. My deep concern regarding delay in this case was brought to the notice of all concerned. During the course of discussion it transpired that the delay in this case had been caused due to non-constitution of the Special Medical Board. It was pointed out to the Managing Director that executive instructions of the Board of Trustees to constitute a Special Medical Board for the purposes of declaring a person incapacitated for life were contrary to law as the executive instructions could not supercede the legal provisions of the FEBF Act of 1969. The Managing Director agreed with this point of view and undertook that he would get the issue finalized after holding a meeting of the Board of Trustees.

COMMUNICATIONS DIVISION:— contd.

5. Ten days later I received the report of the Managing Director FEBF, to the effect that the petitioner's case had been approved, the claim in respect of benevolent fund grant in favour of the complainant had been sanctioned, and necessary payment order had been despatched to the complainant.

6. It is important to note here that on my intervention the FEBF authorities did not only provide redress to the complainant alone but streamlined their procedure. Those cases which were being held up unnecessarily are now being speedily processed. It was heartening to note that by a reference from me, Rule 8 of the FEBF Rules of 1972 framed under the Federal Employees Benevolent Fund and Group Insurance Act of 1969 (II of 1969) has been amended whereby a clause pertaining to the constitution of a Special Medical Board has been inserted. The ambiguity in law has been removed and chances of mal-administration on this count have been removed.

Case No. Reg. I/1991/83

*Favouritism in the Appointment of
Auto-Electricians.*

The complainant alleged favouritism in the appointment of Auto-Electricians by the Karachi Port Trust (KPT).

2. The complainant stated that he submitted an application for appointment as an Auto-Electrician in March 1981 which was referred to the Chief Mechanical Engineer, who subjected him to a trade test which he qualified. However, a less deserving and over-age person had been appointed. This was, the complainant alleged, a clearcut instance of favouritism on the part of the agency.

3. I entertained the petition and called upon the Agency to meet the allegations contained therein. In their comments, the Agency stated that appointments in KPT are made by the "Recruitment and Promotion Committee" and in the present case it had interviewed the complainant as well as other candidates. The Committee recommended the name of another official. The agency admitted that the selectee was over age by 10 months which was relaxed on the recommendations of the Committee, keeping in view his suitability for the post.

4. The agency gave a comparative analysis of the qualifications of the complainant and the selectee. The complainant was not even a matriculate and possessed 3 years experience as an Auto Electrician. In contrast to it, the selectee was a Diploma holder in Auto and Diesel Technology and had to his credit almost six years of experience.

5. In the light of my investigations, I concluded that there was no mal-administration on the part of the agency. The cause of grievance of the complainant was ill-founded, as the selection procedure had been duly followed by the Recruitment

COMMUNICATION DIVISION:— *contd.*

Committee. A glance at the professional experience and educational qualifications revealed that the discretion was exercised properly and better of the two candidates was selected.

6. I therefore, rejected the complaint and informed the complainant accordingly.

Case No. Reg. I/400/83

*Dis-Connection of Telephone Line
during Moharram.*

It was complained by a resident of Bahawalpur that his telephone lines were dis-connected during Moharram by the Telegraph and Telephone Department without having assigned any reason. The petitioner further alleged that his telephone remained closed for 3 complete days and on the fourth day it was restored by the agency. The complainant requested me to look into the matter so that the mal-administration on the part of the agency could be rectified.

2. I entertained this complaint and called upon the agency to meet the allegations which were levelled by the complainant. The General Manager, Central Telecommunications Region, Lahore reported to me that it was true that telephone lines were disconnected for 3 days during the month of Moharram. According to the General Manager, CTR, Lahore the telephone lines crossing the roads where Moharram-Tazia processions were to pass, were temporarily removed under the orders of the Deputy Commissioner, Bahawalpur to avoid any mishap whatsoever on the 8th, 9th and 10th of Moharram. The agency further stated that this action was under-taken by the agency to avoid any hinderance that might have occurred while the procession was in progress. According to the report of the agency it was a routine practice being adopted by the department during Moharram as all routes were to be kept clear in the entire country.

3. I examined the report of the agency at length and came to the conclusion that dis-connection of the telephone lines was due to justified reasons. Hence I found no mal-administration on the part of the agency in this case. However in pursuance of discussion held in my office with the General Manager, CTR, Lahore directives have been issued for making alternate arrangements, wherever possible, so that the telephone lines of the subscribers are not dis-connected in future on such occasion. It was quite evident that on a reference from my office, the department became vigilant and would, no doubt, exercise greater care in future.

4. I informed the complainant that in the light of my investigation, no administrative excesses had been committed by the department.

CULTURE DIVISION

Case No. Reg. 1/456/83

*Delay in Payment of Compensation of
Land acquired by Government.*

The basis of this complaint was the inordinate delay in the payment of compensation by the agency to the complainant for the land acquired by the Federal Government in 1978. It was alleged that the Department of Archaeology found the complainant's area of land extremely valuable for excavation from the archaeological point of view. The agency, therefore, decided to take over this land under an agreement with the complainant. It was mutually agreed upon that the Department of Archaeology would pay, in addition to the cost of land, the crop compensation to the owner from the date the site was actually taken over by the agency. Despite a lapse of almost five years, the complainant was denied payment and he requested for my intervention for expeditious payment of compensation.

2. An examination of complaint revealed that in the year 1968 a University and a Museum of N.W.F.P. took possession of this site and initiated excavations on it. Since both these agencies fell within the domain of the Provincial Government, they were outside the operational jurisdiction of office. The complaint was only entertained to the extent of looking into as to whether there had been an inordinate delay by any federal agency.

3. I took up the matter with the Department of Archaeology who in their report stated that the financial demand equivalent to the cost of land and crop compensation had been made to the Culture Division in November, 1982 but the money had not yet been sanctioned, as it had not been budgeted. I issued directions to the Culture Division that irrespective of the availability of budget allocation for this purpose, the total amount of compensation should be paid to the complainant immediately and a compliance report submitted to me within one month's time.

4. The agency confirmed to me within the stipulated time that compensation had been paid to the complainant and thus substantive relief was afforded to the complainant for which he had been approaching at different forums for the last so many years.

DEFENCE DIVISION

Case No. Reg. 1/48/83

Suspension of Construction of a House

In this case, the complainant claimed that he purchased a plot (No. D-61) in Malir Cantonment, Karachi. Later, he got the building plan for the construction of the house thereon approved by the Cantonment Executive Officer, Malir Cantonment, and also "No Objection" certificate from the Station Commander,

DEFENCE DIVISION:— *contd.*

Malir Cantonment, for such construction. In accordance with the approved building plan, the complainant commenced construction of the house. Shortly, thereafter, he received a letter from the Station Commander, intimating that the approved plan had been suspended on the ground that the plot fell within the parameter of the Security Zone/Military Farm. He represented against the said suspension but all his efforts proved futile.

2. It was claimed by the complainant that his plot did not fall within any restricted area and that constructions had already been raised on the adjoining plots and, in fact, people were residing therein. He further alleged that the impugned order was in violation of the principles of natural justice as no show cause notice before the suspension of building plan was served upon him.

3. We took up the matter with the Station Commander, Malir Cantonment. Initially, he controverted the assertions of the complainant. He claimed that, since the disputed plot fell within the military Dairy Farm, it was rightly decided to suspend the building plan. It was claimed that this fact had escaped the notice of the authorities at the time of the approval of the plan by the executive Officer.

4. The complainant had all along been claiming that the plot, in question, was outside the Military Dairy Farm area. Therefore, in order to protect the legitimate rights of the parties, I directed the Station Commander, Malir Cantonment, to finalise the demarcation of the disputed area by the 21st October, 1983. On demarcation of the area, it was found that, in fact, plot No. D-61, Kauser Town, Malir Cantonment, Karachi, belonging to the complainant fell outside the Military Dairy Farm area. Consequently, the order suspending the approval of the building plan was cancelled. I understand that with the fresh demarcation of the area, several other persons who were considered to be unauthorised occupants or having encroached upon the land in the restricted area have also benefitted. I am happy that, with the willing cooperation extended by the Military authorities, a long standing dispute between the parties came to an amicable end, without any expense, for which the authorities deserve my appreciation.

EDUCATION DIVISION

Case No. Reg. II/90/83 10/83 Undue Delay in Sending Teachers to Yemen.

The complainant alleged delay on the part of Ministry of Education in the case of foreign assignment of 40 English Language Teachers. The facts in this case were that the Ambassador of Pakistan in Yemen asked the Ministry of Education in March 1983 to select 40 English Language Teachers for foreign assignment in Yemen but for six months the case had been shuttling from one Section to another Section in the Ministry of Education. The complainant feared that in

EDUCATION DIVISION:— *contd.*

case of further delay, the Government of Yemen may decide to get these teachers from another country and this would not only be a great disadvantage to the candidates but would also be a great national loss. The complainant alleged that despite numerous verbal and written requests, no progress was being made.

2. Since the complainant had raised a question of importance because numerous institutions and persons continued to be aggrieved as a result of abnormal delay in processing their case, it was immediately taken up with the Ministry of Education. The agency reacted promptly and informed me that the names of the selected candidates have been forwarded to the Ministry of Foreign Affairs for onward transmission to Yemen. The Ministry of Foreign Affairs was also requested to take immediate action to avoid the possibility of losing this opportunity. They informed me that the names of the selected candidates have been forwarded to the Embassy of Pakistan in Sanna Yemen through the first available Diplomatic Bag.

3. I appreciated the cooperation extended by the Secretaries of Foreign Affairs and Education Division. I hope that they would continue to give prompt attention to the cases of appointment and nomination of persons to the foreign countries.

4. As both the Ministers did their job expeditiously and names of the selected candidates were forwarded to the Embassy of Pakistan in Yemen, full relief was secured in this case and the petitioner was informed accordingly.

Case No. Reg. II/345/83

Appeal against change in the Marking System.

The students of the National College of Arts, Lahore alleged abrupt and unjustified change in the marking system by the College authorities without any prior notice. They appealed for a revision of the policy and re-evaluation of their thesis already submitted.

2. I took up the matter with the College authorities. In his report, the Principal of the College refuted the allegations and explained the entire case. It was stated that earlier the distribution of marks was 25% for sessional and 75% for thesis. The College authorities changed it to 50% each, and the new system of evaluation was published in the College Prospectus. It reads:

"The aggregate required in all the subjects of the two semesters shall be computed as follows:

- (i) First Semester 50%
- (ii) Second Semester 50%

EDUCATION DIVISION:— *contd.*

The prospectus was published a year prior to the examination and Regulation 1 of the Prospectus stipulated:

"It is the responsibility of all students to read and comply with the Rules and Regulations of the College."

3. The agency contended that the plea of the students regarding change in the marking system was not notified to them in advance, was not maintainable.

4. After going through the report I concluded that the change of marking system was in accordance with the prescribed rules and regulations. There was no evidence of mal-administration on the part of the agency. The petitioners were informed accordingly and the complaint was dismissed.

Case No. Reg. II/177/83

Delay in the payment of tender money.

A contractor complained that the National Book Foundation had considerably delayed payment of dues on account of work executed by him for the agency. The facts in this case were that the complainant was awarded a contract by the agency to provide wooden frames for their Book Shop in Islamabad. It was alleged that the agency had not released the outstanding bill though the work had been duly completed.

2. I took up this case with the National Book Foundation which reported to me that the firm had not used the material of the required quality and their workmanship was also not upto the specifications. As a matter of fact, on completion, the work was inspected by an Inspection Committee which found it to be of substandard quality. On my reference the agency asked the contractor to remove the deficiencies in the workmanship and replace the inferior quality material. The firm accordingly supplied the material of the desired specifications and removed the defects. The Agency, then, promptly paid the outstanding bills of Rs.5,325/- to the complainant, and hence full relief was secured.

Case No. Reg. II/654/83

*Request for Extension of Date for
Availing Overseas Scholarship*

The complainant, a lecturer, lodged a complaint against an un-realistically short cut-off date fixed by the Ministry of Education for availing a foreign scholarship.

2 The complainant stated that he applied for a Central Overseas Training

EDUCATION DIVISION:— contd.

Scholarship to the Ministry of Education in December 1982. The selection proceedings took eight months and finally ended on 31-6-83 with the selection of the complainant. The letter of selection was despatched by the agency at the college address which was closed due to summer vacations. On reopening of the college on 15-7-83, the complainant found the letter with clear directions from the agency that the scholarship must be availed by 31-10-83, failing which the facility would lapse.

3. The complainant immediately wrote to the agency that the time left at his disposal was too short to complete all the formalities involved in taking admission in an American University. He pleaded that a candidate had to take pre-admission tests such as "TOEFL" and "GMAT" without which admission are impossible in any American University. These tests are held three to four times a year and the first available test would be held in November 1983, and as such, it was unfair to expect a candidate to arrange admission in a foreign university under these circumstances. The complainant kept on writing for relaxation in the last date but the agency did not respond, and therefore he approached me for intervention.

5. It being an important issue, I spoke to the Secretary, Ministry of Education and emphasized on him that the time span at the disposal of the candidate was too short to complete all pre-admission formalities. This telephonic conversation was followed up by agency. The agency reacted promptly and extended the period for availing scholarship for one year. It was, indeed, a very realistic and objective response to a legitimate and genuine grievance of the complainant. I appreciated the action taken by the Education Secretary in the matter. He, I am sure, by his example will inculcate the same spirit in other members of his staff.

ESTABLISHMENT DIVISION

Case No. Reg. 1/1150/83

*Inattention of F.P.S.C. in denial
of employment.*

The complainant, a candidate who had appeared in the Special Competitive Examination, held in 1982, alleged that he was denied government employment due to inattention and delay on the part of the Federal Public Service Commission (F.P.S.C.) in matter of correction of his domicile.

2. The complainant stated that in 1982 the F.P.S.C. conducted a Special Competitive Examination for recruiting officers to posts in B.P.S.-17 under the Federal Government. The complainant duly qualified the Examination but was not allocated any service on account of inaction of the F.P.S.C. to carry out correction of his domicile. According to him at the time of submitting the Examination

ESTABLISHMENT DIVISION:— *contd.*

Forms, owing to a misunderstanding, he mentioned 'Sind (Urban)' as his domicile. This error stemmed from the fact that he belonged to Hyderabad District, some parts of which are treated urban while others are categorised as rural. He thought that the whole of the district fell in the category of 'Sind (Urban)'. This, however, was not the case as the notice of the F.P.S.C., inviting applications for the Examination had stated that Sind (Urban) referred only to the city areas of Karachi, Hyderabad and Sukkur. After he discovered his mistake, he sent two applications to the F.P.S.C. for getting this mistake rectified. In the meantime the Government finalised the selection on the basis of recommendations of the FPSC and sent offers of appointment to the successful candidates. The complainant, however, was not offered any appointment. This deprivation of rights occurred despite the fact that he had approached the FPSC to make corrections in his domicile in August, 1983 while the decision to offer appointments to all the successful candidates, from Sind (Rural) was taken in mid-October, 1983. The complainant sent another application to FPSC on 15-10-1983 but did not obtain redressal of his grievance.

3. I entertained the petition and called upon the agency to meet the allegations contained in the complaint. In the comments the agency stated that the complainant had claimed his own and his father's domicile as 'Sind (Urban)'. The Final Results of the Special Competitive Examination, 1982 were announced through a Press Note on the 30th December, 1982. In this Press Note the domicile of the complainant was shown as 'Sind (Urban)'. He, however, did not make any request for the change of the domicile. The F.P.S.C. admitted that long before the announcement of the result, the corrected position of the domicile of the complainant had come to the notice at the time of Viva Voce Test. His domicile was duly corrected in his Application Form and Assessment Form as 'Sind (Rural)'. The agency further admitted:

"By a clerical mistake the correction of the domicile was not carried out in the individual Result Card and Result Statement which was subsequently prepared for final result/allocation, mainly because it was not thought at that time that so many extra posts for Sind (Rural) would be given over and above their stipulated quota".

4. The F.P.S.C. tried to justify its action on the grounds that the first request of the candidate to change his domicile from 'Sind (Urban)' to 'Sind (Rural)' was received on 13-8-1983 i.e. after the announcement of the result of the Special Competitive Examination. This contention is not, however, valid for the reasons as observed above, that the error of the complainant had come to the notice of the Commission at the time of Viva Voce Test. Even the principle of estoppel in these circumstances could not operate. Inaction of the Commission constituted a case of mal-administration. Further, the FPSC did not care to inform the candidate of this correction on the plea that this fact would not affect his position in any way. Similarly his subsequent requests, dated the 12th October, 1983 and the 26th October, 1983 also remained unattended.

5. As correction was not carried out in the Result Statement, it resulted in

ESTABLISHMENT DIVISION:- *contd.*

depriving the candidate from getting employment on the basis of his performance in the Competitive Examination.

6. As a result of my intervention the F.P.S.C. corrected the mistake, regretted the lapse committed and referred the matter to the Establishment Division for creation of an additional vacancy so that the complainant might be adjusted and obtain his rightful place on the basis of his Special Competitive Examination, 1982.

7. The F.P.S.C. ordered an inquiry to fix responsibility for lapses committed in this case.

8. The Government of Pakistan created a special post in the Information Group and ordered the complainant's appointment against that. I am appreciative of the decision of the Government which, realising that injustice has been caused to the complainant through the mal-administration of one of its agencies, rectified it by taking positive steps.

FOREIGN AFFAIRS DIVISION

Case No. Reg. 1/1413/83

*Request for with-holding Payment of Death
Compensation to illegal Heir.*

The complainant, father of the deceased Inayatullah, sent a complaint to this Secretariat alleging therein that his son died in car mishap in Tabuk, Saudi Arabia on 5-8-1981. A death compensation amounting to SR 27,000/- (Rupees 89,370/-) had been remitted by the Embassy of Pakistan, Jeddah to the Foreign Office at Islamabad in April, 1982. Unfortunately, the name of the deceased was erroneously written as Amanullah instead of Inayatullah and the name of the District was written as Mardan instead of Kohat. According to him the case was taken up with the Embassy of Pakistan at Jeddah through the Overseas Pakistanis Foundation, Islamabad, for correction of the name and district of the deceased. It was stated that a lengthy correspondence between the two agencies had taken place and now the Jeddah Office had clarified the entire position. In the meanwhile, an illegal person had succeeded through clandestine methods in getting a cheque issued from the Foreign Office, Islamabad, claiming himself as the legal heir of the deceased. The complainant further contended that he was the rightful legal heir as per succession certificate issued by Senior Civil Judge, Kohat, and prayed that till the issue is clarified once again from the Foreign Office, Islamabad, payment to the illegal heir, which was to be made through the Deputy Commissioner, Mardan may be with-held.

2. I entertained this petition and the Ministry of Foreign Affairs was requested to submit a report in the matter. The agency stated that in accordance with the records available with the Ministry there were two distinct persons Inayatullah and

FOREIGN AFFAIRS DIVISION:— contd.

Amanullah and the heirs of both the deceased were entitled to death compensation. The Ministry had received two sums of SR. 27,000/- (Rupees 89,370/-) and SR. 12775.50 (Rupees 48,419.15) for payment in this behalf. It was stated that sanction for the payment of the amount to the successors of the deceased Inayatullah has already been issued. However, the amount could not be paid as its disposal was subject to a dispute. The agency further stated that the matter had been referred to the Embassy of Pakistan Jeddah for clarification and payment would be made to the heir of the deceased on receipt of reply from the agency.

3. The agency later informed me that they had received an intimation from the Embassy of Pakistan at Jeddah stating that the issue had been clarified and that payment may be made to the complainant. The agency consequently issued necessary sanction in this regard and the complainant was duly informed about it.

4. As a result of my intervention the tangle was resolved and the grievance of the complainant redressed.

FINANCE DIVISION

Case No. Reg.11/163/83

Return of Balance after Payment
of Utilities Bills.

I received a complaint that it was a general practice that the bank officials, assigned to handle utilities bills, did not pay back the exact balance after the receipt of payment for such bills. The bank officials sought to justify this on the plea of non-availability of requisite change. All the amount which was supposed to be returned to the consumer was being, thus, pocketed by the bank officials.

2. I entertained this complaint and took up the issue with the Banking Council. Emphasis was laid on the point that the conduct of a public institution should be an exemplary one. The banking Council, after due consideration and deliberation with the utility organizations, took the following steps to correct the situation:

- (i) Arrangements were made for adequate supply of small coins to the bill clerks. Assurance was given that if any employee was found responsible for refusing return of change he would be dealt with severely; and
- (ii) the Banking Council approached such utility organizations as Karachi Electric Supply Corporation, who agreed to bill the clients in round rupees. The T&T Department was looking into the proposition. It

FINANCE DIVISION:— contd.

further assured that matter would be taken up with Sui Northern Gas Pipelines Ltd., WAPDA etc; with the request that they should make out their bills rounded off to the nearest rupee.

3. Thus, as a result of my intervention fruitful results have been achieved and a wrong practice has been remedied.

*Also see case No. Reg.I/1566/83 relating to WAPDA.

Case No. Reg.II/33/83

*Delay in Payment of First Instalment
of House Building Loan.*

The complainant, a borrower of house building loan, alleged delay of more than 2 years in the payment of first instalment cheque of Rs. 20,000/- It was stated that the complainant's loan application for Rs. 60,000/- for construction of the house was accepted in 1981, by the House Building Finance Corporation (HBFC), but no release of loan amount was made.

2. The HBFC was asked to meet the allegation of delay in payment of first instalment cheque. In their comments, the agency stated that the complainant had not raised the plinth of his house, which was a pre-condition for the release of first instalment. The time limit for raising the plinth was twice extended upto 31st May, 1982 and then upto 30th September, 1982. As a special case the complainant was given another extension for completing the post-sanction formalities by 30th September, 1983. The complainant completed the plinth as per site inspection report of August, 1983 and the HBFC had delivered the first instalment of cheque of Rs. 20,000/- in September, 1983.

3. I decided not to go into the counter allegations of non-completion of post sanction formalities by the complainant, which was attributed as the cause of delay in the payment of first instalment of house building loan. The reply of the agency was, therefore, accepted, as the complainant was afforded relief in the form of payment of first instalment of the house building loan of Rs. 20,000/-

Case No. Reg.II/44/83

*Delay in payment of Loan Instalment
and Allegation of Corruption.*

The complainant had applied for House Building Loan for construction of his house at Sargodha. He alleged that Rs. 1000/- was extorted as illegal gratification by a head clerk of the House Building Finance Corporation, Sargodha, for diarising his loan application. Further, the clerk demanded additional Rs. 2000/- for payment of first instalment cheque, after the acceptance of loan application by the H.B.F.C. The complainant refused to pay the amount with the result that he was not paid the first instalment cheque of Rs. 18,000/-

FINANCE DIVISION:— contd.

2. The Agency was asked to meet the allegations of corruption and delay in payment of first instalment cheque, within a period of 30 days. The H.B.F.C., Karachi in their initial report submitted that an investigation had been initiated by one of the senior officers of the Corporation, on receipt of reference from my office. In the meanwhile the head clerk had been transferred from the Sargodha Branch of the H.B.F.C. The Agency subsequently informed that first instalment cheque of Rs. 18,000/- had been delivered to the complainant. Delay in the delivery of cheque, according to the Agency, was due to non-compliance of post-sanction formalities by the complainant. Specifically, the formality of the Assignment Deed which was required to be registered by the complainant before the Sub-Registrar, Sargodha had not been fulfilled.

3. The Agency also intimated that initial enquiry conducted by them had been finalised and as a consequence the head clerk had been charge sheeted and placed under suspension.

4. After examining the reply, and being satisfied of the action taken by the House Building Finance Corporation, I did not consider it appropriate to pursue the matter further, and decided to close the case, because the complainant has been paid the first instalment cheque of Rs. 18,000/- and the clerk, who had demanded illegal gratification had also been suspended and was being proceeded against by the Agency.

Case No. Reg.II/67/83

*Victimization by the officials of
the Income Tax Department.*

The complainant alleged that the decision of the Central Board of Revenue (CBR) in regard to tax payable by him was arbitrary and illegal. It was stated that the complainant had been victimised because of personal enmity with certain officials of the Income Tax Department as a consequence of which his income tax liability had been excessively assessed. It was also alleged that assessments for the year 1972-80 had been reopened with mala fide intentions. The complainant prayed for my intervention as he had been denied relief from almost all echelons of the Income Tax Department including the Commissioner Income Tax and Member Income Tax, CBR.

2. In response to my letter calling for the comments of the agency, it was stated that the re-assessments pertaining to the years 1972-80 were in accordance with law. These had been made after due consideration and scrutiny of the complainant's case by the concerned Income Tax Officer, when it transpired that the complainant had indulged in evasion of taxes and had defrauded the Government to the tune of crores of rupees and had acquired moveable, immoveable urban as well as rural properties through unknown and unproved sources. An appeal of the complainant against the impugned assessment order was pending before the

FINANCE DIVISION:— *contd.*

Commissioner of Income Tax (Appeal). The agency contended that since the case was pending before the Commissioner Appeals, the matter being subjudice, was outside the operational jurisdiction of the Wafaqi Mohtasib.

3. I examined the report of the agency and concluded that before a person or persons can be said to constitute a court, the following conditions must be satisfied:—

- "1. That such persons are entrusted with judicial functions i.e. of deciding litigated questions according to law;
2. That they derive their powers to decide such questions from the State;
3. That they exercise the judicial powers of the State;
4. That there is a plaintiff who complains to such persons of an injury done;
5. That there is a defendant who is called upon by such persons to make satisfaction for the injury done;
6. That they are empowered to pronounce a definitive judgement which is binding and authoritative;
7. That such persons are appointed by the Government and should receive payments for their services exclusively out of Government funds and they should not be liable to removal by any authority other than Government."

4. Keeping in view this fact, I concluded that the Commissioner Income Tax (Appeals) may at the most be regarded to be a quasi-judicial body or persona designata but certainly not a "court" within the connotation of the terms as used in paragraph (a) of proviso to clause (1) of Article 10 of P.O. 1 of 1983.

5. The Commissioner Income Tax (Appeals) being a functionary of the Central Board of Revenue and in that capacity deciding matters relating to assessment of income tax and thus acting in a way as judge in his own cause, was not embraced by the connotation of the term "court" in the legal sense.

6. The Commissioner Income Tax (Appeals) did not exercise judicial powers but was functioning as an administrative tribunal reviewing the determinations of the subordinate Income Tax authorities. Thus, admittedly, he was not a judicial authority. If a person is performing administrative duties, in respect of which it is necessary to bring to bear a judicial mind that is a mind to determine what is fair

FINANCE DIVISION:— *contd.*

and just in respect of matters under consideration, he does not become a court. It only establishes that such a body is following a standard of conduct, and is free from bias or interest. A right of appeal in itself does not establish the vesting of judicial power in the Commissioner Income Tax (Appeals).

7. Nevertheless I decided not to exercise my discretion in matters which were pending before appellate authorities for the reason that it would be appropriate that such appeals should be decided by the agency first before the complainants resort to me. I, therefore, rejected the case and informed the complainant accordingly.

Case No. Reg-II/166/83

Delay in the Release of Loan

The owner of a weaving factory filed a complaint that he was sanctioned a loan of Rs.4,05,000/- by the Industrial Development Bank of Pakistan (IDBP) but till date the first instalment had not been paid. He had offered a surety to the Bank which was assessed at Rs. 5,00,000/- but the agency revised its valuation and reassessed it at Rs. 3,00,000/-. On receiving this information, he furnished surety which was accepted by the Bank but payment of the loan was refused on the ground that the complainant had changed his business status from sole proprietorship to partnership. He was asked to dissolve the partnership and he immediately complied with this demand. The complainant prayed that the IDBP authorities be directed to release the loan as all the formalities required under rules had been fulfilled.

2. I called upon the agency to furnish their comments in this behalf. The agency in their report stated that a loan of Rs. 4,05,000/- was sanctioned in the name of the complainant as he was the sole proprietor of the weaving factory. In accordance with the terms of the agreement, the complainant was to furnish a surety acceptable to the Bank. It was contended that the complainant first proposed a surety which was assessed at Rs. 3,00,000/- and hence was rejected by the Bank. The complainant then proposed another surety which was accepted by the Bank, and the surety bond was sent for the complainant's signature which had, till date, not been returned. Thus an important condition for sanctioning of loan had yet to be fulfilled. I was further informed by the agency that this loan had been sanctioned to the complainant as a sole proprietor but he had violated the terms of the condition and formed a partnership. However, when the complainant was confronted with the version of the agency he stated that this partnership had been established through mala fide intentions and a fraud had been committed on him. He contended that he had now dissolved this partnership and was the sole proprietor. The Banking authorities referred the matter to their Legal Adviser who gave his opinion that since there was a material dispute between the complainant and his partners, the solution did not lie in the unilateral dissolution of partnership by the complainant. Instead, a declaration from the Court should be obtained to that effect.

FINANCE DIVISION:— contd.

3. I examined the report of the agency at length and after having gone through the additional evidence produced by the complainant, I came to the conclusion that there was no element of mal-administration on the part of the agency. The IDBP could not release the sanctioned loan in favour of the complainant until the legal formalities had been completed. I, therefore, rejected the complaint and informed the complainant accordingly.

Case No. Reg.II/185/82

Delay in Payment of Bills.

A retired Deputy Superintendent, Customs, addressed a complaint to my office alleging therein that the Collector, Central Excise and Land Customs, Quetta had withheld payment of his two bills one amounting to Rs.2681.70 on account of POL and the other to Rs.705.25 on account of repair of a vehicle. The bills had reportedly been sanctioned and encashed by the Superintendent, Customs (Preventive), Quetta. The issue was pending since June 1980 despite the fact that a number of reminders had been issued in this regard.

2. I entertained this complaint and took up the matter with the concerned Collector of Customs.

3. The Collector of Customs attributed the delay in the settlement of the account to retrenchment of the claim by the A.G.P.R. (Sub Office), Quetta, on the ground that whereas the claim related to the years 1978-79 it was submitted to them for sanction in August, 1981. As per procedure, the Customs Authorities obtained a non-payment certificate from the Audit Office. The Collector, finally informed me that payment had now been made to the complainant. The Collector further intimated that directions had been issued to all the offices working under the jurisdiction of his Collectorate to ensure that no claims should be left pending.

4. The petition was disposed of having borne fruit.

Case No. Reg.II/283/83

Refusal to pay interest on delayed payment of G.P. Fund.

The complainant, a retired government officer, alleged that he had been denied interest on balance payment of G.P. Fund dues which had been paid to him after six years of his retirement. The complainant retired from service on 16th December, 1975, and the outstanding balance of G.P. Fund dues was paid to him in December, 1982, but interest on this belated payment was allowed only upto June, 1976.

FINANCE DIVISION:— contd.

2. I took up the matter with the Accountant General Pakistan Revenues, Islamabad, and directed him to send a report in this case. In the reply, it was stated that the complainant retired from service on 16.12.1975, and final payment authority of Rs.13642/- was issued in his favour, allowing interest uptill June, 1976. The residual balance of Rs.4859/- was however paid on 15.11.1982 in which interest was allowed only upto June 1976, under Sub-Rule 4 of Rule 14 of the G.P. Fund Rules.

3. The relevant rule reads as follows:

"In addition to any amount to be paid under Rule 29, 30 or 31, interest thereon upto the end of the month preceding that in which the payment is made, shall be payable to the person to whom such amount is to be paid."

4. Thus the only condition for restricting payment of interest for 6 months, was that the subscriber himself did not apply for payment of G.P. Fund within 6 months from the date when the amount became payable. In this case this proviso was not attracted as the complainant applied for payment of G.P. Fund dues, well within six months of his date of retirement.

5. The AGPR was, therefore, directed to re-examine the case and inform this office of the results.

6. The AGPR after scrutinising the case reported to me that he fully agreed to my interpretation and had ordered for the release of interest uptill October, 1982. The complainant was accordingly paid an additional amount of Rs.5111/- on account of interest on the residual balance of Rs.4859/-.

7. Due to my intervention, the injustice meted out to the complainant on account of mal-administration by the agency, was rectified. I need not over-emphasise the need for greater care on the part of the AGPR to prevent causing hardship to the government employees by mis-interpreting the rules.

Case No. Reg 1/354/83

*Delay in payment of enhanced pension
of employees of Frontier Constabulary.*

The complainant, an ex-employee of Frontier Constabulary, complained to me that the enhancement in the rate of pension announced by the Government on 1.2.1977 had not been given effect by the Deputy Accountant General, Pakistan Revenues, Sub-Office, Peshawar in his case. It was alleged that despite having approached the Ministry of Interior, the CMLA Secretariat and all concerned authorities in this regard no relief had been provided.

FINANCE DIVISION:— *contd.*

2. I examined this complaint and came to the conclusion that this particular case came within my purview as the same involved a question of delay. Consequently, I asked the Ministry of Interior, under whom the Frontier Corps, NWFP, falls, to furnish a detailed report.

3. The Ministry of Interior, in their comments, stated that the Deputy Accountant General, Peshawar was pursuing the case for an early sanction of the additional staff required by him for the revision of pensions. The Interior Ministry further stated that the Deputy Accountant General, Peshawar, would issue the revised pension payment orders on the sanction of additional staff. Consequently, the delay in revision of pension was attributed to the paucity of staff available with the Deputy Accountant General, Peshawar and the approval of the Finance Division was sought for providing additional staff. I found it really unfortunate that the pensioners had been left exposed to the inflationary pressures and made to suffer on the plea of shortage of staff. The object of the Government to ameliorate the plight of the pensioners was being defeated. I, therefore, decided to write to the Ministry of Finance for a comprehensive report in this behalf emphasising that I was anxious to eradicate the evil of delay which had marred the efficiency of the administrative machinery and which was the main root cause of many grievances.

4. The Finance Division promptly intimated that they had issued instructions to the Deputy Accountant General, Peshawar to withdraw staff from regular work and put them on the revision of the pensions work. Meanwhile, it was further stated that they would immediately process the reference of additional staff.

5. A week later, the Ministry of Finance informed me that the complainant had been issued a revised pension payment order.

6. Meanwhile, I received another petition from the same petitioner praying that similar action may be taken in respect of other retired personnel of the Frontier Corps, NWFP, Peshawar. The matter was again taken up and the Ministry of Finance reported back:

"The AGPR Sub-Office, Peshawar has taken up the work of revision of pension with increased staff and hope to complete it by 21st May, 1984. Likewise the 4,500 cases of revision of pension pertaining to Frontier Constabulary, Baluchistan, will also be completed by that date by additional staff strength."

7. I am happy to report redressal of grievance in this case. I look forward to seeing a report about the successful completion of revision of pensions in the forthcoming year.

FINANCE DIVISION:— *contd.*

Case No. Reg.II/423/83

Delay in Settlement of Dues.

The complainant stated that his deceased father, an Ex-Deputy Superintendent, Customs, retired from service in 1979 and was sanctioned pension which he received till April, 1982. He expired in June, 1982 but before his death he was sanctioned a custom clearing agency at Islamabad Airport for which he had deposited security money of Rs.30,000/-. The agency was cancelled after the death of complainant's father. The complainant approached the Customs authorities for the transfer of the agency in his name but his request was rejected. The complainant further alleged that the TA/DA claim of his father was not being paid and the issue of payment of office rent, due to his father, was not being finalized.

2. I entertained this complaint and the comments of the Central Board of Revenue (CBR) were called. The CBR stated that the request of complainant for transfer of the clearing agency was turned down because the Licencing Board, after interviewing him, found that he lacked knowledge of Custom laws and procedures.

3. The agency further submitted that the issue of payment of office rent could not be finalized because the complainant had failed to produce the Certificates of Non-availability of Accommodation and Rent Reasonableness from P.W.D. which were a pre-requisite for the payment of office rent.

4. As regards TA/DA claim, all the claims submitted to the agency, were remitted to the complainant's father on 10.5.1981. Regarding the payment of security money the same was not paid back for want of a succession certificate.

5. The complainant was confronted with the reply of the CBR. He contended that he was never called by the Customs Department for interview. He further pointed out the succession certificate was not required for refund of security deposit as his mother was nominated by his father during his life time. He also contested the stand taken by the CBR regarding the payment of TA/DA claim.

6. In order to resolve the difference in the positions taken by the complainant and the Customs Department, summons were issued to both the parties. The Departmental representative and the complainant attended my office. They were confronted with each other, and after discussing the case in detail and examining the record of the Customs Department and also the documents produced by the complainant the following agreement was effectuated between the parties:

- (i) It was decided that the complainant should be granted another interview. On his request the 29th of January, 1984 was fixed as the date of interview;
- (ii) As regards the second issue i.e. the release of security money

FINANCE DIVISION — *contd.*

deposited for the clearing agency sanctioned in his father's name, since the petitioner had nominated his mother, it was agreed that the security money could be released in favour of the complainant's mother on furnishing the requisite documents;

- (iii) Regarding non-payment of office rent the complainant could not provide any proof that certificates of non-availability of Government accommodation and of reasonability of rent were furnished to the Customs Department. The complainant agreed to obtain and furnish the certificates so that the payment of dues could be made;
- (iv) As regards the allegation of AT/DA claim for July, 1976 to February, 1977, the same was not pressed.
- (v) With respect to the payment of TA claim for attending Court on 14.1.1980 and 23.1.1980, the complainant agreed to file a fresh claim in this regard with the Collector, Central Excise and Land Customs, Peshawar.

7. Having borne fruit, the complaint was disposed of.

Case No. Reg. II/457/83

*Refusal to Recognize the Institute of
Certified Public Accountants.*

The complainant, a student of the defunct Institute of Certified Public Accountants, complained that the qualifications he had obtained from the ICPA were not being recognised by the Institute of Chartered Accountants of Pakistan.

2. The complaint was referred to the Chairman, Corporate Law Authority, in his capacity as President of the Institute of Chartered Accountant of Pakistan, for a report.

3. In its reply, the Agency stated that the ICPA was given a provisional registration by the²Sind Board of Technical Education, and the said registration remained operative only for the year 1978. The Law Division, while giving advice on the matter, had stated that the Concurrent Legislative List includes curriculum, syllabus, planning, policy, centres of excellence and standards of education. In accordance with Article 142 clause (c) of the Constitution the Provincial Assembly and Parliament both have power to make laws with respect to matters in the Concurrent Legislative List, but since two Federal enactments already existed i.e. Chartered Accountant Ordinance 1961 and Cost and Management Accountant Act, 1966, which contained provisions regarding competence of persons entitled to be

FINANCE DIVISION :— *contd.*

members of the Institutes of Accountancy, the Provincial enactments if any, had to give way to the Federal enactment already existing on the subject.

4. The executive authority of a Province under Article 148 of the Constitution, it was submitted, cannot extend to a field in which the Federal Government has already stepped in and the executive authority of a Province shall have to be exercised so as to secure compliance of the Federal Laws which apply in the Province.

5. Accordingly, the provisional recognition accorded by the Sind Board of Technical Education to the ICPA was withdrawn. During the currency of the provisional recognition i.e., the period from 21.1.1978 to 31.12.1978, the Sind Board of Technical Education did not award any diploma or certificate, nor did it issue any endorsement.

6. In view of the very clear provision of law as to the supremacy of the Federal enactment on the subject, and also a statement of fact that no diploma or certificate was issued during the period in which the provisional recognition remained operative, I did not find any element of mal-administration in the complaint, which was accordingly rejected.

Case No. Reg. II/641/83

*Discrimination in Entitlement for
Grant of Loan.*

The complainant, a student of 4th year Architecture, National College of Arts, Lahore stated that the Pakistan Banking Council had instituted a scheme to give loan (Qarz-e-Hasanah) to the deserving students of Medical and Engineering Institutions. Although the National College of Arts was basically an Arts College, it had courses in the architectural engineering. The Department of Architecture, National College of Arts had in fact the same courses with the same duration as was being run by the Universities of Engineering. Its diploma was equivalent to B.Sc Architecture as approved by the University Grants Commission. Despite all these factors decision of the Pakistan Banking Council was to extend facility of loan to the deserving students of medical and engineering institutions and denying it to the students of Department of Architecture, National College of Arts, Lahore.

2. As the policy of Pakistan Banking College appeared discriminatory and inequitable the complaint was entertained and the Pakistan Banking Council asked to meet these allegations.

3. The agency conducted an enquiry through its Qarz-e-Hasanah Secretariat, Habib Bank Office at Lahore. The enquiry revealed that students pursuing five

FINANCE DIVISION :- contd.

years diploma course in Architecture at National College of Arts, Lahore were entitled to be treated at par with engineering students provided they fulfilled the criteria specified under the scheme.

4. The agency, thereafter changed its policy and declared the students of Diploma Course in Architecture at the National College of Arts, Lahore eligible for Qarz-e-Hasanah.

5. I was happy to note that as a result of a reference from my office the Pakistan Banking Council reviewed its policy and relief was provided to a large number of needy students.

Case No. Reg. II/773/83

Appeal for Vacation of House Hired by the UBL

The complainant, a Pakistani residing in U.K., stated that the United Bank Ltd. had not vacated his house although he had given a notice to this effect 7 months in advance. The complainant's house in Karachi was his only property in Pakistan, and he had informed the Bank of his intention to settle down in Karachi in January, 1984. Despite his repeated requests the Bank authorities had not acceded to his requests.

2. I entertained this complaint and took up the issue with the U.B.L. The Bank informed me that the premises were taken on lease for a period of three years vide an agreement of August, 1981. The Bank also paid advance rent for two years amounting to Rs. 72,000/-. Only after two months of its possession, the agency started receiving complaints from the wife of the complainant to vacate the premises. The complainant even approached the CMLA Secretariat, the Consulate of Pakistan, London Pakistan Banking Council and the Member of Parliament (House of Common), London. The Bank contended that neither the complainant was in need of house for personal use nor was he justified in asking for its vacation in view of the following:-

- i) Immediately after signing the Lease Agreement, the complainant started asking for vacation of the premises but if he had genuinely needed the accommodation there was no reason why he should have signed the Lease Agreement in the first place.
- ii) He had taken two years' advance rent immediately after signing the lease agreement which was used for completion of his incomplete first floor portion.
- iii) The first floor of the premises was already in his possession.

FINANCE DIVISION :— *contd.*

3. The agency however, stated that while ignoring the legal aspects it had advised the officer in occupation of the house to make alternate arrangements as soon as possible so that the house could be vacated.
4. I examined the case and concluded that there was no element of maladministration on the part of the agency. Hence the complaint was rejected.

Case No. Reg. II/774/83

*Vacation of House Hired by a
Government Agency.*

The complainant, land-lord of the building hired by the Central Excise and Land Customs Department, Karachi, alleged that he was neither being paid the outstanding rent, nor was his premises being vacated after the expiry of agreed period of tenancy on 30.6.1983.

2. The complainant stated that the Superintendent, Central Excise and Land Custom, (CE&LC), Karachi acquired tenancy of his building on monthly rent of Rs. 1503/- by agreement dated 27-7-80. After the expiry of the stipulated period the tenancy was extended for a further period of two years from 1-2-81 to 30-6-83. The complainant gave a notice to the agency for vacating the premises, as the building was required for the personal use of the complainant's son. Although the Collector, (CE&LC) had issued directions to the Superintendent to vacate the premises, the officer had, in total disregard of these directions, neither vacated the building nor paid the rent. It was pointed out that an alternate accommodation was also arranged to the satisfaction of the occupying officer but he had declined to vacate the premises. The complainant, therefore requested me to intervene for the immediate payment of his dues and the vacation of his premises.

3. As, prima facie, there was an element of mal-administration, I decided to entertain the complaint. The agency was asked to furnish comments on the aforesaid allegations.

3. As, prima facie, there was an element of mal-administration, I decided to entertain the complaint. The agency was asked to furnish comments on the aforesaid allegations.

4. The agency reported that the building in question was being used for the office of the Superintendent, (CE&LC) Karachi in accordance with the tenancy agreement executed with the complainant. It was admitted that the owner had served a notice requesting the vacation of the premises for personal use and in pursuance to it action was initiated by the Collector of Customs for locating a

FINANCE DIVISION:— *contd.*

suitable alternate accommodation. In fact, the Superintendent did locate a building but its owner later, refused to rent it out. Efforts were being made to find a suitable alternate accommodation at the earliest. However, it was contended that as the office of the Superintendent, (CE&LC) was engaged in public dealing and the vacation of the premises without a suitable alternate accommodation was not in the larger public interest. The Agency assured that efforts to find an alternate accommodation had been intensified and the building would be vacated as soon as an alternate suitable accommodation was found.

5. Regarding the payment of the outstanding dues the Customs authorities stated that they had sanctioned the same.

6. After examining the report of the agency I concluded that, being a public office, it was difficult for the Customs Department to vacate the premises without finding a suitable alternate accommodation. In the broader national interest the complainant was asked to extend maximum cooperation till such time the agency was in a position to arrange a suitable accommodation. The assurance of the Department satisfied the complainant and he was told that otherwise the relationship between the complainant and the Department being that of land-lord and tenant was governed by the Rent Restriction Ordinance and would require the adjudication of the competent authority under law.

7. The complainant was satisfied with my observations and hence this case was closed.

Case No. Reg. II/790/83

Refusal to pay Prize Money on Prize Bond.

The complainant contended that he purchased a 10 Rupees Prize Bond, twenty days before the draw, which was held on 15.2.1974. His bond was declared winner of the first prize of Rs. 20,000/-, but the State Bank of Pakistan refused to pay the amount of prize money on the plea that the bond had not been purchased one month prior to the draw of prizes.

2. The complaint was entertained and the agency submitted a report in the matter. After a perusal of the report and the relevant rules, it was observed that there was no mal-administration on the part of the agency because the rule of the Prize Bond Rules 1971 provided,

"In case of a bond which has been sold after the 14th of the month immediately preceeding the month of draw, and if it wins a prize, that prize will not be awarded."

3. Preferably the sale of Prize Bonds should have been stopped at the

FINANCE DIVISION:— contd.

counters of the State Bank of Pakistan/National Savings Centre after the 14th of the month immediately preceeding the month of draw. The Government absolved itself of the liability of any sale after the cut off date by clearly making such bonds ineligible for prize.

4. In view of the position explained above, I did not find any mal-administration in the case and rejected it.

Case No. Reg. 11/855/83

*Delay in Depositing the Amount Remitted
by an Overseas Pakistani.*

The complainant, an account holder in the Habib Bank Ltd, stated that his son remitted from Libya a sum of \$ 2191 in 1981. This amount was to be credited to his account. However, he alleged, that the amount had not been credited although a period of over two years had passed. He had written a number of letters to the concerned Bank authorities but all his efforts had proved futile.

2. As the allegation of inordinate delay was prima facie established, I entertained this complaint and the agency was called upon to meet the allegation. In their comments, the agency contended, that they had not received payment instructions of remittance from the remitting foreign bank in Libya. The matter was taken up with the remitting Bank for duplicate payment instructions and inspite of repeated reminders no positive result could be achieved.

3. On receiving a reference from my office, the Bank, which had received the amount but not the credit advice from the reimbursement Bank, made the payment of the equivalent amount of Rs. 28,952/- to the complainant.

4. The Habib Bank justified delay on the ground that it had not received payment instructions which were a pre-requisite for crediting money repatriated from abroad to the account of the beneficiary in Pakistan. I found this explanation, to some extent justified. However I can not help observing that our banks should try to evolve a more efficient system and establish better rapport with the foreign banks. There should be some better way of following up such cases.

As the grievance of the complainant was redressed to his entire satisfaction the case was disposed of having borne fruit.

FINANCE DIVISION :- *contd.*

Case No. Reg. II/884/83

Delay in the finalization of Pension.

The complainant reported delay in finalization of pension and other dues of his deceased brother who retired from the Government service in 1970. The pensioner was not satisfied with the quantum of pension and the recovery of certain amount shown against it. He therefore filed a suit in the High Court in 1970. The case was still pending before the Court when the pensioner breathed his last on 19-11-1976. In 1981 the High Court gave its decision in favour of deceased pensioner. But despite a lot of efforts, the agency failed to complete the documents of the complainant's brother and pay the widow the outstanding dues. Hence the present complaint.

2. I took up the matter with the agency who reported that finalization of pension papers of the deceased were initially delayed as the case was subjudice for eleven years (July 1970 to March 1981). The case had been subsequently delayed, because the record in respect of the petitioner was not available. On a reference from my office, the agency reconstructed the pension papers in light of the decision of the High Court. These were signed by the complainant and the A.G.P.R. issued the pension payment order on 28-12-83 in favour of the widow of the deceased government servant. The agency also stated that a Departmental inquiry had been initiated to fix responsibility for delay in the handling of this case.

3. I am satisfied, as a result of my investigations a twenty three years old grievance has been redressed. However, the need for streamlining procedure so as to prevent recurrence of such grievances is indeed too obvious to require any reiteration on my part.

HEALTH DIVISION

Case No. Reg. II/145/83

*Irregularities in the Appointment of
House Surgeons in J.P.M.C. Karachi.*

The complainant, a fresh medical graduate, alleged serious irregularities on the part of Jinnah Postgraduate Medical Centre (J.P.M.C.) Karachi in the appointment of House Surgeons. It was stated that 30 seats of House Surgeons reserved for the Federal quota had been illegally allocated by the agency to incompetent doctors who could have never been considered on 'open merit'. The complainant, though on the merit list, was deprived of a seat of his choice in the J.P.M.C.

2. I entertained the petition and asked the agency to meet the allegations contained in the complaint. In their comments, the agency reported that there were 30 seats of House Surgeons under the Federal quota in the J.P.M.C. which were meant for medical graduates qualifying from various Medical Colleges of

HEALTH DIVISION:— *contd.*

Pakistan, except Sind Medical College, (which had its separate quota). In June, 1983 the Federal Minister for Health declared that 10 seats of House Surgeons out of the 30 Federal seats would be reserved for appointment through the Health Ministry. This number was later increased to 12.

3. The report of the agency also indicated that the house jobs in J.P.M.C. were being filled up under a prescribed procedure. According to it department-wise vacancies of House Jobs are announced periodically, as the need arises, in the "Daily Order" of J.P.M.C. copies of which are distributed in all units of the agency. The last date of receipt of applications and date and time of the interview are also indicated simultaneously. On receipt of applications a list of all candidates showing the order of merit based on their M.B.B.S. marks is drawn up and put up on the notice board. Before the date of interviews objections or requests for corrections from the candidates, if any, are duly considered. On the day of interview, candidates are called in one by one in the order of merit to personally appear before the Board comprising the Director and a variable member from the heads of Clinical Units of J.P.M.C. The only purpose of the "interview" is to give the candidate a chance, to choose the clinical unit/speciality for his appointment out of those where vacancies still exist. The Board checks the credentials of the candidates and gives its decision. The "interview" itself does not carry any marks.

4. The complainant was selected as House Surgeon for the Department of Surgery on Merit against Federal quota for six months and he worked as a paid House Surgeon from 20.11.1982 to 19.5.1983. As the next selection was delayed the complainant was allowed to continue to work as honorary House Surgeon from 21.5.1983 to 31.7.1983.

5. In July-August 1983 26 Federal quota seats fell vacant. Ten seats were filled by candidates whose applications were recommended by the Federal Ministry of Health. Two seats of Ministry's quota were not filled. The complainant attempted to secure House Job in the Department of Medicine through the recommendation of the Health Division, but when he applied all seats in the Department of Medicine had been filled up. The complainant also met the Director General Health, when he visited J.P.M.C., and insisted that he should be posted in this particular Medical Unit. The D.G., Health recommended his case verbally but told him that he should wait for a few months till the job in the unit fell vacant. The remaining 14 seats of Federal quota were announced and filled on merit. The complainant was again one of the applicants for these seats. This time he gave his choice of Medical Unit-VI (Chest Medicine) and was selected. He joined the department of his choice on 1.8.1983 as paid House Physician. The Chest Medicine Department was never forcibly "given" to the complainant. In the interview the complainant was called first of all the candidates and he had to choose one of the department out of those in which vacancies existed. He chose Chest Medicine (Unit-IV).

6. The agency added that in Federal quota some seats have been reserved

HEALTH DIVISION:— *contd.*

with due consideration for the medical graduate of under-developed areas who may be well motivated to serve their region but do not have high marks. This can hardly be called misuse of powers.

7. After going through the report of the agency, I found no mal-administration on the part of the agency. I concluded that nominations and reservations of seats had been made in accordance with rules, and hence I rejected the complaint.

Case No. Reg. II/240/83

Ban on the sale of Hazardous Drug.

In a letter published in the Column "Letters to the Editor", of Dawn of 25th August, 1983, the author invited the attention to the use of a hazardous drug and the clandestine methods being employed by its manufacturers for its sale. It was stated that clioquinol which was the generic name of the drug was being sold in the open market under different brand names, viz., Mexaform, Entox, Dependal, Entrovioform etc. The author pointed out that clioquinol had caused acute Myelo-Optico Neuropathy (SMON) which was a condition where continuous pain, paralysis, blindness and even death had occurred in numerous cases. It was contended that as a result of research studies, this medicine had been banned in a number of developed countries of the world. For un-known reasons this drug was being continuously used in one form or the other in Third World countries, particularly Pakistan, where regulations governing the efficacy of these drugs were rudimentary in nature.

2. Taking cognizance of the matter, as it involved public interest at large, I called upon the Federal Ministry of Health to send a comprehensive report to me. This action was initiated, in exercise of the powers vested in me, under Article 9 (1) of the Order, which enables me to take "suo moto" cognizance.

3. The agency in their report stated that the toxic effects of Clioquinol brought out in the letter were thoroughly examined and extensively discussed by the Registration Board constituted under the Drugs Act, 1976. In spite of the fact that no significant incidence of adverse effects of this drug was reported by medical practitioners in our country, it was de-registered in view of better substitutes which are available in the market. I was further informed that the sale of the in process stocks has been allowed only upto February, 1984.

4. On the face of it, when no significant incidents of adverse effects of the drug had come into light, the decision to de-register the drugs seemed arbitrary and unjustified. Accordingly, I summoned the representative of the agency who supplied the reports of World Health Organisation and of the Indian Government confirming the withdrawal of clioquinol/iodochlorhydroxy-quinoline by several

HEALTH DIVISION:— *contd.*

countries. It was stated that in France the use of Clioquinol compound, previously under prescription control, has now been placed under Schedule A of the Poisonous Substances Regulations on the advice of the Technical Drug Monitoring Commission. Therefore, prescriptions cannot be filled and pharmacists must maintain records of all sales. From the Japanese markets too, the drug has been withdrawn. It has been confirmed that the use of Clioquinol is associated with severe neurological sequelae; moreover, the efficacy of this drug has not been documented in controlled trials. It is now being observed as a rule, that this drug should never be used in the treatment of acute diarrhoea.

5. The representative of the agency further stated that though in Pakistan, adverse effects of Clioquinol have not been brought to light, yet in view of the reports of the World Health Organisation and other countries, it was necessary that the use of this drug is banned and its stocks are removed from the market. It was thus found necessary to de-register the drug.

6. I issued directions to the agency that it must be ensured that all products, containing Clioquinol are withdrawn from the market and the sale of these drugs is banned completely, irrespective of any stocks with Chemists and Drugists. I further directed that the decision to ban the sale of Clioquinol products, should also be given a wide publicity.

Case No. Reg. II/315/83

Imparting Training in "Hikmat".

The complainant, the President of the Alami Tehrik-e-Tib, Association, felt aggrieved by the Health Division for inattention to education in 'Hikmat'.

2. The complainant stated that the agency had patronised the Unani system, Homoeopathic system and the Allopathic system of medicine whereas no arrangements were made for imparting training in Hikmat which was the Islamic system of medicine. According to him the Unani, Ayurvedic and Homeopathic systems of medicine had their origin in the holy books of their respective religions, while 'Hikmat' had its source in the Holy Quran. He alleged that there was an essential difference between the nomenclatures of 'Hakim' and 'Tabib'. The word 'Hakim' is used for the Islamic system of medicine having its source in the Holy Quran while the word 'Tabib' is used for the system of medicines based on Unani and Ayurvedic system of medicines. It was contended that the Unani, Ayurvedic and Homoeopathic Practitioners Act, 1965, did not cater for the needs of the 'Hakim'. He prayed that an Ordinance be promulgated and all the 'Hakims' should be registered, and that the members of National Council of Tib may be asked to desist from writing 'Hakim' on their 'Mutba' (clinics).

HEALTH DIVISION:— contd.

3. I entertained the petition and called upon the agency to submit a detailed report in this regard. The agency reported that in order to regulate education and research and to provide for the registration of indigenous system of medicines viz Unani (Tibb or Hikmat, with whatever name it may be called), Homoeopathic and Ayurvedic systems of medicine, the Government of Pakistan had enacted the Unani, Ayurvedic and Homoeopathic Practitioners Act, 1965. This act is still under operation. On the recommendation of the National Council of Tibb, the Health Division had so far recognised ten teaching institutions in Pakistan which were imparting education/training to the students of Unani system of medicine, in accordance with the syllabus approved both by the National Council for Tibb and the Health Division. On the directive of the President arrangements have been made for providing one Tibbia College for boys in the provinces of NWFP and Baluchistan and one for girls at Lahore. The agency further reported that Federal Shariat Court had examined the Act of 1965 and cleared it, after determining that no provision of this Act was repugnant to the injunctions of Islam, as laid down in Holy Quran and Sunnah.

4. I examined the report of the agency and found no element of mal-administration on the part of the Health Division in this case.

Case No. Reg. II/530/83

*Negligence and inefficiency of a Surgeon of
Central Government Polyclinic, Islamabad.*

The complainant, a Federal Government Officer alleged negligence and incompetence on the part of some surgeons of the Central Government Polyclinic, (CGP), Islamabad, which rendered him impotent for life. It was stated that three years ago, the complainant consulted an Associate Surgeon of C.G.P. who diagnosed his malady as carcinoma, necessitating colostomy (re-routing of faecal passage) by a surgical operation. The Associate Surgeon it was alleged, made it clear that though colostomy would be permanent in nature, it would not create any other complication or physical defect. However on the request of the complainant, the Associate Surgeon referred him to a Senior Surgeon in the Central Government Hospital (CGH) Rawalpindi who diagnosed it as an ulcer in the ant-wall. The C.G.H. Surgeon explained to the complainant clearly, by the help of a diagram, that there was no need of colostomy and the defective parts could be removed by minor surgery. On this the complainant informed the C.G.P.C. Surgeon about the experts' opinion and it was agreed that the operation would be performed accordingly. After the operation, the complainant found that he had not been operated as per advice of the second experts' opinion. In fact, his faecal passage had been altered and he had become impotent. For the next two years the C.G.P.C. Surgeon, kept on assuring him that his potency would revive with the passage of time. However, the complainant's condition did not improve and a

HEALTH DIVISION:— *contd.*

Medical Board was constituted to determine whether he should be sent abroad for further treatment. It was alleged that one of the members of the Board, who had assisted in the operation, admitted that it was a mistake to operate the complainant for colostomy. The complainant, therefore, prayed that because of the incompetence of "knife-happy" doctors, he should be compensated to the extent of two million rupees.

2. Since the complainant raised allegations of gross negligence and deliberate concealment of facts, I summoned both the parties in my office. The complainant reiterated his assertions made in the complaint. The C.G.P.C Surgeon, stated that the complainant was suffering from cancer and the biopsy confirmed this diagnosis. It was on the request of the complainant, that he was referred to a Surgeon in the C.G.H. Rawalpindi. The latter confirmed the diagnosis and the complainant was fully explained the disease, but the extent and nature of operation could not be ascertained unless the abdomen was opened. In cases of cancer, the extent of portion to be removed could only be determined after opening of the abdomen. The complainant was, categorically told that in case it was found that cancer was largely spread, its excision would not be possible. The only course was then to perform palliative surgery in the form of permanent colostomy. The complainant was given ample time to consider its implications, who finally agreed to the operation. During the course of the operation when the complainant's abdomen was opened it was found that colostomy was imperative. It was contended that the rate of mortality in this type of operations was quite common, but, fortunately, for the complainant, post operative recovery was uneventful. The Surgeon categorically stated that in cases of colostomy no impotency occurs. The complainant had never complained to him about the loss of manhood.

3. Another Associate Surgeon, who had assisted in the operation and was also a member of the Board, constituted by the Health Division to determine whether the patient should be sent abroad for treatment, denied the contention that he had stated that there was some lapse in the operation.

4. The Senior Surgeon of the C.G.H. who gave his expert opinion, stated before me that it was a case of cancer. Doctors, he added, do not normally write the word "Cancer" or "carcinoma" so as not to upset the patients.

5. In his rejoinder, the complainant claimed that Associate Surgeon of C.G.P. had mis-stated the facts and that the Senior Surgeon of C.G.H. had tried to protect the fellow doctors.

6. In the light of my investigations, I concluded that the complainant's main reliance was on the expert opinion of the Senior Surgeon of C.G.H. who had refuted the claim in totality. There was a unanimity of opinion that the complainant was suffering from cancer, a fact which was also accepted by the complainant. I found no negligence on the part of doctors in diagnosing the disease or in performing the operation. I therefore rejected the complaint.

INFORMATION AND BROADCASTING DIVISION

Case No. Reg. I/693/83

An appeal on Compassionate Ground.

This complaint was of a unique nature in the sense that the complainant was not agitating a legal right or seeking an administrative remedy but he came up with a grievance which needed compassionate handling of the entire matter.

2. It was stated that the complainant was suffering from a physical disability and that was the reason he had been denied a job by the Pakistan Broadcasting Corporation. The complainant stated that he was a law graduate and had also done his Masters in Punjabi Language in the first division. He had also qualified a diploma course in the Institute of Higher Studies in Shariat and Judiciary. He tried to look for a job but had been un-successful in all his attempts. On numerous occasions he had drawn the attention of the employers to the directives of the President of Pakistan that special quota had been fixed for the disabled persons. In November, 1982 he applied for a post of a Producer in Radio Pakistan; he appeared for the written test and was finally interviewed by a high level Board. It was stated that the academic qualifications for this post included proficiency in a regional language, in which he excelled by virtue of having done his Masters in Punjabi in the first division. However, he did not receive any offer for appointment. In the same year, certain more post of Producers were advertised, but by that time he was over age and hence could not apply. The complainant narrated his entire story in a daily newspaper. A few days later the officials of Radio Pakistan came to his residence to check up if he was really disabled. Since then he had heard nothing from any quarter. The complainant earnestly prayed for my intervention in this matter as he felt that he was being subjected to discrimination being physically handicapped.

3. I examined this complaint at length and concluded that the peculiar circumstances of this case warranted my cognizance as prima facie some injustice appeared to have been done. I, therefore, called upon the agency to sympathetically examine the case keeping in view the fact that the President of Pakistan had underlined the need for encouraging such physically handicapped people who were academically sound.

4. It was a matter of immense satisfaction for me that on my reference, the agency reacted favourably and issued a letter of appointment to the complainant. Thus ended the travail of the complainant to which there was otherwise no legal or administrative remedy. The human spirit exhibited by the agency could not go un-noticed by me, and therefore, I issued a letter of appreciation to the agency on their positive approach.

Case No. Reg. I/1571/83

*Delay in the Approval of Declaration of
Newspaper.*

This complaint concerned delay on the part of the agency in according

INFORMATION AND BROADCASTING DIVISION:— *contd.*

approval to an application for the grant of declaration of a newspaper. The complainant contended that she was desirous of bringing out a periodical newspaper devoted to the moral improvement of society and the propagation of Islamic principles of civic behaviour. With this intent, she filed a declaration in April, 1978 with the District Magistrate Karachi under the Press and Publications Ordinance. For a number of years there was no response to her application, till she came to know through her own efforts, that in February, 1983 the Government of Sind had sent her case for final approval to the Federal Ministry of Information in Islamabad. She travelled to Islamabad and met certain officials in the Ministry who assured her of their cooperation. After many months she received an intimation that the name proposed by her was already borne by a newspaper in the Punjab and that she should suggest a new name. She immediately complied with these directions. After expiry of another six months, having been denied relief by the agency, she sought my intervention for the expeditious disposal of her application.

2. I took up the matter with the Ministry of Information. In its report the Agency stated that the matter was under their constant consideration and the decision would be duly communicated. On receiving this evasive reply, I suspected that the Ministry had caused an inordinate delay in deciding this case. I, therefore, issued a directive to the agency to dispose of this case within one month positively. Soon afterwards I was intimated that the Ministry had taken the decision within the stipulated time and the concerned officials had been advised to grant the declaration of the proposed newspaper to the complainant. I was happy to have redressed the grievance of the complainant for which she had been struggling for over five years.

INDUSTRIES DIVISION

Case No. Reg. I/109/83

Nonpayment of Compensation for Nationalised Industrial Units.

This complaint stemmed from the decision of the agency to withhold payment of compensation with regard to the complainant's industrial units which had been taken over by the Government.

2. The facts of the case were that three vegetable ghee units belonging to the complainant were nationalized, in 1973 but till date neither minimum-return nor compensation was paid to some of the shareholders. It was alleged that the duly audited accounts were interfered with by the agency, reversing certain entries, only to adversely affect the value of owners share and to do away with fixed return payable on capital held by the owners till the date of takeover of their industries. Repeated protests against the delay in the payment of compensation remained fruitless and so was the case of unjustified reversal of certain entries in the book of accounts. The complainant, failing to get any redress from the concerned authority, filed writ petitions in the Sind High Court, which were still pending. The Ghee Corporation of Pakistan and the Ministry of Industries chose to settle these

INDUSTRIES DIVISION:— contd.

issues out of the Court and several meetings were held in this regard between the parties. On 16.11.82 it was finally decided that:

"The GCP and ex-owners will meet to arrive at a compromise failing which the matter will be referred to the Ministry for appointment of sole Arbitrator acceptable to both the parties for giving his award on all the disputed points. It was agreed that Arbitrator's award shall be final and binding on both the parties and shall not be questioned in any Court of Law or before any other Authority by either of the parties."

However, no compromise could be arrived at and hence the complainant prayed for my intervention. The question whether there was an element of maladministration in the refusal of the agency to appoint a Sole Arbitrator, however, could not be looked into by me as the matter was subjudice. In view of this I declined to look further in this case.

Case No. Reg. I/417/83

Delay in the payment of Arrears.

This complaint stemmed from alleged maladministration on the part of Utility Stores Corporation in delaying payment of dues to the complainant. The facts in this case were that the complainant had resigned from service in December, 1980. Eversince then he had tried to get his dues and a clearance certificate from the agency but all his efforts proved futile. It was the inattention of the agency which led to this complaint.

2. I took up the matter with the Utility Stores Corporation who responded promptly and in their report, informed me that a cheque of Rs. 1,639.70 on account of encashment of 86 days unavailed earned leave had been issued to the complainant. As regards issuance of clearance certificate it was stated that a Service Certificate had now been issued to the complainant in lieu of a clearance certificate, as service rules of the agency did not provide for the issuance of clearance certificate. The complaint was thus disposed of after redressal of grievance outstanding for three years.

Case No. Reg. I/327/83

*Refusal of Permission to Enhance
Production Capacity of a Ghee Unit.*

The complainant, owner of a ghee mill, were aggrieved by the refusal of the Ministry of Industries in granting permission for enhancing production capacity of their unit.

INDUSTRIES DIVISION:— *contd.*

2. As elaborated by the complainants they installed a ghee mills with a sanctioned production capacity of 30 tons daily. In view of the increasing popularity of their product, they requested for enhancement of production capacity to 100 tons of ghee daily. The complainants alleged that since 1982 they were trying to get permission of the Ministry for the required enhancement in the Production capacity. For this purpose they had tried all channels and had been writing to and visiting various government offices but no progress had been made. The complainants stated that they have invested a lot of money in their ghee mills and their product was in great demand but they were not getting the necessary permission to enhance their production capacity and the case was pending decision with the concerned authorities for more than a year.

3. I entertained the complaint and called upon the agency to meet the allegations levelled in the complaint. Their report revealed that the complainants were given a sanction for 9,000 tons a year. In 1982, they informed the Ministry that they had started producing ghee at the rate of 15,000 tons and submitted an application for enhancement of the capacity to 30,000 tons a year. This action towards expansion without the prior approval of the Ministry was in violation of the limit sanctioned by the Govt. It was further submitted that an assessment of the capacity of the complainant's plant was made through the Government of the Punjab who assessed it at 15,300 tons a year. Since no further capacity of vegetable ghee had been allocated by the Economic Co-ordination Committee (E.C.C.) of the Cabinet, the petitioner was informed that his request for enhancement of the capacity had been noted and would be given due consideration as and when a policy decision was taken by the Government in connection with the sanction of additional capacity of vegetable ghee to the private sector. It was added that on a subsequent request of the petitioner for allowing and adhoc licence for import of oil in excess of their sanctioned capacity, the Ministry had replied back that according to the current Import Policy, vegetable ghee units were allowed to import oil to the extent of their sanctioned capacity only and as such no exception could be made.

4. The Ministry also informed that the case of the complainant alongwith other such cases would be considered by the E.C.C. in their next meeting. The Ministry was asked to inform this Secretariat as soon as a decision was taken by the Committee. The agency accordingly informed me that the proposal of the complainant for enhancement of their production capacity was considered by the E.C.C. in its meeting held on 26.12.83. It was decided, keeping in view the well-defined policy of the Government, not to accede to any request for enhancement.

5. I found no mal-administration in this case and therefore closed the matter.

INTERIOR DIVISION

Case No. Reg.1/33/83

*Inaction Resulting in Denial
of a Plot for Twenty Two Years.*

The complainant alleged inaction on the part of the Capital Development Authority (CDA) in the allotment of an alternative plot in lieu of the plot allotted to him by the District Allotment Committee Rawalpindi in the year 1961, as a low-paid employee of the GHQ. It was alleged that the petitioner was informed in 1963 not to undertake construction of house on the site, till further orders, as CDA was considering to expand the I.J. Principal Road and his plot would required for that purpose.

2. The complainant approached the Ministry of Defence who referred the matter to the Secretary, Housing, Physical Planning & Works Islamabad. In reply, the CDA wrote to the complainant that:-

"As far as CDA is concerned they are following a policy approved by the Government regarding allotment of plots to persons whose lands have been acquired by the CDA. Since the land on which the plots were situated was not owned by the above mentioned persons, but by the Government of the Punjab, it is not possible to consider their cases alongwith other affectees of Islamabad. Since there are no plots available for allotment to general public, at present, it is not also possible to accommodate them from any other source".

3. He again approached various Government Agencies. After running from one to the other he received a letter from the Secretary, District Housing Committee, Rawalpindi directing him to approach CDA for the allotment of alternative plot as it was a project of CDA. In compliance, he pursued his case with CDA once again but no response was received.

4. I entertained this complaint and took up the matter with the CDA. As a consequence of it, the agency allotted a plot in the complainant's name.

5. I am glad at the happy out-come. But it is really unfortunate that a person had to wait for twenty two years for getting relief. Better co-ordination among the Govern ment agencies and greater sensitivity to the problems of people would have terminated the travail of the complainant a long time ago.

Case No. Reg.1/216/83

*Delay in payment of Rs. 650/- as repair
charges of official vehicle.*

The complainant alleged delay in the payment of bill with regard to the

INTERIOR DIVISION:— *contd.*

repair of a Capital Development Authority's (CDA) Jeep, which had been carried out by him in 1976.

2. The complainant stated that a CDA Jeep was repaired by him six years ago and a sum of Rs. 650/- was still outstanding against the agency. This jeep had been sent to him by an Officer of the agency in 1976 alongwith a chit bearing his signatures. However, he was not sent any work order in this connection. The complainant addressed many letters to the agency for issuing work order and making payment. At a later stage he was advised to appear before the Chief Complaint Officer of the agency who recommended his case for payment of bills. However, even this did not also result in any positive response from the agency, hence the complaint to me.

3. I entertained the petition and called upon the agency to meet the allegations made by the complainant. On my reference the agency promptly made the complete payment.

4. It was a clear case of inaction on the part of the agency for having withheld payment for six long years. I, therefore, addressed a letter to the agency to ensure that greater care and vigilance is exercised in such matters in future.

Case No. Reg. I/1057/83

Delay of a decade in the payment of salary.

This complaint stemmed from the in-action of the agency in the finalization of complainant's salary for the period January, 1974 — January, 1975.

2. The complainant stated that he was employed by the Pakistan Narcotics Control Board (PNCB) for one year from January 1974 to January 1975 as a Field Investigation Officer. However, no salary had been paid to him despite a number of requests and personal visits to the agency during the last 8/9 years. The complainant requested me to intervene in the matter so that an early payment of his salary and other allowances could be arranged.

3. I entertained the petition and called upon the agency to offer their comments in this regard. In their report, the agency stated that the complainant was appointed as a Field Investigation Officer in NPS 11 after he had retired from the Police. He was re-employed for one year by the PNCB in the same grade with the approval of the Establishment Division. The complainant, at the time of his retirement, was drawing Rs. 500/- p.m as his basic pay but the AGPR, NWFP fixed his pension at the rate of Rs. 188/28 per month which was wrong and therefore, the complainant did not receive his salary. His case of finalization of pay was referred to AGPR, Islamabad after the department had fixed his pay at Rs. 248/-

INTERIOR DIVISION:— *contd.*

P.M. This was not accepted by AGPR and it fixed the petitioner's salary at Rs. 23/84 P.M.

4. On a subsequent request by the complainant regarding fixation of his pay the matter was again referred to AGPR by the agency who were advised to take up the matter with the Regulations Wing of the Ministry of Finance. Since then the matter had been shuffling between the Ministry of Interior and the Ministry of Finance.

5. I directed the AGPR to finalize the case without further delay. It was intimated to me in a week's time that the pay of the complainant had been fixed and that he had been paid accordingly. Thus a long outstanding grievance was redressed due to my intervention.

Case No. Reg. /208/83

*Request of Registration of Case against
Islamabad police.*

Some residents of a village in Islamabad alongwith an injured minor boy appeared before me and filed a complaint alleging that two persons and an eight year boy were injured by reckless police firing.

2. It was stated that there was a row between the drivers of two transporters which led to a scuffle. The same evening one of the transporters accompanied by his supporters blocked the road and forcibly stopped the bus driven by the driver of another transport company. This resulted in the registration of a criminal case against the transporters who had taken law in their own hands. A police raid was thereupon arranged to arrest the accused. The police party visited the spot in the early hours of the morning and after breaking into the house of the complainant fired eight rounds which caused bullet injuries to three persons including the minor boy. It was alleged that the Deputy Commissioner and Superintendent of Police, Islamabad were approached for registration of case against the police officials but to no avail.

3. I entertained this complaint and directed the police authorities to furnish comments and relevant documents. The police version was found quite different from that of the complainants. In the FIR, it had been stated that the accused resisted their arrest and fired at the police and that their womenfolk including the minor boy, had stoned the police.

4. I deputed a senior officer to discreetly enquire into the matter. The police record was examined and it revealed that the two injured persons had received bullet injuries on their legs and arms. It was also indicated that no proof was available with regard to allegation that the accused had resorted to firing at the

INTERIOR DIVISION:— contd.

police before the latter opened fire. The investigation officer had also opined that the SHO would be obliged to justify and substantiate by producing ocular evidence before the court, whether the police party was placed in a position to justify resort to firing in self-defence. It was a clear case which required further probe on the point whether or not the police had exceeded their right of self-defence. From the allegations made by the complainant, prima facie, a cognizable offence was made out.

5. Later the complainants alongwith the respectables of the area appeared before me and stated that the matter had been compromised and he wanted to withdraw his complaint. In view of this, I decided not to probe the matter further. But the fact that two persons received bullet injuries and that the police had not properly enquired into the case necessitating firing, could not be ignored. I, therefore, directed that a case under section 173 CrPC may be registered against the concerned police officers for causing injuries so that the court may adjudicate on the question of right of self-defence and also whether or not they have exceeded such right.

KASHMIR AFFAIRS & NORTHERN AFFAIRS DIVISION

Case No. Reg. II/108/83

*Insufficient compensation for
claim Units of Azad Jammu and
Kashmir Refugees.*

A refugee of Jammu and Kashmir lodged a complaint regarding insufficient compensation for claim units of Azad Jammu and Kashmir refugees. The complainant requested that the existing price per unit at the rate of Rs. 10/- may be increased to Rs. 100/- per unit, which had already been agreed upon by the agency. It was also requested by the complainant that A.J.K. refugees be allotted agricultural land in lieu of verified claims.

2. I entertained the complaint and referred it to the agency concerned for report. The agency reported that the demand for grant of cash compensation in satisfaction of verified claims of Jammu and Kashmir Refugees pertained to the Board of Revenue, Punjab, Lahore. Since the B.O.R. Punjab was working independently of the agency they could not comment upon it. As regards the allotment of agricultural land in satisfaction of verified claims, the agency informed that the matter was under their due consideration and legal advice had been sought from the Law Division. As soon as the advice was received, they would report back to me the factual position of the case.

3. Since the matter of cash compensation did not pertain to a federal agency

KASHMIR AND NORTHERN AFFAIRS DIVISION:— *contd.*

it could not be processed further, as provincial subjects were outside my jurisdiction. I nevertheless asked the agency to expedite the question of allotment of agricultural land through personal contact with the Law Division. The agency informed that the Ministry of Law and Parliamentary Affairs had tendered advice on their reference and had informed them that the J&K (Administration of Property) Ordinance 1961, did not provide for allotment of property to the refugees against their verified claims. The agency was, therefore, not in a position to entertain the petition of the complainant.

4. As a result of my investigation, I concluded that there was no element of maladministration on the part of the agency. The request of the petitioner could not be acceded to as it was not possible to do so under the existing law. I rejected the petition and informed the complainant accordingly.

Case No. Reg. II/984/83

Grant of Permanent Ownership Rights of the Evacuee Trust Property.

A complaint was received from a number of Jammu and Kashmir Refugees, demanding permanent ownership rights of Evacuee Trust Property which was allotted to them and was under their occupation. This was a long outstanding issue and had been under reference to various Ministries/Divisions for many years.

2. The complainants stated that they migrated from occupied Jammu and Kashmir in 1947. They were temporarily allotted urban and rural agricultural land in 1959, some of which was Trust land. The allottees of urban and rural land were given proprietary rights but the allottees of Evacuee Trust land were not given the proprietary rights despite the fact that a decision was taken in 1961, to entrust the allottees with ownership rights at the earliest.

3. I entertained the petition and called upon the agency to meet the allegations contained therein. The agency intimated that grant of proprietary rights on temporary allotment of Evacuee Trust agricultural land was allocated to another agency under Evacuee Trust Property Management and Disposal Act, 1975 and therefore, they referred the case to that agency.

4. The agency concerned reported that the Rules did not permit the transfer of Evacuee Trust land to Jammu and Kashmir Refugees. The agency, therefore, placed the matter before the Cabinet. The Cabinet in its meeting held on 4-12-1983 decided that the proprietary rights over the evacuee trust agricultural lands in the possession of J&K Refugees be transferred to the genuine allottees (J&K Refugees). The decision of the Cabinet has already been communicated by the agency to the Evacuee Trust Property Board, Lahore for implementation.

5. I am happy to note that this long standing issue has been finally resolved.

PRODUCTION DIVISION

Case No. Reg. I/41/83

*Delay of the Agency in Release of
payment of Works Completed by the Complainant.*

It was complained that the petitioner was the Managing Partner of a registered firm of civil contractors. It was stated that the complainant's firm had taken several contracts from M/S Zeal Pak. Cement Factory Hyderabad, under separate agreements, on different dates and for different valuations. One of the five contracts entered into in the year 1968-69 became disputed after 11 months of its completion. The dispute was referred by the consent of both the parties to a sole Arbitrator at the instance of the General Manager, Zeal Pak. Cement Factory. The Arbitrator gave his award in 1973 whereby he ordered release of the security deposit and further payment of the bill and an additional lump sum payment of Rs. 1600/-. In his award, the Arbitrator had also remarked that the defects in work were attributable to the failure on the part of the agency to provide complete documents and specification. After the announcement of this award, the complainant approached the agency for release of payment in respect of the four undisputed works relating to different agreements, but the agency withheld its payment with some ulterior motives. It was further contended that the amount of the payment due to the complainant was Rs. 148412/- and the agency had admitted that the work covered by these contracts had been completed satisfactorily.

2. The complainant, on having refused payment of the aforementioned amount approached the DMLA Hyderabad. The case was examined by the Martial Law Authorities who directed the agency to make payment in respect of the four undisputed works. Despite this directive the agency did not pay the payment.

3. I entertained this petition and called upon the Ministry of Production to meet the allegations contained therein. In their comments the agency stated inter-alia;

"It will not be appropriate for the factory to release th balance of Rs. 1,48,412.00 to the contractors on account of 4 contracts because against the 5th disputed contract it had already paid an amount of Rs. 173,744.71 against running bills which is recoverable from the contractor on account of non-fulfilment of contractual obligations".

4. The agency further contended,

"The Managing Director, Zeal Pak. Cement Factory Ltd. has informed this Ministry that the payment to the contractor was withheld in accordance with clause 10 of general conditions of the contract dated 11.7.1968".

PRODUCTION DIVISION:— *contd.*

5. I examined the whole case and observed that clause 10 of the contract did not apply to withholding the amount in question. It only provided that;

"In the event of failure of the contractor to execute any type of work within the stipulated time he shall be liable and is to pay to the Company as Liquidated damages the sum of Rs. 70/- (seventy) for every day such item of the work remains uncompleted after the date fixed for completion after the date fixed for completion or any extended time as may be fixed by the Engineer or the Company. The Company will be entitled to deduct the amount of such damages from any money on its hands due to or which may become due to the Contractor".

6. In order to resolve the issue both the parties were summoned by me. During the course of hearing the representative of the agency agreed that payment in respect of the four undisputed contracts shall be paid within 40 days provided the complainant resubmits the claims in respect of these contracts within 10 days.

7. It was mutually agreed by the parties that proper assurance would be given by the complainant's firm to the agency that the work in respect of the fifth disputed contract shall be satisfactorily completed and in the other cases, if any fault occurs, the matter would be settled in accordance with the terms of the contract.

8. It was a matter of a great satisfaction for me that the dispute in this case which had been pending resolution for more than 12 years was settled within a few days, as a result of my intervention.

Case No. Reg. 1/222/83

*Misuse of Authority by the
Management of PECO Ltd., Lahore,*

The complainant alleged misuse of official authority on the part of the management of Pakistan Engineering Company Ltd., Lahore, (PECO). It was stated that the management deliberately manipulated the tenders invited from various private companies, causing huge financial losses to the Government. It was further alleged that a deal was struck between a private company of Lahore and the Manager of PECO. The approved rates of Rs. 72.50 for a certain item were unilaterally enhanced by the Manager to Rs. 115.00. Subsequently an order was placed with the same Company to supply 4000 items at the enhanced rate. The entire deal, it was stated, had resulted in a loss of Rs. 1,50,000.00 to the Government. The complainant made an earnest appeal to me to look into the matter which would un-veil many other mal-practices prevalent in PECO.

2. I entertained the complaint and called upon the agency to meet the allegations levelled therein. The agency in their report stated that the Company had invited tenders through press for carriage of 11 KV steel structures for the year

PRODUCTION DIVISION:— *contd.*

1983, Five parties offered their tenders. On the basis of the lowest offer, the contract was awarded to a private company of Lahore at the rate of Rs. 72.50 per structure. On 25-4-83 the party regretted their inability to transport the structures at the above rate and subsequently the rates were increased to Rs. 78.28 due to the increase in oil prices. This was done because none of the other bidders were prepared to transport these structures even at the rates quoted by them which varied from Rs. 83.88 to 90.30 per tower.

3. There was no option but to invite fresh tender — which was done through the press on 21-5-1983. Only two companies (including the one mentioned in the complaint) responded and quoted Rs. 116.75 and Rs. 118.88 per item. Efforts were made to persuade them to reduce their rates. One of them stuck to the original rate while the other reduced it to Rs. 115.00 per structure. Order was placed, in view of the urgency of the matter for 4000 structures on the new rates. It was further decided to invite fresh tenders for the transportation of the remaining structures. Meanwhile the Negotiation Committee decided to forfeit the security of the company who had refused to undertake the job at the rate of Rs. 72.50 earlier.

4. I observed that the procedure for the award of carriage contracts by PECO was well-defined. Offers were invited through the Press. There was a Negotiation Committee, comprising the General Manager, Kot Lakhpat Works, Manager, Stores & Assistant Manager Accounts. The bids received were scrutinized by this Committee and bidders were called to bargain for maximum reduction in the offers given by them. A comparative statement of the bids was then submitted for the approval of the Managing Director. The work was ordered to the lowest bidder. The transportation of items forming subject matter of this complaint was also made under the laid-down procedure and no irregularity was committed as alleged by the complainant.

5. In the light of foregoing, I did not find any mal-administration in this case and therefore, dismissed the complaint.

RAILWAYS DIVISION

Case No. Reg. I/68/83

Delay in payment of arrears for the period under suspension.

The complainant, an employee of the Railway Mail Service, alleged delay of 12 years in the payment of his dues for the period he remained suspended under orders of the Post Master General, Central Circle, Lahore.

2. The complainant stated that he was working as Head Sorter in Railway Mail Service, Multan when he was suspended owing to an involvement in a false case in the year 1968. After the investigation he was absolved of the charge. Conse-

RAILWAYS DIVISION:— contd.

quently he was re-instated in service in 1971 but no orders were passed regarding the period of his suspension. Ultimately by the orders of the Post Master General, Lahore, his suspension period was treated as period on duty and the same was communicated to him in 1981. Despite these clear orders he had not been paid his dues. It was thus inordinate delay on the part of the agency that led to this complaint.

3. I entertained his petition and called upon the agency to furnish a report in this behalf. In their comments the agency stated that payment of arrears for the suspension period had been made to the complainant immediately on receipt of the reference from my office.

4. It was a matter of immense satisfaction for me that a case which had been pending for the last twelve years was resolved within days and the complainant was provided the relief he had prayed for. The agency has been, however, asked to ensure that such instances do not recur in future.

Case No. Reg. II/115/83

Arbitrary Cancellation of Contract.

A railway contractor complained to me that his contract had been terminated arbitrarily by the Pakistan Railways, without giving him a notice. He claimed that his work was entirely satisfactory and he was removed, mal-fide, on a trumped up charge by the agency.

2. I called upon the agency to submit a detailed report in this behalf. In their reply, the agency stated that the complainant was awarded a Coolie Contract alongwith a contract for handling parcels and luggage, for a period of 3 years. At the time of the expiry of the contract it was decided not to renew it as his working was not found satisfactory. The agency stated that the complainant's plea that requisite notice was not issued to him in advance was not maintainable because a notice is required in cases where a mid-term termination of contracts is made.

3. On examining the case I found that the Department had taken up the position that though no notice was necessary as the contract was to expire automatically on 31.8.1983, a 28-day notice was issued as a precautionary measure. I found that actually the complainant had two contracts, one for licensed porters for passengers luggage and the other for transferring parcels to and from trains. A notice of 45 days is provided in the contract for licensed porters while no notice is required for the termination of the contract for parcels. The contract in which he was alleged to have failed was that of handling of parcels but the notice issued was under the other contract for licensed porters and that too only for 28 days. Furthermore, although his performance on the parcels contract was considered unsatisfactory, both the contracts had been cancelled. Besides, no show cause

RAILWAYS DIVISION:— *contd.*

notice was issued to the complainant to clear his position and meet the charges levelled against him. The complainant on the other hand had put the blame squarely on the Department for not providing sufficient number of wheel barrows in good working order inspite of his repeated requests, which had delayed the transfer of parcels at times.

4. *Prima facie*, the action of the authorities appeared to be irregular and militated against the principle of natural justice as the contractor had not been confronted with short-comings in his performance. I, therefore, again called upon the agency to clarify the procedure which was followed by the agency when a contract is to expire. While giving the reasons for not renewing the contract, the agency submitted that it was not required to either give any notice or to give the contractor a chance to tender his explanation in case of expiry of contract. It was, however, admitted that it would be possible to revise the relevant clause in future contracts, to make it more equitable. I concluded that the manner in which the contract was cancelled amounted to mal-administration. Therefore, I directed that the cancellation of the contract be set aside and the contractor be allowed to continue upto 31.12.83, during which period he should be given the opportunity to defend himself with regard to the alleged lapses in the past to justify the contract.

Case No. Reg. II/203/83

*Delay in Shifting of Railway
Level-Crossing.*

A number of residents of a village on the Sakrand — Moro Railway line complained to me that in 1979 they had applied for the shifting of a level-crossing near their village by about quarter of a mile. All formalities, they alleged, had been duly completed, but the crossing remained where it was. All efforts made by them did not yield any result, hence the complaint to me.

2. The delay on the very face of it, appeared to be inexplicable, and it actually turned out to be so. The Department's explanation was that the Railway officials had failed to obtain a no objection certificate from the Deputy Commissioner and to have the site-plan signed by him. I drew the attention of the General Manager to this most unsatisfactory state of affairs and directed him to have the plan signed by the Deputy Commissioner through personal effort. After I took up the matter, it took only 7 days to shift the crossing.

3. I observed that the procedure in such cases was most cumbersome and was chiefly responsible for serious delay. On my direction to simplify the procedure, the General Manager, Railways issued the order that, in future, only a written N.O.C. from the Divisional Superintendent would be sufficient and his signatures on the Divisional Plan would not be required. With this streamlining of procedure, it will be possible to finalise such cases within a month or so.

RAILWAYS DIVISION:— *contd.*

4. The redressal of grievance, in this specific complaint, by itself is a matter of satisfaction. But the fact it led to streamlining of procedure is even more gratifying.

RELIGIOUS AFFAIRS AND MINORITIES AFFAIRS DIVISION

Case No. Reg. I/487/83
as "Mehram" of daughter.

Refusal of permission to perform Hajj
as "Mehram" of daughter.

This complaint arose from the decision of the agency to refuse permission to the complainant to perform Hajj as "Mehram" of his daughter and niece. The facts of this case were that the Ministry of Religious Affairs turned down the complainant's request on the ground that he had already performed Hajj himself. He was categorically told that he could now proceed for Hajj only if he was accompanying his wife as Mehram and that too, if the latter had not already availed of this opportunity. The complainant highlighted the unjust decision of the agency and stated that according to Sharia, a Mehram could accompany not only his wife but also other female relatives to whom he could be a shar'i Mehram. The instructions of the agency, it was alleged were against the accepted religious tenet.

2. After examining this complaint, I found that the Hajj policy clearly laid down that if a person had once performed pilgrimage he could go again only if he was doing so as Mehram of his wife who had herself not performed Hajj. However, I observed that the instructions in the application form as then worded, militated against the Shar'i concept of Mehram.

3. I took up this matter with the Secretary, Ministry of Religious Affairs, who came over personally to discuss it with me. I told him that the instructions should be suitably amended to bring them in conformity with the Islamic tenets.

4. I was informed by the agency, some days later, that necessary amendment had been made in instruction No. 1 for Intending Pilgrims. According to the revised instructions "Males could proceed on Hajj again if they were accompanying their wives who had not performed the pilgrimage". The word "Mehram" had been deleted.

5. As a result of my intervention, although the complainant's grievance could not be redressed, the faulty instruction containing defects in the "Memorandum of Instructions" for the intending pilgrimage were put right.

STATISTICS DIVISION

Case No. Reg. II/59/83

Delay of 3 years in payment of honoraria.

The complainant, a subject specialist, in Government Inter Service Teachers Training College, Bahawalpur, alleged delay of 3 years in the payment of

STATISTICS DIVISION:— *contd.*

honoraria, for imparting training to enumerators appointed for enumeration work in November, 1980. The rate of honoraria to which he was entitled was Rs. 1000/- which was required to be paid by the Office of the Census Commissioner, Population Census Organisation, Islamabad.

2. I took up the matter with the Census Commissioner, Population Census Organisation, Islamabad, directing them to submit their report within 15 days. In his reply, the Joint Census Commissioner stated that the name of the complainant was not mentioned in the list of Census Field Staff which was supplied by the Census District Officer (CDO) through the Population Census Office (PCO), Lahore. It was also stated that, no intimation, whatsoever, from the CDO Kamoke to the effect that the complainant had worked as a trainer and was entitled to payment of honoraria was received in his office. The Joint Census Commissioner stated that the first application of the complainant was received in his office on 3.11.1981, on which no action was taken because the same was not routed through, either the C.D.O. Kamoke or through the PCO, Lahore. Another application of the complainant alongwith a certificate dated 31.1.1983 issued on a plain paper by the Secretary, Municipal Committee, Kamoke, who was not the authorised CDO, was received on 5.3.1983. No action was taken on this application because it was received after 31.12.1982 i.e. the date fixed by the agency for closing of accounts.

3. The Joint Census Commissioner stated that although the claim of the complainant was time barred, but it would be paid if its veracity was confirmed by the Chief Officer, Municipal Committee, Kamoke, who was the authorised CDO as well as by PCO, Lahore.

4. I found that an element of mal-administration was established, as the agency did not take action on the two applications received from the complainant on 3.11.1981 and 5.3.1983. I decided to allow 3 weeks to the agency, for the confirmation required by them, in regard to the claim of the complainant.

5. The Joint Census Commissioner informed me that despite letters and telegrams, the Chief Officer, Municipal Committee, Kamoke had not confirmed the complainant's entitlement for honorarium. The Joint Census Commissioner requested for more time for finalisation of the case. I acceded to the request.

6. The agency subsequently informed me on 5th October, 1983 that the complainant had been paid Rs.1000/- as honoraria vide their Bank Draft dated 5th October, 1983. The complainant also confirmed the receipt of Bank Draft. The usurped right of the complainant was therefore restored as a result of the efforts made by my office.

WOMEN'S DIVISION

Case No. Reg. II/792/83

*Re-imbursement of Expenses incurred
for a Research Project.*

This complaint concerned the refusal of the Women's Division to admit a claim regarding reimbursement of expenses incurred by the complainant in conducting research work for a project of the Division.

2. The facts of the case were that the Women's Division entered into an agreement with Pakistan Women's Institute (PWI), Lahore, a private organisation for conducting a research work for their project. The PWI subsequently entrusted this research work under an agreement to the complainant. Research work was carried out and the complainant incurred heavy expenditure on it. She was allegedly paid Rs.40,000/- out of a total sum of Rs.65,000/- sanctioned by the Women's Division for payment. The complainant stated that the PWI had refused to reimburse the additional expenditure which had been incurred by her. The complainant prayed for an early payment of the amount.

3. I called upon the Women's Division to offer their comments in this regard. In their report the agency stated that in 1979 a private agreement was concluded between the PWI and the complainant who had recruited the latter as Principal Research Investigator for carrying out the study. Under the terms of agreement, the last instalment was to be paid by the PWI on receiving the final report, other documents and data collected during the period of research. The PWI later, intimated to the agency that the complainant had failed to fulfil her commitment in finalizing the research project within the stipulated time and the agreement was, therefore, terminated after giving her a notice. The data handed over voluntarily by the complainant to the Women's Division was passed on to the Institute who engaged other research scholars and prepared draft report for the Division.

4. I considered all aspects of the case and concluded that the Women's Division was in no way concerned with this case. The complainant's claim pertained to a private transaction of money which was a dispute of a civil nature and could be only resolved in a court of law. I found no element of mal-administration on the part of the Women's Division and, therefore, rejected the case.

WATER AND POWER DIVISION

Case No. Reg. II/271/83

Delay in Providing Electricity Connection.

The complainant alleged delay on the part of WAPDA in providing him

WATER AND POWER DIVISION:— *contd.*

with an electricity connection. It was stated that nearly four months ago the complainant applied for connection of electricity for his house. On receipt of demand notice, the dues amounting to Rs.900/- were deposited by him. It was feared that he was not being supplied the connection as he failed to meet the demand of illegal gratification by the Sub-Divisional Officer and the Line Superintendent.

2. I called upon the agency to furnish comments in respect of the allegations made in the complaint. I was informed by the agency that connection had been provided to the premises of the complainant on his turn and thus his grievance had been redressed.

3. As regards the allegation of the demand of illegal gratification, I recorded the statement of the complainant who deposed that it was not possible for him to substantiate his allegation as no other person was present at the time of the alleged illegal demand. In view of this statement, I concluded that it would be a futile exercise to hold investigation in respect of this allegation.

Case No. Reg. I/410/83

*Indulgence in Corruption and Mal-practices
by the officials of WAPDA.*

The complainant pointed out irregularities allegedly committed by the officials of WAPDA, causing considerable financial loss to the consumers as well as to the agency.

2. I entertained the complaint and called for a report. After scrutiny of the report I reached the following conclusions in respect of each specific allegation levelled in the complaint:

- i) It was alleged that 4 or 5 years back, an S.D.O. overloaded a 25 KVA transformer, as a result of which a number of electric motors were burnt.

The allegation could not be looked into for want of necessary particulars about the location of the transformer in question. The complainant in his statement recorded on 20.12.1983, expressed his intention to file a separate complaint, furnishing full particulars. After its receipt it is proposed to conduct investigation afresh.

- ii) It was alleged that about 3 years back, S.D.O. Gakhar Sub-Division removed a 50 KVA transformer on the pretext that it required repairs. In its place, a 25 KVA transformer was installed. Conse-

WATER AND POWER DIVISION:— *contd.*

quent upon my instructions a 50 KVA transformer was installed and the grievance of the complainant was redressed.

- iii) It was alleged that while giving a tubewell connection in the village, proper distance of L.T. line was not maintained causing financial loss to WAPDA.

The investigation carried out by WAPDA on my reference revealed that this allegation was correct. I was informed that disciplinary action had been initiated against the delinquent official/officer.

- iv) It was alleged that on 23.4.1983, the Line Superintendent drew some cables from the store and misappropriated the same.

On investigation by WAPDA, the allegation was found to be correct. Disciplinary action is being initiated against the concerned official.

- v) The complainant further reported that in the case of a tubewell, the Line Superintendent, with the connivance of S.D.O., installed connection at a distance of 1300 feet which was against the standing instructions.

WAPDA authorities found substance in this allegation. I was informed that the concerned Line Superintendent was being proceeded against for this irregularity.

3. The complainant expressed satisfaction over the action taken on his complaint. He, however, alleged that WAPDA officials have started harrasing him after this complaint. A letter was issued to the Secretary, WAPDA to ensure that complainant was not victimised on account of having filed this complaint against the WAPDA officers/officials. They were further directed to apprise me of the outcome of disciplinary proceeding initiated against the delinquent functionaries.

Case No. Reg. I/466/83

*Unsatisfactory Condition of
Electricity Supply.*

The complainant, a resident of village Kanjror, District Sialkot, alleged low voltage and unsatisfactory condition of electric supply to his village. He contended that the problem had arisen on account of inadequate number of electric poles and poor quality of wires, supplying energy to the village. He pleaded my intervention as, allegedly, the WAPDA officials had been turning a deaf ear to the requests of the villagers.

WATER AND POWER DIVISION:— contd.

2. I took up the matter with the WAPDA authorities. In their reply, it was submitted that most of the villages in Gujranwala Region were electrified through service connections from nearby industrial or tubewell transformers. It was further conceded that the village of the complainant needed standard electrification by renovation work. However, due to the paucity of funds, it was not possible for them to undertake renovation work of all such villages simultaneously. They intimated that the work in this village would be undertaken during the current financial year.

3. The position was explained to the complainant. However, he was not satisfied with the undertaking given by WAPDA and again approached me.

4. After carefully considering all the aspects of the matter, I reached the conclusion that it was not possible for WAPDA to undertake renovation work of all such villages simultaneously. They have to fix priorities, particularly in view of the financial constraints. I did not find any mal-administration in this case. On the other hand, I am appreciative of the positive approach of the agency which undertook to complete the renovation work during the current financial year. I am sanguine that they will be able to honour this commitment.

Case No. Reg. 1/718/83

*Negligence of Agency to Rectify
Excess Bill of Electricity Charges.*

This complaint arose from the refusal of the agency to revise the incorrect bill issued to the complainant regarding electricity charges. It was alleged that during the month of May, 1983, the actual meter reading was 6781 units whereas it had been wrongly recorded as 7681 units, in the bill which had been issued to him. The complainant had approached the Sub-Divisional Officer of WAPDA, on a number of occasions, to rectify the mistake but the latter had expressed his inability to revise the bill. As a consequence the complainant was being forced to pay for an additional 900 units which he never consumed.

2. I entertained this complaint and called upon the agency to meet the allegations contained therein. In their comments, the agency admitted their mistake and stated that it was due to a pen slip of the Meter Reader, who was deputed for recording the readings in the complainant's village. It was stated that an unintentional mistake had occurred while feeding the relevant data to the computer. Whereas the correct figure of units was 6758 whereby 34 units had been consumed, it was reflected in the bill as 7658 units making the units consumed as 934.

3. As a result of our reference, the agency promptly admitted its mistake and issued a revised bill to the complainant. However, I issued a letter to the agency

WATER AND POWER DIVISION:— *contd.*

to exercise greater care in future in the compilation of bills. There must be certain checks to ensure that correct data is being fed to the computer. I am sanguine that the agency have, by now, taken positive steps to ensure the smooth formulation of bills before they are despatched to the consumers. I propose to pursue this general aspect further.

Case No. Reg. I/786/83

Delay in Finalisation of Pension Case.

The complainant, a retired employee of WAPDA, alleged inordinate delay in the payment of his pension and other dues admissible to him since his retirement in 1978. He stated that the indifferent attitude of the officers of the agency had made his life miserable as he was unable to make both ends meet on account of non-payment of pension and other dues. The complainant further stated that he approached the concerned officers on a number of occasions but to no avail. Finally he requested the agency to allow "anticipatory pension" to the tune of 80% as per government rules, but his application remained unattended. Having failed in his efforts to get relief during this long period of 5 years, the complainant requested me to intervene.

2. I entertained this complaint and called upon the agency to submit their report with regard to the alleged delay in finalizing the case. I was informed by the agency that the pension case was not processed on account of the pendency of a civil suit filed by the complainant challenging the order of his retirement from service. I asked the agency to point out if there was any legal bar to the grant of dues, particularly, the anticipatory pension during the pendency of the suit. In response to my query, the agency reported that the complainant's case was re-examined by the legal advisor and necessary pension payment order had now been issued to the complainant.

3. It was a matter of immense satisfaction for me that this case which had been pending for the last five years was promptly attended.

Case No. Reg. I/821/83

*Inattention of the Agency in Ensuring
Satisfactory Electric Supply.*

The petitioner complained of unsatisfactory condition of electricity supply in his house. He alleged that it was invariably much less than 220V at peak

WATER AND POWER DIVISION:— contd.

hours and on account of this low and fluctuating voltage, the electric appliances installed at his house were constantly exposed to the risk of being damaged. The complainant further alleged that no action was taken by the concerned authorities though the matter was brought to their notice a number of times.

2. I called upon Secretary, Water & Power Development Authority, to furnish comments in the matter. In his reply he explained that the area was being fed from a repaired transformer which was working without the voltage regulation mechanism. WAPDA was thus not able to regulate the voltage from this transformer. He reported that, recently, complete renovation and augmentation of the local distribution system had been done in the locality and the transformer feeding the area has been replaced with a new one which contained voltage regulation facility.

3. I was further informed that after making these arrangements, the complainant was receiving the right supply of electricity as was checked in his presence. The agency committed that in order to ensure proper voltage during the summer season, the existing 11KV feeder would be bifurcated and the same would be connected with the recently completed 132KV Grid Station. The complaint was, thus, disposed of having borne fruit.

Case No. Reg. 1/861/83

*Disconnection of Electricity
Connection.*

This complaint pertained to the issuance of a fictitious bill of electricity charges and subsequent disconnection of electric supply at the complainant's business concern. It was alleged that the SDO, WAPDA and the Meter Inspector had approached the complainant on different occasions with a demand of illegal gratification. Since the complainant had refused to accede to their requests, the agency, out of vengeance, had disconnected the electricity connection of his business concern resulting in huge financial losses to him.

2. I entertained this complaint and called for the report of the agency in this behalf. The agency, in their comments, submitted that after the reference from my office, departmental investigations were initiated which revealed that certain officials of the department were engaged in the issuance of fictitious bills to the complainant by over-writing in the Ledger Books. The agency informed me that as a result of the enquiry conducted by the department, it was also found that in the month of June, 1983, three bills of different valuations were issued to the consumer. The agency further informed that since this enquiry had resulted in unearthing a gang which was involved in nefarious activities, it had been decided to

WATER AND POWER DIVISION:— *contd.*

constitute a high-powered enquiry committee in order to fix responsibility on the officials who were indulged in harrasing complainant by issuing wrong bills. The agency informed me that they had reconnected the complainant's business concern and a revised bill had been issued in lieu of the disputed one.

3. The complainant confirmed to me that as a result of my intervention his grievance has been redressed. It was a matter of happiness for me to have provided relief to the complainant who was being harrassed unnecessarily by the agency. I sincerely hope that the departmental enquiry by the agency will result in fixing responsibilities on the delinquent functionaries. The agency is well advised to pay adequate attention to streamline procedure and improve supervisory control for preventing recurrence of this type of mal-practice.

Case No. Reg. 1/988/83

*Charging Electricity Consumption under
Tarriff A-2, instead of Tariff B-1.*

The complainant, a poultry-farm owner, alleged that he was being charged illegally for the electric consumption of his poultry farm under tariff A-2. The complainant contended that earlier, on his representation, the General Manager, WAPDA, had issued instructions directing imposition of Tarrif B-1 instead of A-2, but the subordinate functionaries did not implement this decision. He was informed by the XEN that this change in Tarrif could only be affected after undergoing all those formalities which were required for a new connection. Accordingly, a demand notice amounting to Rs.7,962/- was issued to him. The complainant alleged that the officer was mis-using his powers with malafide intentions in order to extract illegal gratification from him.

2. I took up the matter with the WAPDA authorities, who, after examining the entire case, issued a revised bill to the complainant according to the provisions in the Tarrif (90% consumption on B-1 and 10% on A-2).

3. The complainant addressed a letter to me expressing gratitude and satisfaction over the speedy and effective action taken on his complaint. He added that as soon as the comments of the agency were called in the matter by my office, he noticed a radical change in the attitude of the concerned officer who promptly redressed his grievance.

4. While appreciating prompt action by the agency I would like to observe that the authorities should have done the needful much earlier. Any way I hope greater care in such cases will be exercised in future.

WATER AND POWER DIVISION:— *contd.*

Case No. Reg. I/1077/83

Excess Billing by WAPDA.

A resident of Hyderabad lodged a complaint alleging that he received a bill of electricity consumption amounting to Rs.1367.50 which had been prepared without recording the actual meter reading.

2. I called upon the agency to furnish comments in this regard. In their reply the agency stated that the complainant's premises usually remained locked during the working hours. They informed that in such a case the procedure was to charge on the basis of estimated consumption which was later on adjusted on the availability of actual reading. The complainant was informed about it by the agency, but no reply was received.

3. On a reference from my office, the agency got the actual meter reading recorded and a revised bill was accordingly issued to the complainant, who expressed his full satisfaction over it. The agency has been requested to evolve a more satisfactory system so that causes of complaints in this connection are removed.

Case No. Reg. I/1029/83

Unsatisfactory Distribution of Electricity.

The complainant alleged that the single-phase line, laid in the year 1952 by WAPDA to supply electricity to his mohalla had become inadequate with the passage of time due to manifold increase in the number of consumers. He prayed for the installation of a three-phase line to cope with the increasing demand of consumers.

2. I called upon the agency to offer their comments in this behalf. In their report the agency admitted that the distribution system laid down earlier was not sufficient for the requirements of the locality. It was added that there were many such complaints in the area, but on account of limited financial resources, the renovation of the over-all system would take time. I was further informed that, in order to provide immediate relief, an additional transformer was being installed in the area which would improve the position considerably. The agency intimated that a proposal for the conversion of the distribution system into 3-phase had also been finalized.

3. I did not find any mal-administration in this case as inadequacy of the distribution system stemmed from resource constraint and effort was being made to improve the situation by conversion of the system. It is hoped that the agency would honour its commitment by implementing the development project, in this case, at the earliest.

WATER AND POWER DIVISION:— *contd.*

Case No. Reg. I/1141/83

*Inclusion of Sundry Charges
in the Electricity Bill*

In this case the complainant alleged that he received a bill for the month of September, 1983 which included 722 units (Rs.385.99) described as Sundry Charges, over and above the actual units consumed during the month. On enquiry, the concerned officer of Water & Power Development Authority (Electricity) informed the complainant that Sundry Charges pertained to the tampering with the meter. The complainant vehemently refuted this allegation of stealing energy and sought my intervention in the matter.

In response to my letter calling for their comments, the authority explained that during a surprise check, a gap was detected between the meter body-cover and the glass, from where the meter could be stopped from registering the consumption if the consumer wanted to do so. The Authority, however, admitted that the complainant was not caught red-handed, and was charged merely on suspicion. They added that the complainant may not have been stealing energy although means to do so were available to him. At my instance, the agency re-investigated the case and giving benefit of doubt to the consumer, decided to withdraw the charge. Grievance of the complainant redressed, the complaint was, therefore, disposed of.

Case No. Reg. I/1566/83

Rounding up of Rupees in Utility Bills.

In case No. Reg.I/165/83, I had directed that electricity bills should be compiled, keeping in view the system of "rounding of Rupees". In pursuance to this decision, the agency, for each component, was to round off paisas fifty and above to the next rupee whereas the amount of paisas below fifty was to be ignored. The complainant, in the instant case, pointed out that this system was beneficial to the agency only and consumers were being compelled to pay more than the required amount.

2. On examination, it was found to be correct as is also evident from the following table:

WATER AND POWER DIVISION:— *contd.*

Calculations on the basis of

	Actual amount	Rounding of paisas
	Rs. Ps.	Rs. Ps.
Fixed minimum charges	17. 00	17. 00
Electricity duty	0. 51	1. 00
Fuel Cost	1. 65	2. 00
Meter Rent	1. 50	2. 00
TOTAL:	20. 66	22. 00

It is clear from the above table that there was an increase of Rs.1.34 if the bill is charged on the basis of rounding system.

3. I took up the matter with the agency and suggested that the proper course would have been to round off the total amount of the bill and not each component. I categorically directed that whatever inconvenience may be to the agency, they would have to revise the system and should not, under the pretext of 'rounding off' enhance its charges indirectly for which there was no Governmental approval. The system of rounding off should be equally beneficial for the WAPDA and the electricity consumers.

4. I feel happy to report that the agency has finally decided that with effect from the first of January, 1984, the total amount of electricity bill, and not of various components thereof, would be rounded off. In this respect, revised instructions have been issued by WAPDA to all concerned. Accordingly, the procedure of rounding off paisas in case of each component of electricity bill has also been discontinued forthwith. As a consequence in regard to the bill specified in the table above the consumer would have now to pay Rs.21.00 instead of Rs.22.00.

Case No. Reg. I/1630/83

*Appeal for Restoration of Electricity
Connection to Water Supply Scheme.*

The residents of Esa Khail Estate in Rahim Yar Khan filed a complaint

WATER AND POWER DIVISION:— contd.

in my office against WAPDA authorities and prayed for the restoration of electricity to the Water Supply Scheme of their village which had been disconnected by WAPDA due to non-payment of electricity dues. It was stated that the District Council had recently handed over this scheme to the Union Council and the electric supply was disconnected by WAPDA authorities on account of failure and negligence on the part of Chairman, Union Council to pay the electricity bills. The outstanding arrears payable to WAPDA were to the tune of Rs.1,15,438/-.

2. I examined this complaint at length and came to the conclusion that the action initiated by WAPDA authorities could in no way be described as 'mal-administration'. To have disconnected the electric supply because of non-payment of bills was not an arbitrary decision on the part of the agency. It had, in fact, acted in accordance with the law in dealing with the defaulters.

3. I, therefore, rejected the complaint and informed the complainant accordingly.

WORKS DIVISION

Case No. Reg. II/62/83

*Delay in Grant of Pension/Gratuity
and Refund of G.P. Fund by Pak. PWD,*

The complainant, a retired Divisional Accounts Officer, alleged that he retired from Pak. P.W.D. in 1979 after completing 38 years of service but his pension, gratuity and G.P. Fund had not been paid to him despite a lapse of four years.

2. I entertained this complaint and referred it to the agency for a report. My reference generated a lot of activity in the Works Division and the Pak. PWD. The case, which was lying unattended for a long time was traced out and finally Pak. PWD informed me that the authority for payment of pension/gratuity and G.P. Fund in favour of the complainant had been issued.

3. The complainant confirmed that all his dues had been paid to him. In his letter of thanks, he suggested that besides pressing the authorities concerned to square up the legitimate grievances, an enquiry should also be conducted to find out as to what led to such an appalling situation.

4. In this particular case, I am happy to report that the grievance has been redressed. But clearly this is not enough. There is need for conducting a probe to identify the causes of deteriorating affairs rampant in the attached and subordinate offices of the Federal Government in regard to matters so much crucial for the welfare of the retired public servants. The Head of the Department whose primary responsibility is to run an efficient and humane administration must make serious

WORKS DIVISION:— *contd.*

endeavours to ameliorate the situation and take real interest in the welfare of their erstwhile subordinates. The gratuity and G.P. Fund contributions are, in fact, a government servant's real life savings and, if paid in time, can yield a net income of 15% if invested in Khas Deposit Certificates. This income coupled with the monthly pension would go a long way in enabling the employees to face financial problems on their retirement.

5. In the forthcoming year, I propose to get an in-depth study conducted to ascertain the causes of delay in this behalf. I hope a satisfactory solution of this wide-spread problem will be found.

Case No. Reg. II/376/83

Release of Dehired House.

The complainant alleged delay on the part of the Estate Office to implement the dehiring orders issued by the Works Division in January, 1983.

2. It was stated that the complainant's house was dehired in January, 1983 and the Estate Office was asked by the Works Division to send a compliance report to the effect that the house in question was handed over to the complainant. The allottee of the house was offered three alternate houses by the Estate Office, which were refused on one pretext or the other. In September, 1983, the complainant was asked by the Estate Office to take over the vacant possession of the house, but when he went on the spot to do so, he was not allowed to regain the possession. Aggrieved by the denial of his rights, he approached me to intervene in the matter.

3. I entertained the petition and called upon the agency to offer their comments. The agency reported that the occupant was arranging for shifting to another house which had been lately allotted to him and I was assured that the house in question would be handed over to the complainant as soon as the occupant shifted to the new premises. The complainant confirmed to me in October, 1983 that the house was vacated by the Estate Office and he took over the possession on the next day.

4. I was happy to note that this case of mal-administration, which was pending resolution for the last so many months, was finally redressed after the matter was taken up by me.

Case No. Reg. II/461/83

*Claim for Compensation of Losses and
Outstanding Bills.*

I received a complaint from two ladies of Islamabad alleging therein that

WORKS DIVISION:— *contd.*

their house was in occupation of the Works Division since 1979 and the officers in occupation of the house had caused considerable damage to it. However, without giving any thought as to who was responsible for causing the damage, an amount of Rs.12,000/- was deducted from the complainant's rent without giving any intimation, not to speak of any notice to them.

2. The house was subsequently vacated. At that juncture, the officers of Pak. PWD while handing over possession, admitted that the damage had been caused by the officers in occupation of the premises and hence the amount of Rs.12,000/- was wrongly deducted.

3. I entertained the complaint and asked the agency to meet the allegations. The agency, in their report, admitted that damages had been caused to the house during the period it remained in occupation of different officers of the Federal Government (including two Secretaries to the Government of Pakistan).

4. I summoned the complainants' representatives and the Joint Secretary, Works Division, in my office. The representative of the Works Division admitted that there was no legal justification in withholding the amount of damages. I stressed the fact that it does not behove the Government to shirk from or avoid discharging its liability expeditiously. I found that the agency had been guilty of mal-administration in this case. In particular, I did not find any justification for withholding an amount of Rs.3,585/- on account of rent due from January, 1982 onwards.

5. In addition, I directed that the Government should pay a sum equivalent to the amount which the complainants would have received had they invested the amount of Rs.3,585/- referred to above, in Khas Deposit Certificates.

Case No. Reg. II/507/83

Delay in Payment of House Rent.

A lady complained that her house was hired by the Estate Office, Karachi at a monthly rent of Rs.900/-. A sum of Rs.21,600/- was paid to her in advance as rent covering the period from 4.10.1980 to 3.10.1982. Thereafter no rent was paid to her for more than 12 months despite her repeated requests to the agency.

2. I called upon the Works Division to meet the allegations contained in the complaint. The agency reported that the payment of arrears of rent had since been arranged to the complainant. The complainant confirmed that the amount has been paid to her.

3. I was happy to note that on a reference from my office regarding delay

WORKS DIVISION:— *contd.*

in the payment of rent to the owner of the house, the Works Division has initiated an enquiry to fix responsibility on the officers who had caused this inordinate delay.

4. As the grievance of the complainant was redressed, I did not find it appropriate to process the case further. I hope, in future, the Estate Office would be regular in payment of rent of the houses hired/requisitioned by them. Such delays contributed to impairment of the credibility of the Government in the eyes of the public and militates against the principles of administrative fairness.

Case No. Reg. I/122/83

Retention of Government Accommodation.

The complainant, an Accountant in the office of the Director Concurrent Audit, Islamabad, alleged that he was not being allowed by the CDA to retain a house allotted to him, after his repatriation to the parent department.

2. The complainant stated that while on deputation, he was allotted Government accommodation by the Capital Development Authority (CDA) in March, 1973. He was repatriated to his parent department in 1981. As he stayed at the same station, this Government accommodation was retained by him. He requested the Works Division to take over the quarter in Estate Office pool as per rules framed by the Works Division, but the agency expressed its inability to do so. Despite his repeated requests, the grievance remained unattended. The CDA cancelled the allotment in November, 1983 and asked the complainant to vacate the quarter immediately.

3. I took up the matter with the Works Division. In their reply, it was intimated that the quarter in question was allotted to the complainant in March, 1973 when he was serving in CDA. In December, 1981 he was transferred to the Office of Joint Director Concurrent Audit Office, Islamabad. The employees of the Directorate were eligible to get accommodation from the Estate Office Pool. As such, the CDA were asked to place the said quarter on the pool of the Estate Office. Due to acute shortage of houses the CDA did not place the quarter in question on the pool of Estate Office. On the other hand, CDA served the complainant with one month's notice threatening him to eject him from the quarter. Thereupon the complainant again approached the agency and requested that a quarter of the same type may be placed on the pool of CDA as an alternate accommodation, but no quarter could be placed in lieu of the quarter in occupation of the complainant. However, after the matter was taken up by me, the Works Division decided to withdraw the quarter from the CDA's pool and to place it on the pool of the Estate Office.

4. I am happy to report a satisfactory outcome in this case. But this case presented an instance of lack of co-ordination existing in the Governmental agencies which is productive of grievances to the people. Efforts are indicated for corrective action in this behalf.

APPENDIX D

BRIEF PARTICULARS OF CASES DISPOSED OF.

APPENDIX -D

(PART I)

BRIEF PARTICULARS OF CASES IN WHICH GRIEVANCES WERE REDRESSED

S. No.	COMPLAINT NUMBER	DESCRIPTION
1	2	3

AVIATION DIVISION

1. Reg.I/207/83 Dispute regarding contract.
2. Reg.I/243/83 Settlement of lost baggage claim.

CABINET DIVISION

3. Reg. I/900/83 Delay in sanction of pension.
4. Reg.I/1616/83 Delay in payment of land taken over by Land Commission.

COMMERCE DIVISION

5. Reg.I/19/83 Delay in payment of matured insurance claim.
6. Reg.I/76/83 Delay in payment of dues on maturity of insurance policy.
7. Reg.I/106/83 Delay in payment of salary and allowances.
8. Reg.I/106/83 Delay in issue of premium receipt.
9. Reg.I/426/83 Non-payment of dues on maturity of insurance policy.
10. Reg.II/746/83 Delay in release of parcel containing books.

- | | | |
|-----|---------------|---|
| 11. | Reg.II/771/83 | Delay in issuance of premium receipt. |
| 12. | Reg.I/793/83 | Malpractice in sale of insurance policy. |
| 13. | Reg.I/1111/83 | Non-payment of certified bills for doing construction work. |
| 14. | Reg.I/1168/83 | Delay in payment of amount of insurance policy. |

COMMUNICATION DIVISION

- | | | |
|-----|--------------|---|
| 15. | Reg. I/11/83 | Payment against lost V.P.P. |
| 16. | Reg.I/13/83 | Excessive billing. |
| 17. | Reg.I/22/83 | Excessive billing and disconnection of telephone. |
| 18. | Reg.I/24/83 | High billing of telephone. |
| 19. | Reg.I/26/83 | Non-Payment of claim on maturity of postal life insurance policy. |
| 20. | Reg. I/30/83 | Excessive billing. |
| 21. | Reg.I/35/83 | Delay in shifting of telephone. |
| 22. | Reg.I/47/83 | Delay in payment of claim on account of matured postal life policy. |
| 23. | Reg.I/58/83 | Delay in issue of postal life policy. |
| 24. | Reg.I/98/83 | Excessive amount in the telephone bill. |
| 25. | Reg.I/213/83 | Delay in transfer of telephone connection. |
| 26. | Reg.I/215/83 | Excessive billing. |
| 27. | Reg.I/347/83 | Delay in providing telephone connection |
| 28. | Reg.I/371/83 | Illegal installation of telephones in preference to claim of complainant. |

- | | | |
|-----|--------------|--|
| 29. | Reg.I/383/83 | Telephone kept out of order deliberately by staff. |
| 30. | Reg.I/444/83 | Delay in removal of defects in telephone instrument. |
| 31. | Reg.I/509/83 | Excessive bill on a non-STD telephone. |
| 32. | Reg.I/551/83 | Excessive billing. |
| 33. | Reg.I/558/83 | Victimisation and mis-appropriation of money. |
| 34. | Reg.I/599/83 | Delay in installation of telephone. |
| 35. | Reg.I/696/83 | Demand of bribe and black-mailing by T&T Officer. |
| 36. | Reg.I/719/83 | Irregularities in the office of Controller of Stores, Lahore. |
| 37. | Reg.I/720/83 | In-attention of Telephone Exchange, Gujranwala, towards repairs of defective telephones. |
| 38. | Reg.I/746/83 | Delay in release of parcel of books. |
| 39. | Reg.I/799/83 | Disconnection of telephone on false report of misuse. |
| 40. | Reg.I/859/83 | Over-billing by Telephone Department. |
| 41. | Reg.I/897/83 | Delay in installation of telephone. |
| 42. | Reg.I/901/83 | Delay in payment of claim of insurance policy. |
| 43. | Reg.I/913/83 | Delay in delivery of telegram. |
| 44. | Reg.I/914/83 | Unlawful deduction of Zakat. |
| 45. | Reg.I/947/83 | Correction of excessive bill. |

- | | | |
|-----|---------------|---|
| 46. | Reg.I/948/83 | Delay in alisation of pension case. |
| 47. | Reg.I/984/83 | Non-payment of amount covered by postal life insurance policy. |
| 48. | Reg.I/1006/83 | Illegal charging of trunk calls. |
| 49. | Reg.I/1008/83 | Non-settlement of surrendered value claim in respect of policy financed from G.P. Fund. |
| 50. | Reg.I/1099/83 | Delay in providing telephone connection. |
| 51. | Reg.I/1100/83 | Inefficiency in regard to operation of telephone. |
| 52. | Reg.I/1114/83 | Delay in the disposal of appeal against termination of service. |
| 53. | Reg.I/1152/83 | Delay in sanction of telephone. |
| 54. | Reg.I/1174/83 | Delay in de-hiring of shop leased out till 1974. |
| 55. | Reg.I/1175/83 | Delay in installation of telephone. |
| 56. | Reg.I/1192/83 | Delay in providing telephone connection. |
| 57. | Reg.I/1264/83 | Delay in re-connection of telephone despite payment. |
| 58. | Reg.I/1326/83 | Delay in providing telephone connection. |
| 59. | Reg.I/1505/83 | Delay in shifting of telephone. |
| 60. | Reg.I/1532/83 | Non-payment of dues after retirement. |
| 61. | Reg.I/1562/83 | Excess charges on residential telephone. |
| 62. | Reg.I/1564/83 | Frequent defects in telephone. |
| 63. | Reg.I/1661/83 | Delay in installation of telephone despite payment made on demand note. |

64. Reg.I/1697/83 Excess billing on out-of-order telephone.

DEFENCE DIVISION

65. Reg.I/33/83 Non-allotment of plot in lieu of one acquired earlier.
66. Reg.I/48/83 Suspension of building plan.
67. Reg.I/232/83 Non-payment of G.P. Fund.
68. Reg.I/238/83 Delay in the finalization of pension case.
69. Reg.I/266/83 Delay in realisation of dues remitted in foreign exchange.
70. Reg.I/272/83 Non-payment of compensation for acquired land.
71. Reg.I/273/83 Non-payment of compensation for acquired land.
72. Reg.I/354/83 Delay in payment of enhanced pension of ex-employees of Frontier Corps.
73. Reg.I/392/83 Shifting of EME centre.
74. Reg.I/397/83 Refusal to issue NOC for service abroad.
75. Reg.I/404/83 Suspension of the building plan.
76. to Reg.I/604/83 Cancellation of plots allotted earlier for
to coal business.
146. Reg.I/666/83
147. Reg.I/726/83 Delay in payment of disability pension.
148. Reg.I/792/83 Cancellation of plot allotted earlier for coal business.
149. Reg.I/857/83 Non-implementation of decision to enhance rent.

- | | | |
|------|---------------|---|
| 150. | Reg.I/911/83 | Delay in payment of dues. |
| 151. | Reg.I/912/83 | Non-payment of rent of house. |
| 152. | Reg.I/941/83 | Delay in finalization of pension/gratuity. |
| 153. | Reg.I/943/83 | Non-payment of balance of cost of land acquired by PAF. |
| 154. | Reg.I/944/83 | Non-payment of monthly pension for June, 1983. |
| 155. | Reg.I/1016/83 | Incorrect calculation of pension and non-payment of other dues. |
| 156. | Reg.I/1044/83 | Delay in payment of outstanding dues of PAF civilian employees. |

EDUCATION DIVISION

- | | | |
|------|---------------|---|
| 157. | Reg.II/39/83 | Delay in issue of SSC Examination Certificate. |
| 158. | Reg.II/53/83 | Delay in communication of decision regarding complainant's essay. |
| 159. | Reg.II/90/83 | Undue delay in sending teachers to Yemen. |
| 160. | Reg.II/95/83 | Delay in decision regarding text books scripts. |
| 161. | Reg.II/177/83 | Non-payment of dues after completion of tendered work. |
| 162. | Reg.II/234/83 | Permission to print F.Sc. papers in Urdu. |
| 163. | Reg.I/306/83 | Non-payment of bill. |
| 164. | Reg.II/373/83 | Refusal by Iqbal Academy to publish book on Iqbal. |
| 165. | Reg.II/573/83 | Release of held-up salary. |

- | | | |
|------|----------------|--|
| 166. | Reg.II/634/83 | Delay in issue of Intermediate Certificate. |
| 167. | Reg.II/653/83 | Extension of date for availing overseas scholarship. |
| 168. | Reg.II/824/83 | Non-recognition of degrees of Allama Iqbal Open University by Punjab University. |
| 169. | Reg.II/903/83 | Rechecking of papers without payment of fee. |
| 170. | Reg.II/1266/83 | Delay in issue of marks sheet by the Board. |
| 171. | Reg.II/1335/83 | Non-issuance of Certificate by Board. |
| 172. | Reg.I/1435/83 | Delay in payment of arrears of G.P.Fund and pay. |

ESTABLISHMENT DIVISION

- | | | |
|------|---------------|--|
| 173. | Reg.I/1150/83 | In-attention of FPSC to correct domicile in admission form. |
| 174. | Reg.I/1613/83 | Delay in disposal of review petition against dismissal from service. |

FINANCE DIVISION

- | | | |
|------|---------------|--|
| 175. | Reg.II/33/83 | Delay in release of first instalment of house building loan. |
| 176. | Reg.II/44/83 | Delay in processing of loan and demand of bribe. |
| 177. | Reg.II/65/83 | Refusal to credit sixteen instalments towards loan account. |
| 178. | Reg.II/70/83 | Difficulties faced by public in getting money exchanged. |
| 179. | Reg.II/124/83 | Delay in disposal of appeal against suspension from service. |

180.	Reg.II/149/83	Non-adjustment of loan account.
181.	Reg.II/159/83	Delay in payment of matured insurance claim.
182.	Reg.II/165/83	Failure to return change after payment of bills.
183.	Reg.I/165/83	Delay in payment of enhanced pension to pensioners of Frontier Constabulary.
184.	Reg.I/168/83	Delay in supplying provision regarding calculation of interest on loan.
185.	Reg.II/174/83	Delay in returning Pension Payment Order,
186.	Reg.II/184/83	Delay in settlement of rebate claim.
187.	Reg.II/185/83	Delay in payment of repairs bill in respect of Government vehicle.
188.	Reg.II/205/83	Delay in the refund of excess duty.
189.	Reg.II/245/83	Misue of authority and undue intervention in income tax assessment.
190.	Reg.II/250/83	Delay in payment of G.P. Fund.
191.	Reg.I/250/83	Delay in the payment of G.P.Fund balance.
192.	Reg.II/251/83	Delay in payment of outstanding dues.
193.	Reg.II/283/83	Inordinate delay in payment of G.P.Fund.
194.	Reg.II/296/83	Inordinate delay in refund of excess customs duty.
195.	Reg.I/297/83	Delay in refund of amount deposited for performance of Haj.
196.	Reg.I/310/83	Non-Payment of dearness allowance/increments to pensioners.

- | | | |
|------|---------------|---|
| 197. | Reg.II/320/83 | Delay in settlement of export rebate claim. |
| 198. | Reg.II/321/83 | Delay in settlement of export rebate claim. |
| 199. | Reg.II/347/83 | Irregularities in the appoint of Assistants in N.D.F.C. |
| 200. | Reg.I/354/38 | Delay in payment of enhanced pension. |
| 201. | Reg.II/362/83 | Refusal to settle claim. |
| 202. | Reg.II/367/83 | Delay in payment of claim for prize bond declared successful. |
| 203. | Reg.II/374/83 | Delay in payment of pension. |
| 204. | Reg.II/419/83 | Non-selection for job. |
| 205. | Reg.II/423/83 | Delay in settlement of dues; release of security for Customs Clearing Agency. |
| 206. | Reg.II/429/83 | Undue delay in transfer of pension, G.P. Fund and other contributions. |
| 207. | Reg.II/433/83 | Delay in fixation of pay. |
| 208. | Reg.II/430/83 | Delay in supply of loan account statement. |
| 209. | Reg.II/641/83 | Refusal to extend facility of loan to students. |
| 210. | Reg.II/672/83 | Delay in deciding appeal for reinstatement in service. |
| 211. | Reg.II/774/83 | Vacation of complainant's house. |
| 212. | Reg.I/829/83 | Delay in fixation of pension. |
| 213. | Reg.II/881/83 | Delay in implementation of decision of Service Tribunal. |
| 214. | Reg.I/810/83 | Delay in issue of payment order. |

- | | | |
|------|----------------|---|
| 215. | Reg.II/966/83 | Delay in despatch of LPC and Service Certificate. |
| 216. | Reg.II/980/83 | Delay in payment of loan instalments. |
| 217. | Reg.II/1262/83 | Withdrawal of P.P.O. |
| 217. | Reg.I/1500/83 | Delay in payment of benevolent fund. |
| 218. | Reg.II/1500/83 | Delay in credit to Benevolent Fund. |

FOREIGN AFFAIRS DIVISION

- | | | |
|------|---------------|---|
| 219. | Reg.I/978/83 | Delay in disposal of appeal for commercialisation of shops. |
| 220. | Reg.I/1413/83 | Withholding of payment order. |

HEALTH DIVISION

- | | | |
|------|---------------|--|
| 221. | Reg.II/145/83 | Irregularities in appointment of House Surgeons. |
| 222. | Reg.I/1618/83 | Delay in submission of report by Medical Board. |
| 223. | Reg.II/240/83 | Ban on sale of hazardous drug. |

INDUSTRIES DIVISION

- | | | |
|------|---------------|--|
| 224. | Reg.I/417/83 | Delay in payment of arrears after resignation. |
| 225. | Reg.II/884/83 | Delay in finalisation of pension case. |

INFORMATION AND BROADCASTING DIVISION

- | | | |
|------|---------------|---|
| 226. | Reg.I/1237/83 | Delay in grant of declaration of newspaper. |
|------|---------------|---|

INTERIOR DIVISION

- | | | |
|------|-------------|---|
| 227. | Reg.I/96/83 | Non-issuance of National Identity Card. |
|------|-------------|---|

- | | | |
|------|----------------|---|
| 228. | Reg.I/208/83 | Registration of case against Islamabad Police. |
| 229. | Reg.I/216/83 | Non-payment on account of repairs to C.D.A. vehicle. |
| 230. | Reg.I/244/83 | Harrassment by police official. |
| 231. | Reg.I/457/83 | Demarcation of revenue limits for casting votes. |
| 232. | Reg.I/858/83 | Issuance of forged visa. |
| 233. | Reg.I/958/83 | Delay in issue of identity card. |
| 234. | Reg. I/1057/83 | Non-payment of salary. |
| 235. | Reg.I/1151/83 | Inaction on the part of police. |
| 236. | Reg.I/1273/83 | Non-acceptance of forms by Registration office. |
| 237. | Reg.I/1368/83 | Non-payment on account of POL supplied for official vehicles. |
| 238. | Reg.I/1420/83 | Problem of supply of Sui gas to "D" type quarters. |
| 239. | Reg.I/1659/83 | Delay in issuance of identity card. |
| 240. | Reg.I/1690/83 | Non-issuance of identity card. |
| 241. | Reg.I/1894/83 | Delay in issuance of passport. |

KASHMIR AND NORTHERN AFFAIRS DIVISION

- | | | |
|------|---------------|--|
| 242. | Reg.II/152/83 | Disposal of J & K State Property. |
| 243. | Reg.II/186/83 | Possession of plots auctioned by Administrator J & K State Property. |

MANPOWER DIVISION

- | | | |
|------|---------------|---|
| 244. | Reg.II/148/83 | Non-payment of dues and request for return of passport and identity card. |
|------|---------------|---|

245. Reg.II/482/83 Claim for payment of compensation from foreign firm.

PLANNING AND DEVELOPMENT DIVISION

246. Reg.II/443/83 Delay in issue of service certificate.
247. Reg.II/493/83 Delay in finalisation of pension.

PETROLEUM AND NATURAL RESOURCES DIVISION

248. Reg.I/328/83 Delay in installation of gas meter.
249. Reg.I/1146/83 Delay in disposal of review petition regarding supercession in service.

PRODUCTION DIVISION

250. Reg.I/97/83 Inaction regarding decision to sanction cement agency.
251. Reg.I/514/83 Non-payment of dues.
252. Reg.I/690/83 Non-allotment of cement agency.
253. Reg.I/724/83 Refusal to supply salt against sanctioned quota.
254. Reg.I/1101/83 Non-payment of damages.

RELIGIOUS AFFAIRS DIVISION

255. Reg.I/81/83 Refusal to return editions of Holy Quran.
256. Reg.I/1572/83 Refund of money paid on account of rent.
257. Reg.I/1791/83 Delay in decision.

RAILWAYS DIVISION

258. Reg.II/105/83 Delay in the payment of G.P. Fund.

259.	Reg.II/175/83	Refusal to admit employee in Railway Hospital.
260.	Reg.II/203/83	Failure to shift Railway level crossing.
261.	Reg.II/293/83	Arbitrary decision in allotment of plots.
262.	Reg.II/294/83	Non-allotment of plots by Railway Employees Housing Society.
263.	Reg.II/309/83	Failure to sanction premature increment.
264.	Reg.II/331/83	Non-payment of Benevolent Fund.
265.	Reg.II/426/83	Non-payment of G.P. Fund since retirement.
266.	Reg.II/470/83	Non-payment of compensation for loss of newspapers bundle.
267.	Reg.II/494/83	Delay in the finalisation of pension case.
268.	Reg.II/571/83	Non-refund of house rent deducted illegally.
269.	Reg.II/572/83	Delay in finalisation of dues of deceased husband.
270.	Reg.II/538/83	Delay in the payment of gratuity.
271.	Reg.II/598/83	Vacation of a residential quarter.
272.	Reg.II/652/83	Delay in finalisation of pension.
273.	Reg.II/663/83	Delay in finalisation of family pension case.
274.	Reg.II/664/83	Non-payment of pension.
275.	Reg.II/665/83	Delay in finalisation of pension case.
276.	Reg.II/648/83	Delay in finalisation of seniority list.

- | | | |
|------|----------------|---|
| 277. | Reg.II/773/83 | Obsolete engines plying on Mirpur Khas-Koñri line. |
| 278. | Reg.II/746/83 | Plying of obsolete engines. |
| 279. | Reg.II/845/83 | Non-settlement of dues according to order of Court. |
| 280. | Reg.II/985/83 | Non-payment of interest on G.P. Fund. |
| 281. | Reg.II/986/83 | Delay in payment of arrears of pay. |
| 282. | Reg.II/987/83 | Delay in payment of arrears of pay. |
| 283. | Reg.II/1511/83 | Loss of valuable machinery. |

SCIENCE AND TECHNOLOGY DIVISION

- | | | |
|------|--------------|---------------------|
| 284. | Reg.I/167/83 | De-hiring of house. |
|------|--------------|---------------------|

STATISTICS DIVISION

- | | | |
|------|---------------|--|
| 285. | Reg.II/59/83 | Non-payment of honoraria for working as Census Officer. |
| 286. | Reg.II/318/83 | Delay in payment of honoraria for work done in respect of Census work. |

WATER AND POWER DIVISION

- | | | |
|------|--------------|--|
| 287. | Reg.I/9/83 | Delay in finalisation of pension. |
| 288. | Reg.I/108/83 | Non-payment of dividends on shares of nationalised company. |
| 289. | Reg.I/135/83 | Excessive bills of electricity. |
| 290. | Reg.I/144/83 | Non-payment of gratuity, pension and group insurance after retirement. |
| 291. | Reg.I/147/83 | Delay in payment of G.P. Fund since retirement. |

292.	Reg.I/219/83	Non-payment of dues after retirement.
293.	Reg.I/226/83	Incorrect electric billing.
294.	Reg.I/271/83	Delay in installation of domestic electric connection.
295.	Reg.I/718/83	Incorrect billing.
296.	Reg.I/408/83	Delay in sanctioning electric connections.
297.	Reg.I/410/83	Insufficient supply of energy.
298.	Reg.I/455/83	Failure to replace defective transformer.
299.	Reg.I/462/83	Excessive electricity billing and infliction of fine for energy theft.
300.	Reg.I/466/83	Frequent failure of electricity.
301.	Reg.I/502/83	Delay in verification of Service Book.
302.	Reg.I/550/83	Sealing of meter and incorrect meter reading.
303.	Reg.I/555/83	Incorrect billing.
304.	Reg.I/730/83	Delay in replacement of defective meter.
305.	Reg.I/743/83	Unjustified charging on basis of average consumption.
306.	Reg.I/786/83	Delay in sanction of pension.
307.	Reg.I/800/83	Supply of low voltage.
308.	Reg.I/821/83	Low voltage especially during peak hours.
309.	Reg.I/822/83	Excessive billing.
310.	Reg.I/861/83	Wrong billing.
311.	Reg.I/881/83	Inattention in replacing defective meter.

- | | | |
|------|---------------|---|
| 312. | Reg.I/988/83 | Charging of incorrect tariff. |
| 313. | Reg.I/1027/83 | Disconnection of electric supply. |
| 314. | Reg.I/1077/83 | Over-billing. |
| 315. | Reg.I/1125/83 | Incorrect billing. |
| 316. | Reg.I/1141/83 | Penalty on account of theft of energy. |
| 317. | Reg.I/1156/83 | Wrong billing. |
| 318. | Reg.I/1293/83 | Excessive billing. |
| 319. | Reg.I/1483/83 | Delay in finalisation of pension case. |
| 320. | Reg.I/1566/83 | Rounding of fraction of rupee in bills. |
| 321. | Reg.I/1649/83 | Claim for damages on account of cancellation of contract. |
| 322. | Reg.I/1650/83 | Irregularities in acceptance of tender. |

WORKS DIVISION

- | | | |
|------|---------------|---|
| 323. | Reg.II/62/83 | Delay in grant of pension. |
| 324. | Reg.II/86/83 | Undue delay in payment of G.P. Fund. |
| 325. | Reg.II/112/83 | Delay in payment of interest on G.P. Fund. |
| 326. | Reg.II/247/83 | Delay in payment of dues of the deceased. |
| 327. | Reg.II/260/83 | Delay in payment of pension and other dues. |
| 328. | Reg.II/350/83 | Delay in payment of service dues. |
| 329. | Reg.II/376/83 | Release of de-hired house. |
| 330. | Reg.II/460/83 | Delay in payment of G.P. Fund. |

- | | | |
|------|----------------|--|
| 331. | Reg.II/461/83 | Compensation for hired house. |
| 332. | Reg.II/512/83 | Delay in payment of G.P. Fund. |
| 333. | Reg.II/607/83 | Non-payment of rent of hired house. |
| 334. | Reg.II/1227/83 | Failure to take quarter on Estate Office Pool. |

(PART II)

**BRIEF PARTICULARS OF CASES REJECTED AFTER
INVESTIGATION**

S. No.	COMPLAINT NUMBER	DESCRIPTION
1	2	3

AGRICULTURE DIVISION

- | | | |
|----|---------------|---|
| 1. | Reg.II/189/83 | Compensation for cancelled construction work. |
|----|---------------|---|

AVIATION DIVISION

- | | | |
|----|---------------|---|
| 2. | Reg.I/162/83 | Compensation for lost baggage booked through P.I.A. |
| 3. | Reg.I/490/83 | Termination of contract of Airport Restaurant. |
| 4. | Reg.I/841/83 | Claim of baggage damaged by P.I.A. |
| 5. | Reg.I/1136/83 | Absorption in PIA after apprenticeship. |
| 6. | Reg.I/1263/83 | Passage facilities for family of deceased employee. |

- | | | |
|----|---------------|---|
| 7. | Reg.I/1291/83 | Failure to grant 10% increase in pension. |
| 8. | Reg.I/1293/83 | Malafide selection in service. |

CABINET DIVISION

- | | | |
|-----|--------------|---|
| 9. | Reg.I/107/83 | Violation of rules for agency of government publications. |
| 10. | Reg.I/224/83 | Refusal to honour claims of life insurance. |
| 11. | Reg.I/225/83 | —do— |
| 12. | Reg.I/360/83 | —do— |
| 13. | Reg.I/422/83 | —do— |

COMMERCE DIVISION

- | | | |
|-----|----------------|---|
| 14. | Reg.II/995/83 | Issuance of import licence to Beeri manufacturers. |
| 15. | Reg.II/1010/83 | Direct import of Beeri leaves on commercial basis. |
| 16. | Reg.II/1011/83 | New Import Policy regarding import of Beeri leaves. |
| 17. | Reg.II/1379/83 | Issuance of import licence to Beeri manufacturers. |

COMMUNICATIONS DIVISION

- | | | |
|-----|--------------|---|
| 18. | Reg.I/4/83 | Excessive billing of telephone. |
| 19. | Reg.I/59/83 | Delay in providing telephone connection. |
| 20. | Reg.I/105/83 | Failure to open Public Call Office. |
| 21. | Reg.I/204/83 | Payment of pension on quarterly instead of monthly basis. |
| 22. | Reg.I/205/83 | Illegal demand for installation of telephone. |

23. Reg.I/276/83 Allegations of corruption against official of Postal Department.
24. Reg.I/283/83 Delay in providing telephone connection.
25. Reg.I/286/83 Illegal notice for possession Radio Licence.
26. Reg.I/287/83 Excessive billing of telephone.
27. Reg.I/305/83 Delay in providing telephone connection.
28. Reg.I/341/83 Delay in providing telephone connection.
29. Reg.I/345/83 Wrong billing by Accounts Officer Telephone.
30. Reg.I/346/83 Excessive telephone bills.
31. Reg.I/374/83 Denial of right of employment in Karachi Port Trust.
32. Reg.I/389/83 Excessive telephone bills.
33. Reg.I/394/83 Delay in sanction of Branch Post Office.
34. Reg.I/449/83 Delay in grant of family pension.
35. Reg.I/566/83 Delay in delivery of telegram.
36. Reg.I/697/83 Over-billing of telephone connection.
37. Reg.I/752/83 Termination of service.
38. Reg.I/754/83 Delay in supplying requisite information.
39. Reg.I/761/83 Delay in providing telephone connection.
40. Reg.I/797/83 Excessive billing of telephone.
41. Reg.I/818/83 Delay in sanction of telephone.
42. Reg.I/819/83 Delay in providing telephone connection.

- | | | |
|-----|---------------|---|
| 43. | Reg.I/820/83 | Disconnection of telephone though bills paid. |
| 44. | Reg.I/838/83 | Withholding of house rent and conveyance allowance. |
| 45. | Reg.I/869/83 | Delay in sanction of telephone. |
| 46. | Reg.I/929/83 | Excessive telephone bills. |
| 47. | Reg.I/1007/83 | Delay in providing telephone connection. |
| 48. | Reg.I/1010/83 | Delay in construction of Post Office building. |
| 49. | Reg.I/1052/84 | Delay in installation of telephone. |
| 50. | Reg.I/1072/83 | Restoration of telephone disconnected on alleged non-payment. |
| 51. | Reg.I/1137/83 | Restoration of telephone after settlement of all dues. |
| 52. | Reg.I/1138/83 | Premature cancellation of contract awarded for one year. |
| 53. | Reg.I/1214/83 | Disconnection of telephone lines during Moharran. |
| 54. | Reg.I/1234/83 | Delay in removal of defective telephone. |
| 55. | Reg.I/1248/83 | Delay in providing telephone connection. |
| 56. | Reg.I/1265/83 | Non-issuance of receipt for telephone call. |
| 57. | Reg.I/1277/83 | Non-installation of telephone. |
| 58. | Reg.I/1327/83 | Non-payment of two increments. |
| 59. | Reg.I/1441/83 | Monthly disbursement of pension to Army pensioners. |
| 60. | Reg.I/1549/83 | Supercession in promotion. |

- | | | |
|-----|---------------|--|
| 61. | Reg.I/1563/83 | Corrupt activities of Telephone Department officials. |
| 62. | Reg.I/1666/83 | Non-payment of bills for repairs of official vehicles. |

DEFENCE DIVISION

- | | | |
|-----|---------------|--|
| 63. | Reg.I/12/83 | Denial of 40% rebate on house tax. |
| 64. | Reg.I/32/83 | Misuse of authority by clerk of Summary Military Court. |
| 65. | Reg.I/95/83 | Delay in payment of Benevolent Fund. |
| 66. | Reg.I/99/83 | Denial of benefits to employees. |
| 67. | Reg.I/111/83 | Irregularities of officers of Fauji Foundation. |
| 68. | Reg.I/163/83 | Mal-practices of Cantonment authorities. |
| 69. | Reg.I/164/83 | Purchase of gas plant by Cantt. Executive Officer. |
| 70. | Reg.I/168/83 | Low fixation of price of potato. |
| 71. | Reg.I/171/83 | Delay in handing over possession of allotted land. |
| 72. | Reg.II/231/83 | Service grievance. |
| 73. | Reg.I/253/83 | Non-fixation of pay and revision of pension by Audit Office. |
| 74. | Reg.I/277/83 | Misbehaviour of doctor of Fauji Foundation Hospital. |
| 75. | Reg.I/332/83 | Unjust settlement of pension case. |
| 76. | Reg.I/458/83 | Admission in Cadet College. |

- | | | |
|-----|---------------|--|
| 77. | Reg.I/537/83 | Harrasment and victimisation by G.M. Industrial Home. |
| 78. | Reg.I/547/83 | Payment of dividends and compensation in respect of shares held in nationalized Mills. |
| 79. | Reg.I/702/83 | Discrimination in allowing four advance increments to Junior Auditors. |
| 80. | Reg.I/795/83 | Failure to honour Arbitration Award. |
| 81. | Reg.I/805/83 | Transfer of pension in name of wife. |
| 82. | Reg.I/825/83 | Non-payment of enhanced pension. |
| 83. | Reg.I/855/83 | Claim for compensation for requisitioned trucks. |
| 84. | Reg.I/951/83 | Compensation for damaged truck. |
| 85. | Reg.I/1089/83 | Non-payment of rent of requisitioned House. |
| 86. | Reg.I/1246/83 | Construction of toilets. |
| 87. | Reg.I/1415/83 | Victimisation and harrasment. |
| 88. | Reg.I/1561/83 | Non-payment of increase in pension. |
| 89. | Reg.I/1945/83 | Irregularities in the Military Accounts Department, Rawalpindi. |

ESTABLISHMENT DIVISION

- | | | |
|-----|---------------|--|
| 90. | Reg.I/16/83 | Denial of pay and allowances in B. Scale No. 17. |
| 91. | Reg.I/198/83 | Service grievance of ex-employee. |
| 92. | Reg.I/448/83 | -do- |
| 93. | Reg.I/1257/83 | Delay in disposal of review petition. |

94. Reg.I/1962/83 Discriminatory treatment.

EDUCATION DIVISION

95. Reg.II/188/83 Delay in connection with foreign scholarship.
96. Reg.II/297/83 Termination of service during probationary period.
97. Reg.II/345/83 Change in marking system by a College.
98. Reg.II/395/83 Admission in C.T. Class after waiving age limit.
99. Reg.II/425/83 Confiscation of a book.
100. Reg.II/736/83 Absorption in service.
101. Reg.I/909/83 Injustice in service.

FINANCE DIVISION

102. Reg.II/30/83 Amount twice subjected to deduction of Zakat.
103. Reg.I/36/83 Demand for bribe for sanctioning of loan.
104. Reg.II/67/83 Imposition of arbitrary and illegal income tax.
105. Reg.II/71/83 Wrong assessment of sales tax.
106. Reg.II/106/83 Bifurcation of loan.
107. Reg.II/139/83 Allegations of corruption and malpractices.
108. Reg.II/161/83 Confiscation of cloth at Bara Check Post.
109. Re II/166/83 Delay in the release of sanctioned loan.
110. Reg.II/248/83 Unfair charging of Customs Duty.

- | | | |
|------|---------------|---|
| 111. | Reg.I/282/83 | Illegal earnings and tax evasion. |
| 112. | Reg.II/364/83 | Delay in the settlement of sales tax refund. |
| 113. | Reg.II/422/83 | Corruption and other mal-practices. |
| 114. | Reg.II/435/83 | Execution of fraudulent deed of mortgage by the Bank. |
| 115. | Reg.II/440/83 | Injustice regarding income tax liability. |
| 116. | Reg.II/441/83 | Delay in decision regarding payment of dearness increase. |
| 117. | Reg.I/447/83 | Claim for pension benefits. |
| 118. | Reg.II/456/83 | Delay in claim for gratuity under revised pension rules. |
| 119. | Reg.II/457/83 | Request for recognition of qualification by ICPA. |
| 120. | Reg.II/487/83 | Request for grant of family pension for life. |
| 121. | Reg.II/501/83 | Delay in fixation and finalisation of pension. |
| 122. | Reg.II/548/83 | Irregular deduction of Zakat. |
| 123. | Reg.II/549/83 | Illegal notices of closure of sharing account by I.C.P. |
| 124. | Reg.II/569/83 | Appeal for annulment of income tax assessment. |
| 125. | Reg.II/577/83 | Allegations of corruption in service matters. |
| 126. | Reg.II/603/83 | Delay in finalisation of loan application. |
| 127. | Reg.II/605/83 | Allegation of corruption against Income Tax Department. |

- | | | |
|------|----------------|--|
| 128. | Reg.II/617/83 | Appeal against frozen account. |
| 129. | Reg.II/674/83 | Allegation of corruption. |
| 130. | Reg.II/696/83 | Delay in disposal of representation. |
| 131. | Reg.II/729/83 | Evasion of huge amount of income tax. |
| 132. | Reg.II/773/83 | Vacation of complainant's house. |
| 133. | Reg.II/790/83 | Refusal to pay prize money on prize bond. |
| 134. | Reg.II/804/83 | Delay in settlement of loan account. |
| 135. | Reg.II/819/83 | Delay in enhancement of pension of old pensioners. |
| 136. | Reg.II/825/83 | Delay in release of loan instalment. |
| 137. | Reg.II/965/83 | Delay in settlement of special contribution to Provident Fund. |
| 138. | Reg.II/1017/83 | Suggestion to change procedure of collecting sales tax from plastic manufacturers. |
| 139. | Reg.II/1344/83 | Re-assessment of alleged erroneous assessment. |
| 140. | Reg.P/2026/83 | Appeal for financial aid to repay debts. |

FOREIGN AFFAIRS DIVISION

- | | | |
|------|---------------|---|
| 141. | Reg.I/3/83 | Illegal trade and black marketing of foreign currencies. |
| 142. | Reg.I/146/83 | Resumption of scholarship in Romania. |
| 143. | Reg.I/1149/83 | Construction of 'Musafarkhana' and dispensary at Meshed-i-Muqaddas, Iran. |

INDUSTRIES DIVISION

144. Reg.I/117/83 Delay in evaluation of "Pay As You Earn Scheme.
145. Reg.I/572/83 Termination from service.
146. Reg.I/840/83 Non-payment of commission at the prevalent rate of exchange.
147. Reg.II/936/83 Denial of share of commission.

INFORMATION DIVISION

148. Reg.I/1311/83 Non-payment of transport charges for official visits.

INTERIOR DIVISION

149. Reg.I/46/83 Ban on entry of foreigners.
150. Reg.I/104/83 Release of Rifle and Licence.
151. Reg.I/156/83 Problems of oustees of Islamabad.
152. Reg.I/157/83 Request for dehiring of house.
153. Reg.I/320/83 Irregularities of Registration Office.
154. Reg.I/351/83 Alternate allotment of plot.
155. Reg.I/542/83 Termination of service and non-payment of dues.
156. Reg.I/816/83 Payment of compensation for land acquired by C.D.A.
157. Reg.I/923/83 Payment withheld by C.D.A. for nine months.
158. Reg.I/985/83 Unjust acceptance of a lower bid for a commercial plot by C.D.A.

159. Reg.I/986/83 Unjust sale of plot to lower bidder.

HEALTH DIVISION

160. Reg.II/315/83 Complaint about un-Islamic element in Unani, Ayuvedic and Homoeopathic Practitioners Act, 1965.
161. Reg.II/530/83 Inattention on the part of Surgeon of Polyclinic.
162. Reg.II/1001/83 Negligence and inattention on the part of doctors of Polyclinic.
163. Reg.I/1617/83 Reimbursement of Medical Bill to ex-employees.

LABOUR AND MANPOWER DIVISION

164. Reg.II/17/83 Failure to honour recommendations of F.P.S.C.
165. Reg.II/167/83 Shifting of recruiting agency from Sargodha to Rawalpindi.
166. Reg.II/608/83 Award of compensation from foreign firm.
167. Reg.I/839/83 Renewal of licence for recruiting agency cancelled due to demise of one partner.

LAW DIVISION

168. Reg.I/42/83 Illegal opinion of Law Division about licencing authority.
169. Reg.I/237/83 Unreasonable extension of territorial limits of Special Judge (Central) Rawalpindi.

PETROLEUM AND NATURAL RESOURCES DIVISION

170. Reg.I/64/83 Complaint against Federal Minister.

- | | | |
|------|---------------|---|
| 171. | Reg.I/114/83 | Delay in supply of gas connection. |
| 172. | Reg.I/218/83 | Unauthorised sale of ship in Burma by ESSO, Pakistan. |
| 173. | Reg.I/227/83 | Non-supply of gas to two villages in Bahawalpur. |
| 174. | Reg.I/288/83 | Non-supply of gas connections by Karachi Gas Co. |
| 175. | Reg.I/796/83 | Corruption in Pak-Arab Fertilizer Factory, Multan. |
| 176. | Reg.I/1102/83 | Delay in supply of gas connection. |
| 177. | Reg.I/1217/83 | Delay in provision of Sui Gas connection. |

POPULATION DIVISION

- | | | |
|------|---------------|---|
| 178. | Reg.II/772/83 | Payment of arrears of rent in respect of house. |
|------|---------------|---|

PLANNING AND DEVELOPMENT DIVISION

- | | | |
|------|---------------|--|
| 179. | Reg.II/789/83 | Delay in payment of water and conservancy charges. |
|------|---------------|--|

PRODUCTION DIVISION

- | | | |
|------|--------------|--|
| 180. | Reg.I/82/83 | Departmental injustice. |
| 181. | Reg.I/109/83 | Non-payment of compensation for nationalised industries. |
| 182. | Reg.I/173/83 | Termination of cement agency. |
| 183. | reg.I/180/83 | Illegal cancellation of cement agency. |
| 184. | Reg.I/191/83 | Cancellation of agreement regarding cement agency. |

- | | | |
|------|---------------|---|
| 185. | Reg.I/391/83 | Revival of cement stockistship. |
| 186. | Reg.I/451/83 | Cancellation of cement agency. |
| 187. | Reg.I/563/83 | Delay in payment of pension and G.P. Fund. |
| 188. | Reg.I/733/83 | Termination of service by Pak. Steel Mills. |
| 189. | Reg.I/922/83 | Non-payment of salary for two years. |
| 190. | Reg.I/1213/83 | Refund of amount recovered as liquidated damages. |
| 191. | Reg.I/1440/83 | Unjust termination of service. |

RELIGIOUS AFFAIRS DIVISION

- | | | |
|------|---------------|--|
| 192. | Reg.I/303/83 | Permission to perform Haj-c-Badal. |
| 193. | Reg.I/315/83 | Restriction on travel during Haj. |
| 194. | Reg.I/487/83 | Refusal to treat person as Mehram to his daughter and niece. |
| 195. | Reg.I/602/83 | Increase in rent of Waqf Property. |
| 196. | Reg.I/930/83 | Negligence of agency resulting in non-performance of Haj. |
| 197. | Reg.I/1135/83 | Mal-administration in Evacuee Trust Property Board. |
| 198. | Reg.I/1773/83 | Misuse of position by certain elements in Data Darbar. |

RAILWAYS DIVISION

- | | | |
|------|--------------|---|
| 199. | Reg.II/93/83 | Smuggling and corrupt practices by Railway staff. |
|------|--------------|---|

200.	Reg.II/120/83	Allotment of vending contracts at Railway Stations.
201.	Reg.II/121/83	Indulgence in smuggling by Railway guards and drivers.
202.	Reg.II/153/83	Cancellation of name as supplier to Railway.
203.	Reg.II/190/83	Demolition of shop by two Railway officers.
204.	Reg.II/191/83	Mal-practices in Railway Carriage and Wagon Shop, Mughalpura.
205.	Reg.II/261/83	Misappropriation of funds in Railway.
206.	Reg.II/303/83	Wrong entry regarding date of birth in Service Book.
207.	Reg.II/326/83	Delay in allotment of quarter.
208.	Reg.II/327/83	Discriminatory treatment in allotment of vending contracts.
209.	Reg.II/391/83	Discrimination in allotment of vending contracts by Railway.
210.	Reg.II/417/83	Delay in finalisation of pension case.
211.	Reg.II/424/83	Misappropriation of funds.
212.	Reg.II/471/83	Allotment of vending contract.
213.	Reg.II/477/83	Demand of illegal gratification for providing employment.
214.	Reg.II/483/83	Discrimination in allotment of quarters.
215.	Reg.II/509/83	Delay in allotment of land to Housing Society.

- | | | |
|------|----------------|--|
| 216. | Reg.II/559/83 | Employment against quota fixed for Railway servant's children. |
| 217. | Reg.II/587/83 | Payment withheld for contract work. |
| 218. | Reg.II/604/83 | Manhandling of staff. |
| 219. | Reg.II/666/83 | Grievance about revised pay scales. |
| 220. | Reg.II/706/83 | Inquiry into affairs of Cooperative Stores of Railway. |
| 221. | Reg.II/719/83 | Delay in finalization of pension case. |
| 222. | Reg.II/738/83 | Irregularities at Hyderabad Railway Station. |
| 223. | Reg.II/807/83 | Behaviour of senior officer. |
| 224. | Reg.II/813/83 | Delay in payment of arrears of pension. |
| 225. | Reg.II/1061/83 | Possession not given by Pakistan Railway Housing Society of plot allotted 10 years back. |
| 226. | Reg.II/1165/83 | Resumption of Railway traffic on Jacobabad to Larkana via Shadadkot route. |
| 227. | Reg.II/1259/83 | Delay in fixation of pay. |
| 228. | Reg.II/1474/83 | Passage to a house through Mayo Gardens. |

SCIENCE AND TECHNOLOGY DIVISION

- | | | |
|------|--------------|----------------------------------|
| 229. | Reg.I/961/83 | Payment of extra duty allowance. |
|------|--------------|----------------------------------|

WAPDA

- | | | |
|------|--------------|--------------------------------------|
| 230. | Reg.I/44/83 | Restoration of electric connection. |
| 231. | Reg.I/100/83 | Delay in electrification of village. |

232.	Reg.I/124/83	Payment of compensation for land acquired by WAPDA.
233.	Reg.I/161/83	Reinstatement in service.
234.	Reg.I/217/83	Excess estimates for electric connection.
235.	Reg.I/221/83	Illegal gratification taken by WAPDA officials.
236.	Reg.I/278/83	Illegal occupation of quarter in Canal Colony.
237.	Reg.I/285/83	Incorrect assessment of electric connection expenses and refund of unutilised amount.
238.	Reg.I/385/83	Excessive billing of electricity charges.
239.	Reg.I/393/83	Delay in providing electric connection.
240.	Reg.I/467/83	Claim of ownership of property.
241.	Reg.I/538/83	Illegal transfer of tube-well connection.
242.	Reg.I/556/83	Excessive bills.
243.	Reg.I/597/83	Allegations of corruption against officer of WAPDA.
244.	Reg.I/1029/83	Unsatisfactory distribution of electricity.
245.	Reg.I/1105/83	Harrassment by Line Superintendent and disconnection of supply of energy.
246.	Reg.I/1252/83	High rate of electricity charges for tube-well.
247.	Reg.I/1300/83	Electrification of village.

WOMEN'S DIVISION

248. Reg.II/792/83 Non-reimbursement of expenses incurred for conducting research work.

WORKS DIVISION

249. Reg.II/150/83 Unjustified decision regarding reassessment of house.
250. Reg.II/427/83 Refixation of pay and pension.
251. Reg.II/675/83 Delay in finalisation of pension.
252. Reg.II/898/83 Misuse of official position.
253. Reg.II/999/83 Repairs of house.

APPENDIX E

AGENCY-WISE DISTRIBUTION OF COMPLAINTS RECEIVED AND ADMITTED

APPENDIX - E

STATEMENT SHOWING THE AGENCY-WISE DISTRIBUTION
OF COMPLAINTS RECEIVED AND ADMITTED

S. No.	Name of Agency	Complaints received	Complaints admitted
1.	Agriculture Division	2	—
2.	Aviation Division	102	19
3.	Cabinet Division	25	13
4.	Commerce Division	77	33
5.	Communication Division	476	227
6.	Culture, Sports & Youth Affairs Division.	11	9
7.	Defence Division	418	183
8.	Defence Production Division	28	—
9.	Education Division	75	59
10.	Establishment Division	79	14
11.	Finance Division	627	203
12.	Food & Agriculture Division	25	5
13.	Foreign Affairs Division	17	8
14.	Health Division	40	17
15.	Industries Division	29	12
16.	Information Division	49	14
17.	Interior Division	225	107
18.	Kashmir Affairs Division	12	8
19.	Labour Division	13	13
20.	Law Division	7	3
21.	Manpower Division	26	2
22.	O & M Division	2	—

23.	Parliamentary Affairs Division	2	—
24.	Petroleum and Natural Resources Division	55	19
25.	Planning & Development Division	11	3
26.	Population Division	34	9
27.	Production Division	102	26
28.	Railways Division	380	113
29.	Religious Affairs Division	35	23
30.	Science & Technology Research Division	4	6
31.	States & Frontier Regions Affairs Division	1	—
32.	Statistics Division	5	2
33.	Tourism Division	2	—
34.	Water and Power	407	188
35.	Women's Division	1	1
36.	Works Division	132	92
	Complaints against functionaries in their private capacity	387	—
	Complaints pending verification and confirmation	—	510
GRAND TOTAL:		3922	1941

APPENDIX F

STATISTICAL COMPARISON

(Ref. para 6.29)

APPENDIX – F
COMPARISON WITH THE BRITISH OMBUDSMAN'S
FIRST YEAR OF WORKING

TABLE I

	BRITAIN*	PAKISTAN
PERIOD	1967	1983 (August-December)
Cases dealt with	1069	7812
Found outside jurisdiction or discontinued after partial investigation	661	5871
Cases investigated	188	587
Cases found justified	19	334

Source: *Parliamentary Commissioner for Administration, Annual Report for 1967.

STATISTICAL COMPARISON

TABLE II

DESCRIPTION	BRITAIN* ¹	NEW ZEALAND** ²	PAKISTAN
	1982 Full Year	(1981-82) Full Year	(1983) August to December
Cases dealt with	1079 (including 241 carried over from previous year)	1986 (including 394 carried over from previous year)	7812
Found outside jurisdiction or discontinued after partial investigation	582	804	5871
Cases investigated	202	918	587
Cases found justified/ (matter resolved)	134	287	334
Cases rejected after investigation	71	508	253
Carried over to next year	295	387	844

Sources:

* Parliamentary Commissioner for Administration, Annual Report for 1982.

** Report of the Ombudsman (New Zealand), for the year ended, 31 March, 1982.

1. The office was established in 1967.

2. The office was established in 1962.

SUMMARY OF THE REPORT

SUMMARY OF THE REPORT

Introduction:

1.1 "The Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983" may rightly be called Pakistan's first charter of administrative accountability. During the five months covered in the first Annual Report, the organisation had to be established and made operational – posing unprecedented challenge to the Wafaqi Mohtasib and his colleagues.

1.2 The task of speedy and effective redressal of grievances arising out of mal-administration on the part of the Federal Government Agencies was onerous, more so because of all prevailing scepticism about his success. The office was accepted by the Ombudsman (Mohtasib) as a challenge because of the confidence reposed in him by the President and of his unfailing faith that "things which are impossible with men are possible with God."

Conceptual Framework:

2.1 In recent years all over the world, and particularly in the developing countries, there has been a phenomenal increase in the interaction between the citizens and the administrators, indicating the need for institutionalising the system of administrative accountability. This is the rationale of the Office of the Wafaqi Mohtasib in Pakistan. Accountability for us, however, is not a mere requirement of good administration but is also a cardinal principle of the Islamic way of life.

2.2 The institution of the Ombudsman is usually found in the developed countries. The decision to establish it in a country like Pakistan with its vast population, all-pervasive powers of the bureaucracy and a multitude of intricate problems of public administration was not an easy one. Although setting up of the office was advocated on many occasions, it fell to the lot of the President, General Mohammad Zia-ul-Haq, who was not under any compulsion to do so. The President deserves the gratitude of the nation for this bold step.

2.3 The law establishing the office makes the Wafaqi Mohtasib independent of the Executive, autonomous in operations and non-political in character – characteristics common to all the Ombudsmen in the world. The Mohtasib has been assured security of tenure. His functional sweep covers a wide spectrum. He can look into allegations of mal-administration in respect of any decision, process, recommendation and acts of omission or commission on grounds of being arbitrary, unreasonable, unjust, biased or discriminatory. He can also go into grievances arising out of neglect, inattention and inefficiency.

2.4 No expense or cumbersome formality is required for approaching him. For the first time in Pakistan's history an institution has been created which can be activated by any citizen by the simplest of processes. He can then rest assured that his grievance would be personally looked into by the Wafaqi Mohtasib.

2.5 He can be rightly described as a "Poor Man's Ombudsman" because most of the complaints to him were from the individuals from the poorer section of the society.

2.6 The Ombudsman and his staff derive immense satisfaction from their work and regard it as an act of worship.

2.7 Like the Ombudsmen all over the world, the Wafaqi Mohtasib's function is to redress grievances of the individuals and not to persecute public servants. On the other hand, the confidence in public authorities is likely to be strengthened wherever a complaint is found unsustainable by him.

Preparatory Steps:

3.1 The Ombudsman accepted the assignment in January, 1983 but he chose to take the oath of office in August, 1983. He spent these seven months in laying down the organisational infrastructure and evolving procedures.

3.2 The institution, as a result, started working smoothly from the very day he assumed office. What seemed to be impossible thus turned out to be a 'Mission Possible'.

Jurisdiction, functions and powers:

4.1 Any person aggrieved by mal-administration on the part of a Federal Government Agency can make a complaint in writing to the Ombudsman. However, matters which are sub-judice or relate to the external affairs of Pakistan or are connected with the defence of Pakistan or the armed forces of Pakistan and the matters covered by the laws relating to those forces, do not fall within his jurisdiction. The personal grievances relating to the service matters of public servants are also excluded from his jurisdiction.

4.2 The Supreme Court, the Supreme Judicial Council, the Federal Shariat Court and the High Courts are excluded from the definition of the Agency and the law relating to this institution does not, therefore, apply to them.

4.3 In case where any element of mal-administration is found, the Ombudsman communicates his findings to the agency concerned for corrective action. Failure on the part of the agency to comply with his orders is "Defiance of Recommendations". In each instance of defiance, the report of the Ombudsman forms a part of the personal file or character roll of the concerned public servant. The Ombudsman may also, in his discretion, refer such a case to the President.

4.4 The Ombudsman has been vested with an assortment of powers as a court, including powers to punish for contempt identical to that of the Supreme Court.

4.5 A well-defined procedure has been laid down for the scrutiny of complaints on their receipt. The decision to entertain and reject each complaint is taken personally by the Ombudsman. On completion of investigation in cases which are entertained, the final order is passed by the Ombudsman which is communicated to the complainant and the agency.

4.6 The Ombudsman devotes nearly two hours daily to personally meet the complainants. This is symbolic of the concern which led to the establishment of the institution.

Management Methods/Style of Working:

5.1 Horizontal system of working which envisages reporting by all officers direct to the Ombudsman instead of going through a number of superiors has resulted in speed and efficiency not normally found in governmental organisations. Nothing which can be done today is postponed till tomorrow.

5.2 This system and work style has enabled this institution to function with a minimum of personnel. They are, however, a band of exceptionally dedicated individuals imbued with a sense of mission.

Receipt and Disposal of Complaints:

6.1 During the period covered under the Report 7812 complaints were received. Out of these 3922 (i.e. 50.2%) pertained to Federal Agencies while 3890 (49.8%) related to provincial subjects.

6.2 Despite several announcements, people continued to file complaints against provincial agencies which were rejected after initial examination. But glaring instances of injustice were brought to the attention of the concerned authorities.

6.3 Out of the complaints concerning the Federal Agencies 1941 were admitted for investigation while 1981 were rejected. Those rejected included 222 anonymous and pseudonymous complaints, 81 sub-judice matters and 1081 relating to service matters, 18 were rejected for being time-barred and 579 for not disclosing any mal-administration.

6.4 Even the complaints that were rejected had to be first carefully examined. This process entailed considerable effort and time.

6.5 A flexible approach was generally adopted in regard to time-barred complaints because the grievances had remained bottled up for a long time in the absence of an impartial and inexpensive forum. A rigid application of the provision about limitation would have added to the sufferings of the people.

6.6 Out of the complaints entertained for investigation, 648 related to delay, 109 for inattention, 222 to neglect, 146 to in-

efficiency and ineptitude, 90 to arbitrariness, 38 to discrimination, 199 to corrupt motives, 385 to administrative excesses, 40 to unlawful action and 64 to bias.

6.7 Delay is the most common type of mal-administration. Attention is being accordingly focussed on it.

6.8 The complaints related to a variety of subjects. Faulty procedures and regulations, it was found, were responsible, to a great extent, for inefficiency in government business. Grievances in many cases arose due to communication gap between the administrator and the citizen.

6.9 People have been requested to report concrete cases of corruption as it is not enough to merely bewail its existence. Only a small number of concrete complaints have been made about corruption. In majority of cases confirmation of allegations have not been forthcoming. Apart from minimising bureaucratic delays further steps to identify and probe into the phenomenon of corruption are being taken.

6.10 The impact of the institution of the Ombudsman is two-fold. Statistics only depict the visible impact. But the invisible impact possesses greater significance. Administrators have now become aware that there is someone to see whether the decision-making process is being carried on efficiently and justly. Moreover, the relief provided has a multiplier effect. The citizens with similar grievances can hope to be treated more fairly without being obliged to approach the Mohtasib.

6.11 The performance of the Ombudsman in Pakistan in terms of results achieved compares favourably with the performance of Ombudsmen elsewhere. As against the total of 164 cases in which complaints were found justified in four years in Britain, the Wafaqi Mohtasib has been successful in securing relief in 334 cases in five months.

Interaction with Government Agencies and Media:

7.1 Response of the Agencies to the recommendations

of the Ombudsman has been prompt and positive. There has been no case of Defiance of Recommendations so far.

7.2 Press has a vital role to play for successful functioning of the Mohtasib's institution. Its attitude has been helpful and constructive. Many useful suggestions have come to the Mohtasib's notice through the media and in some cases of injustice reported by the press *suo moto* cognizance has been taken.

7.3 The organisation received a large number of visitors. The most distinguished among them was the President of Pakistan who, while assuring help and support on his part, stressed the need for continuing efforts to keep up the reputation which this institution has gained.

Future Developments:

8.1 It is proposed to undertake research studies in the problem areas of the Federal Government Agencies such as T&T, WAPDA, Nationalised Banks, Estate Office, AGPR, HBFC, Central Government Polyclinic and the Railways.

8.2 Inspection Teams are proposed to be set up to evaluate the problems of the citizens and to analyse the basic causes of mal-administration. Regional Offices are being set up in the Provincial capitals. Advisers will be appointed. Standing Committees comprising advisers, consultants and experts are intended to be constituted.

8.3 This institution looks forward to the future with hope tempered with realism. Constant efforts will be made to enhance the efficacy of this organisation to cope with the increasing volume of work.